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# OIG | OFFICE *of the* INSPECTOR GENERAL

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Independent Prison Oversight

August 2024



## Audit of the California Department of Corrections and Rehabilitation's Release Date Calculations

*AUD N° 23-01*

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August 15, 2024

Mr. Jeffrey Macomber  
Secretary  
California Department of Corrections and Rehabilitation  
1515 S Street  
Sacramento, California

Dear Mr. Macomber:

Enclosed is the Office of the Inspector General's (the OIG) report titled *Audit of the Department of Corrections and Rehabilitation's Release Date Calculations*. California Penal Code section 6126, subdivisions (b) and (c) authorize the OIG to initiate reviews of the California Department of Corrections and Rehabilitation's (the department) policies, practices, and procedures. In this audit the OIG examined the accuracy and consistency of prison release date calculations for incarcerated people receiving determinate sentences and evaluated the department's processes and procedures related to those calculations. We also reviewed a sample of incarcerated people's release date calculations made between July 1, 2022, and June 30, 2023.

The objectives of the audit were to assess the department's process to ensure the accuracy of sentencing term release dates and to determine if the department properly applied time credits earned, forfeited, and restored in the calculation of sentencing term release dates in accordance with applicable laws, regulations, and guidelines.

We found that while calculation errors leading to early or late releases are a recurring problem, the causes of the errors vary. Extremely complex and frequently changing sentencing law is a large factor in inaccurate release date calculations. Other factors include a multitude of different credit earning rates and the corresponding misapplication of credits in calculations, errors in court documents, inadequate training materials, high vacancy rates in case records departments, and the lack of supervisory review of initial release date calculations. According to our review of incarcerated people released between July 1, 2022, and June 30, 2023, four cases contained calculation errors that could have led to early or late releases had the errors not been discovered. In addition, we found that the department mistakenly released an incarcerated person without requiring a court ordered parole period.

Moreover, when calculation errors are made, we found that subsequent analysts do not always verify and correct the errors. These errors could have led to early or



late releases. Even when release date calculations result in early or late releases, the analysts making the errors do not always receive training to improve their skills.

Following publication, we request that the department provide its status on implementing our recommendations at intervals of 60 days, six months, and one year from the date of the audit.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Amarik K. Singh". The signature is fluid and cursive, with the first name being the most prominent.

Amarik K. Singh  
Inspector General

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## Definitions

Term	Definition
<b>Abstract of Judgment</b>	A contemporaneous, statutorily sanctioned, officially prepared clerical record of the conviction and sentence. It informs prison officials about the conviction and provides authority for carrying the judgment and sentence into effect.
<b>Division of Adult Parole Operations (DAPO)</b>	The departmental division whose mission is to protect the public and assist parolees with their successful reintegration into society. DAPO analysts calculate release dates as part of the parole process.
<b>Earliest Possible Release Date</b>	The earliest possible date determinately sentenced incarcerated people will be released based on the sentence imposed by the court, less any applicable credits.
<b>Legal Processing Unit</b>	The unit within correctional case records which reviews legal documents on cases with sentencing discrepancies and communicates with the court, district attorneys, and the Office of the Attorney General to resolve discrepancies. Functions as a liaison between the department and related city, county, State agencies on matters concerning the application of sentence and parole laws. Acts as consultant/advisor to department staff, court officers, and other governmental agencies or authorized persons regarding the department's responsibility under pertinent laws and administrative standards, interpretations, and applications of law and standards related to incarcerated person receipt, sentencing, parole, and release.
<b>Mainline Prisons</b>	Prisons which are not designated reception centers or units within designated reception centers housing incarcerated people who have completed the reception process.
<b>Minute Order</b>	The written minutes of court proceedings. A minute order is done when a trial judge sits officially, with or without a court reporter, and a clerk keeps minutes of the court session. Generally, they include the name of the court, the name of the judge and the court clerk, the case number and names of the parties in the case, the date of the order, the nature of the proceedings, and the court's ruling.
<b>Reception Center</b>	Specially designated prisons where incarcerated people are screened for appropriate housing placement and where initial release date calculations are performed.

Source: Definitions generated by OIG auditing staff.



## Introduction

California Penal Code section 6126(b) authorizes the Office of the Inspector General (the OIG) to conduct an audit of the department's policies, practices, and procedures. We initiated this audit after reviewing publicly available information and receiving inquiries from stakeholders alleging that the California Department of Corrections (department) released incarcerated people from custody either early or late.

During our audit we examined the accuracy and consistency of prison release date calculations for incarcerated people who had received determinate sentences and evaluated the department's processes and procedures related to those calculations. We also reviewed a sample of incarcerated people's releases and release date calculations made under determinate sentencing law between July 1, 2022, and June 30, 2023, and interviewed staff at departmental headquarters as well as at Mule Creek State Prison (Mule Creek) and Wasco State Prison (Wasco). Finally, we observed the release date calculation process at Mule Creek, as well as the reception center and release date calculation procedures at Wasco.

## Background

Individuals convicted of felonies are typically sentenced to either a fixed term in prison, known as determinate sentences which we examined in this audit, or indeterminate sentences with a range, such as 25 years to life. Those convicted of multiple crimes may receive a combination of determinate and indeterminate sentences. Courts retain the discretion to order people sentenced for multiple crimes to serve the terms of their commitments concurrently or consecutively. Concurrent sentences are sentences for multiple convictions that are served at the same time, while consecutive sentences for multiple convictions are served one after the other. Sentences can also be enhanced or increased, depending on factors such as the use of a firearm during the commission of a crime, or prior convictions.

Incarcerated people and the legal documents needed to calculate release dates are usually transferred by bus from a county jail to one of the department's three reception centers after sentencing. Reception centers are designated prisons responsible for receiving newly incarcerated people, classifying both their security level and eligibility for educational and work programs, and recommending a mainline prison for their first housing assignment.

Upon arrival at the reception center, correctional officers verify the identity of the newly received incarcerated people, fingerprint them, and assign departmental identification numbers. Case records department

staff then process the legal documents detailing the incarcerated people's sentences, sentence enhancements, and any credits they earned against their sentences before arrival at the reception center.

Prison case records departments are led by a correctional case records manager who oversees a team of supervisors and correctional case analysts (analysts) who perform release date calculations and other case records tasks including interpreting court commitment orders and initiating the criminal identification process. Analysts also review incarcerated people's legal status to determine their crimes and sentences with applicable enhancements, aggravations, limitations, and good behavior credits and calculate parole and discharge dates. Finally, analysts direct the preparation of legal forms for transferring, extraditing, paroling, and discharging incarcerated people from departmental custody.

Prison case records departments are staffed with case records technicians who perform administrative work such as collecting and scanning documents, and supervising case records technicians who oversee their work. The number of positions for each classification varies depending on the population of incarcerated people at the prison. Case records departments at reception centers such as Wasco typically have the greatest number of positions because analysts must perform release date calculations for incarcerated people housed in both its reception center and mainline prison yards. Mainline prison yards house incarcerated people who have completed the reception process we discuss below and are assigned housing on those yards.

### ***The Release Date Calculation Process at Reception Centers***

Departmental policy requires analysts to complete intake audits and calculate the initial release dates of all incarcerated people within five days of their arrival at a reception center. Technicians begin the process by collecting, date stamping, and scanning all legal documents transferred from the counties with the newly incarcerated people. These documents generally include the abstract of judgment, which is the official record of an incarcerated person's conviction and sentence, the minute order, which is the official record that details what happened in the court proceeding, and any other judicial orders. In some instances, the reception center may receive a transcript of the sentencing hearing and the probation officer's report in addition to the felony information or complaint charging the incarcerated person with a crime. Courts typically provide the department with the abstract of judgment and minute order to calculate all release dates, but other legal documents may be necessary depending on the circumstances of each case.

Since May 2021, analysts have calculated release dates by manually entering information from legal documents technicians scanned into departmental databases for storage into worksheets. These manual

worksheets were necessary in part because the department discontinued using calculation software that could no longer be modified to accommodate changes in sentencing laws. However, on May 1, 2024, the department introduced updated software designed to automate the release date calculation process by retrieving data from the department's database and calculating release dates. Upon releasing the updated software, the department acknowledged the software had known defects that had not been resolved but stated that it will work to resolve them. Because of the known defects, department staff were directed to use both the updated software and the worksheet when calculating release dates.

To complete accurate manual calculations, analysts must first ensure that they have received all required legal documents and that the documents are complete, accurate, and consistent. If necessary, technicians or analysts order the required legal documents from county courts. Next, analysts are required to review, interpret, and analyze the court documents and verify that the listed crime and sentence, including applicable enhancements, are correct. If analysts identify discrepancies in court documents, such as the imposition of an incorrect term or a sentence enhancement, they refer the case to the Legal Processing Unit at departmental headquarters which works with the courts to resolve the discrepancies.

When they have the necessary information from accurate and consistent legal documents, analysts calculate the latest date, or maximum release date, an incarcerated person can be held in custody.

Analysts determine the maximum release date by adding the term ordered by the court—typically a fixed number of years or months—to the date the incarcerated person arrived at the reception center. Analysts then generally subtract credits awarded by the court for the number of discipline-free days an incarcerated person served in jail or in other facilities before arriving at a reception center to calculate the maximum release date.

Analysts must next calculate the earliest possible date an incarcerated person receiving a determinate sentence can be released. To do this, analysts subtract additional credits likely to be earned by remaining discipline free, performing assigned duties, participating in rehabilitative programs and activities, and achieving a significant academic accomplishment while in prison from the incarcerated person's maximum release date. Even though incarcerated people may forfeit these additional credits by committing serious rules violations in prison, analysts do not include adjustments for that circumstance when calculating the initial earliest possible release date.

Because the rate at which incarcerated people may earn credits is generally based on whether they were convicted of a violent or nonviolent crime, analysts also determine the nature of their crime(s) and

applicable earning rate when performing calculations. If an incarcerated person is sentenced to multiple terms set to run concurrently, analysts calculate the release dates for each term individually and determine the longest term as the controlling term. If consecutive terms are imposed, analysts calculate the total aggregate term and deduct calculated credits.

Finally, the department requires all analysts, including those at reception centers, to complete a checklist identifying specific factors which must be reviewed when performing audits and calculating release dates. Each analyst must indicate on the checklist that they reviewed and verified the information in the department's databases when calculating release dates. This is especially important for analysts in mainline prisons as we discuss below.

### ***Subsequent Audits and Recalculations at Mainline Prisons***

Following the completion of the reception process, incarcerated people are transferred to a mainline prison for a more permanent housing placement. There, the department requires analysts to complete a second intake audit within 45 days of arrival. This second intake audit mirrors all procedures undertaken during the initial intake audit in the reception center. Specifically, analysts must review each incarcerated person's legal documents and record, verify the information is accurate and consistent, and recalculate the incarcerated person's earliest possible release date.

Mainline prison analysts also recalculate incarcerated people's release dates whenever an event occurs that has the potential to change a release date. For example, as mentioned above, incarcerated people are eligible to earn credits against their sentences when they comply with the rules and regulations of the department and perform the duties assigned to them. However, those credits may be forfeited if an incarcerated person is found guilty in a prison administrative hearing of breaking departmental regulations or rules. If the individual remains discipline free for a defined period after being found guilty of certain types of misconduct, the forfeited credits may be restored. After each event—credit earned, credit forfeited, and credit restored—analysts must recalculate the incarcerated person's earliest possible release date.

Analysts have 48 hours to complete recalculations if an incarcerated person's release date is within 120 days, and five business days to complete recalculations if an incarcerated person will not be released for more than 120 days. However, when performing recalculations, analysts must ensure that credits are not awarded or restored within specific time frames. For example, depending on the crime, incarcerated people generally cannot receive credits or have credits restored if doing so would advance their release dates to fewer than 60 days, 45 days, or 15 days from the date the award or restoration of credits was entered. Once they complete recalculations, analysts document their work on a release date

change notice. That notice, which must contain an adequate handwritten explanation of the date change, is given to the incarcerated person.

In addition to routine recalculations for credits or credit forfeitures, mainline prison analysts also must recalculate release dates if an incarcerated person is resentenced by the court or convicted of an additional crime while in prison. In those circumstances, analysts review the new or revised sentencing information and complete an updated release date calculation as if the individual was newly received.

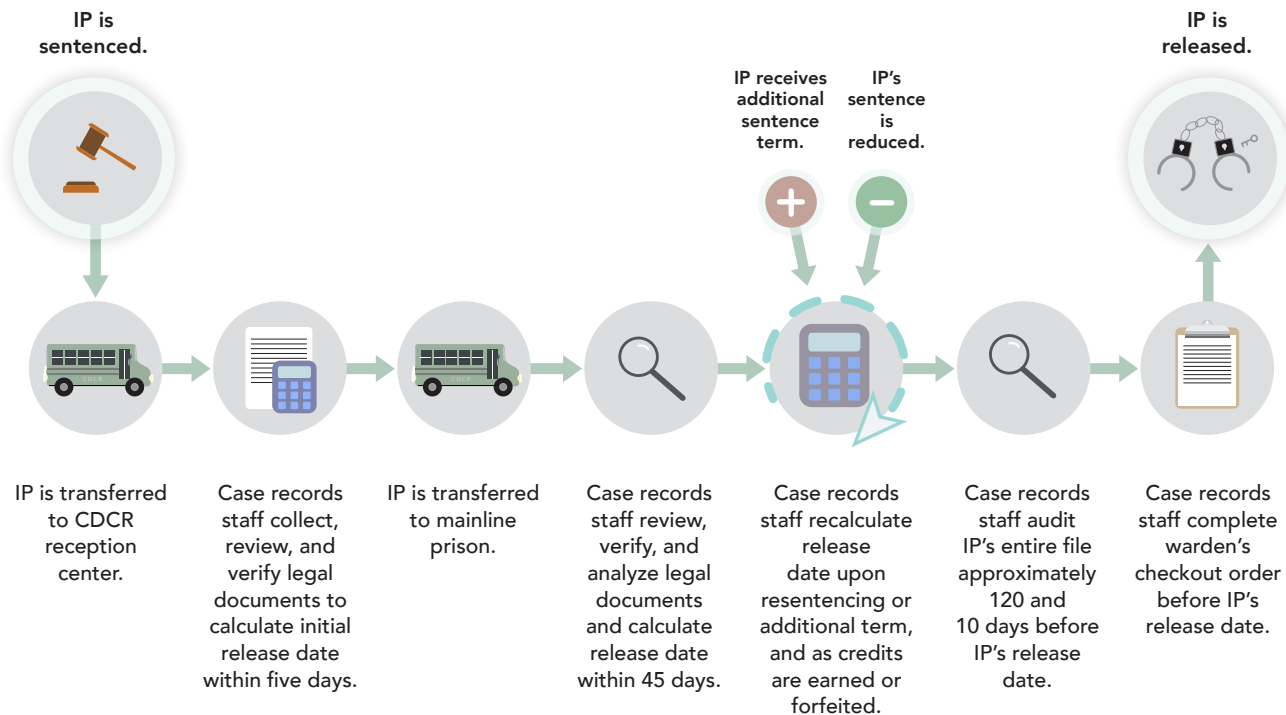
The department also requires analysts to perform several audits when an incarcerated person's earliest possible release date approaches. For example, analysts must complete a prerelease audit 105 to 120 days before an incarcerated person reaches their release date, and an audit 10 to 14 calendar days prior to their release. Like all other audits, prerelease audits require analysts to comprehensively review an incarcerated person's entire file and verify that his or her release date is accurate. However, only the audit conducted 10 to 14 days before an incarcerated person is released must be reviewed by a supervisor or manager.

### ***Other Duties Analysts Perform***

In addition to conducting release date calculations, analysts also direct the preparation of forms for transferring incarcerated people to other prisons or to court to face additional charges, extradition, parole, or discharge from the department's jurisdiction. They also analyze and act on subpoenas and court orders, certify departmental records as required by law, direct the preparation of paroling authority calendar schedules and minutes, implement paroling authority decisions, and act as consultants to departmental staff, court officers, incarcerated people, and other governmental agencies.

Approximately 120 days before an incarcerated person is released, analysts run a criminal arrest report to ensure the individual is not released with pending holds, warrants, or other detainers. Technicians assist analysts with this task by printing automatically generated release notifications which analysts review and mail to affected law enforcement agencies notifying them of the upcoming release. These notifications, which in some cases are also sent to the incarcerated people's victims, are statutorily mandated for individuals who served sentences for violent crimes, stalking, domestic violence, or sexual offenses against minors.

Figure 1. Key Milestones in the Department's Release Date Calculation Process



Note: IP refers to *incarcerated person*.

Source: The OIG's analysis of departmental policies.

## Results

### Chapter 1. The Department Can Improve Its Processes and Procedures to Reduce Calculation Errors and Early or Late Releases

#### *Since 2004, the Department has Released Approximately 2,300 Incarcerated People From Custody Either Early or Late, Resulting in Litigation Against the Department*

In part to document errors and prevent them from occurring in the future, the department requires prisons to report when analysts discover errors that led to an early or late release. In addition, analysts in the department's Division of Adult Parole Operations also audit the release date calculations of incarcerated people after they have been placed on parole. Although these reports only document self-reported errors, they show that inaccurate release date calculations have been a departmental problem for decades.

According to the department, prisons self-reported that release date calculation errors resulted in incarcerated people being detained after they completed their full sentences in 2,273 cases between 2004 and 2022.<sup>1</sup> The number of additional days incarcerated people wrongly spent in prison during that period ranged from one to 4,812 days. It is important to note that the number of additional days spent in custody because of late release dates was easily determined because the calculation error did not require individuals to be returned to custody to complete their sentences.

However, even though incarcerated people have also been released *before* completing their full sentences, the impact of those errors is harder to determine and quantify. From 2004 through 2022, the department documented 458 cases of incarcerated people being released early. According to departmental records, the number of days incarcerated people were mistakenly released before completing their sentences ranged from zero to 6,798 days. However, this does not mean that they were freed without serving the remainder of their sentence.

For example, some errors were caught during prerelease audits. In those cases, the department still reported the total number of days the incarcerated people would have been released early even though the errors were caught before they left prison grounds. Even when errors were not discovered until after the incarcerated people were released, they were generally quickly rearrested and returned to departmental

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1. Because more than one error could have been reported in an incarcerated person's release date calculation, we cannot say that 2,273 *individuals* were released after they completed their full sentences.

custody. Consequently, even though departmental records document the total number of days incarcerated people were released early based on calculation errors, they do not reflect the actual number of days the incarcerated people spent outside of custody.

Inaccurate release date calculations leading to early and late releases have not only personally impacted incarcerated people and the public at large, they have also led to substantial litigation against the department. For example, in 2008, a former incarcerated person who was released 518 days late filed a class action lawsuit in part alleging the department engaged in a systemic pattern and practice of failure, neglect, and disregard by failing to implement a system for the correct calculation of release dates. The department was again sued in 2017 by a class of incarcerated people who alleged the department detained 11,160 people past their release dates between January 1, 2004, and March 6, 2014. The lawsuits were ultimately dismissed because the courts did not find enough commonality between individual cases to justify allowing the class action lawsuits to proceed. However, each incarcerated person named in the lawsuits was free to pursue individual litigation against the department, and many additional lawsuits alleging release date calculation errors have been filed.

### ***Our Review of 10 Cases With Self-Reported Release Date Calculation Errors***

Analysts make release date calculations errors in several ways including simple data entry mistakes, misapplying sentencing terms or credit earning rates, using incorrect term start dates, misidentifying incarcerated people as nonviolent when their commitment offense was violent, and failing to apply new sentencing terms from amended court documents. Release date errors can also be caused by circumstances largely out of analysts' control including delayed receipt of court documents or when counties release an incarcerated person even though the department issued a detainer advising against the release.

To determine if there were similarities among self-reported release date calculation errors, and to better understand how errors were made, we completed an in-depth review of five cases in which incarcerated people were released early, and five cases in which they were released late. We selected the cases we reviewed from the department's list of 121 release date calculation errors leading to early or late releases made between July 1, 2022, and June 30, 2023. Although we found that many of the errors related to the application of credits, the individual circumstances of each case leading to errors were generally unique.

As we discuss in Chapter 2 of this report, incarcerated people can earn credits against their sentences at different rates for violent or nonviolent crimes, and credit earning rates change over time. In four of the five late release cases we reviewed, we found that the calculation errors were



primarily caused by analysts misapplying credits, applying the wrong presentence credits, mistakenly applying no credits, or applying the wrong credit rate to individual calculations.

For example, in one case, an analyst applied an incorrect credit earning rate for some of the incarcerated person's multiple crimes. The incarcerated person was sentenced for multiple crimes committed in 1992, 1994 and 1995, and earned credits at different rates during his long period of incarceration. However, during multiple recalculations following the incarcerated person's resentencing in 2013, an analyst discovered that a different credit earning rate should have been applied to at least three of the crimes for which he was convicted. By the time the credit earning rate errors were corrected, the incarcerated person had been detained more than 1,870 days past his release date.

One of the five late release cases we reviewed did not involve the misapplication of credits or credit rates, but instead was related to an administrative rules violation. Specifically, the incarcerated person lost some credits against his sentence as a penalty for violating prison rules, but the penalty was subsequently reduced pursuant to departmental policy. However, when the penalty was reduced, an analyst did not recalculate the incarcerated person's release date which led to him being released 15 days late.

Like the late releases, we found that unique errors were made in four of the five cases we reviewed of incarcerated people being released before they completed their full sentences. In one case, an analyst mistakenly applied credits that had not been awarded by a court. In the other three cases, incarcerated people were released early because analysts made typographical errors, analysts failed to consider a pending alleged rules violation, and because the incarcerated person was mistakenly released while being temporarily held in county jail pending additional charges.

### ***None of the Final Release Date Calculations in the Sample of 20 Cases We Reviewed Were Inaccurate, and Four Cases Contained Calculation Errors That Could Have Led to Early or Late Releases***

After gaining an understanding of the types of release date calculation errors that led to early or late releases, we reviewed 20 cases of incarcerated people released between July 1, 2022, and June 30, 2023, to determine if they contained unreported errors. We found that none of the *final* release date calculations in the cases we reviewed were inaccurate. Nevertheless, the department mistakenly released one incarcerated person from custody without requiring he serve a court-ordered two-year parole period he had agreed to serve. In addition, analysts made calculation errors in four cases that could have resulted in early or late releases, but the errors were discovered before that could occur.

Of the 20 cases we reviewed, 10 involved incarcerated people who were resentenced pursuant to amended sentencing law. Resentencing cases are processed and calculated differently from other commitments and are so complex the department issued a 22-page resentencing reference guide in May of 2024 outlining the process for handling them. For example, processes differ depending on what date is used as the starting point of the new term and what credits will be applied.

As a result, the release dates in the resentencing cases we reviewed were generally calculated differently than the sample of 10 cases with self-reported errors we discussed above. In seven of the resentencing cases, what at first appeared to be calculation errors were instead deviations from procedures necessary to comply with court orders.

Specifically, incarcerated people who were previously sentenced to long prison terms were resentenced to terms that were substantially shorter than the time they had already served under their original sentences. Consequently, those individuals were entitled to hundreds of days of credit, and in two cases more than ten thousand days of credit, which would have ordinarily resulted in them being released for time served. However, as authorized by law, the resentencing courts ordered the incarcerated people to serve additional two-year parole periods. Generally, analysts must apply all credits to their calculations which, in some cases, may reduce or eliminate an incarcerated person's parole. However, in resentencing cases, analysts may be required to apply fewer credits than the incarcerated people earned so that the application of credits does not eliminate the court-ordered parole.

Despite this, in one of the 10 resentencing cases we reviewed, the department unilaterally determined that a court could not order an incarcerated person to serve a period of parole after he was resentenced. In that case, the incarcerated person was originally convicted of the crime of murder but petitioned the court for resentencing after the law was changed to allow reduced sentencing for some murder convictions. In a plea agreement, the district attorney and the incarcerated person stipulated that the incarcerated person was not eligible for a reduced sentence under the new law but was guilty of voluntary manslaughter. Consequently, the incarcerated person was resentenced to a significantly lower prison term.

However, as part of the plea agreement, the incarcerated person also explicitly agreed to waive excess credits and be subject to a two-year period of parole. Without contacting the court for clarification, the department released the incarcerated person without requiring parole supervision after determining that the law did not authorize additional parole for crimes the parties stipulated to in the plea agreement. The department acknowledged that its unilateral decision was incorrect and implemented procedures requiring the Legal Processing Unit to request clarification from the court under similar circumstances.

The department admitted to calculation errors in two (20 percent) of the 10 resentencing cases we reviewed, but in those cases the errors were discovered and corrected before they resulted in the incarcerated people being released early or late. Finally, we found no calculation errors in the remaining three resentencing cases we reviewed or in the 10 cases we reviewed that did not involve resentencing.

### ***Some Analysts Do Not Perform Independent Calculations Leading to Release Date Calculation Errors***

Analysts are required to review all the legal documents and other relevant information in an incarcerated person's file for accuracy before completing an initial release date calculation or recalculation. However, we found that analysts duplicated the mistakes made by prior analysts in both sets of cases we reviewed with self-reported errors and those we reviewed with unreported errors.

As we described earlier in this report, departmental policy requires reception center and mainline prison analysts to complete an audit checklist when conducting an initial release date calculation. By completing the checklist, analysts verify that they have reviewed, calculated, and updated the records to accurately reflect the incarcerated person's status at the time of the audit. Departmental policy also requires mainline prison analysts to complete the release date calculation checklist whenever an audit is performed.

However, we found that analysts seemingly did not always conduct independent reviews; a conclusion shared by an analyst we interviewed. For example, in some cases, calculation worksheets showed the same errors, including the application of inaccurate presentence credits, even though the worksheets were dated months and sometimes years apart. Likewise, because supervisors failed to catch errors during audits conducted approximately 10 days before incarcerated people were released, it is likely some supervisors also did not perform thorough and independent reviews of prior release date calculations.

If both analysts and supervisors performed original work in all cases and verified with a supervisor or manager that their calculations were correct after discovering errors made by previous analysts, the number of incarcerated people released early or late would likely be reduced.

### ***Recommendations***

- The department should develop and implement procedures to document that a supervisor reviewed and confirmed recalculations performed to correct errors.
- The department should require case records supervisors and managers to conduct random audits to ensure staff

are complying with departmental policy to perform independent work.

***The Department Collected Data by Requiring Early/Late Release Date Reports, but Did Not Always Use This Information to Stop Mistakes From Being Repeated***

Even though the department maintained a list of release date calculation errors discovered during audits, the department did not always follow up with prisons to ensure the same mistakes were not repeated. Furthermore, the department did not conduct independent, random audits of release date calculations to identify unreported errors or other weaknesses at individual prisons.

As we described above, the department requires prisons to report calculation errors resulting in incarcerated people being released before completing their sentences or continuing to be held after completing their full sentences. Generally, the reports are prepared by staff who discovered the errors. The department also requires staff to report what corrective action, if applicable, was taken to prevent the errors from occurring in the future. However, we found that corrective action was not taken in one of the 10 early/late release reports we reviewed from the department's list of self-reported release date calculation errors made between July 1, 2022, and June 30, 2023.

In that case, an incarcerated person was released 275 days after completing his sentence because analysts incorrectly calculated either the time credit he earned or his sentence term in 15 separate calculations. In fact, only six of the 21 calculations performed during the incarcerated person's 2031 days of incarceration applied the correct sentence and time credit earned. On September 14, 2022, the prison reported discovering the errors during the audit completed approximately 10 days before the incarcerated person was to be released but did not document any action taken to prevent the errors from reoccurring. Departmental staff could not explain why corrective action was not taken but said that the prison where the error occurred had been closed on June 30, 2023, and the manager had retired. Because the department failed to require corrective action during the nine months before the prison closed, it did not implement measures to prevent similar errors from being repeated.

In addition, the department did not verify that the corrective action was taken in one case. In that instance, two analysts made release date calculation errors that resulted in an incarcerated person being released 56 days late. In the February 23, 2023, early/late release report of the incident, a case records manager stated that training would be provided to staff, "regarding the application of preprison credits to consecutive cases."

When we asked the department to verify which staff received the training and whether a record of the training existed, the department provided

documentation that the training was provided to the two staff members who made the errors on March 21, 2024, three days after we made the request. Although the department explained that one of the analysts was on extended leave when the error was discovered, we expected the department to provide training to the analyst who was not on extended leave. In addition, we expected the prison to have provided the training to the second analyst when he or she returned to work. Instead, the training was not provided to either analyst until we inquired about the incident.

### ***Recommendations***

- The department should determine what number or percentage of release date calculation errors made at individual prisons will result in additional training for all case records analysts at the prisons.
- The department should continuously monitor the early/late release report and require semiannual training for all case records analysts at prisons demonstrating high error rates.

## Chapter 2. Factors Contributing to Release Date Calculation Delays and Errors

### *Sentencing Laws and Subsequent Case Law Are Extremely Complex and Change Frequently, Making Release Date Calculations More Difficult*

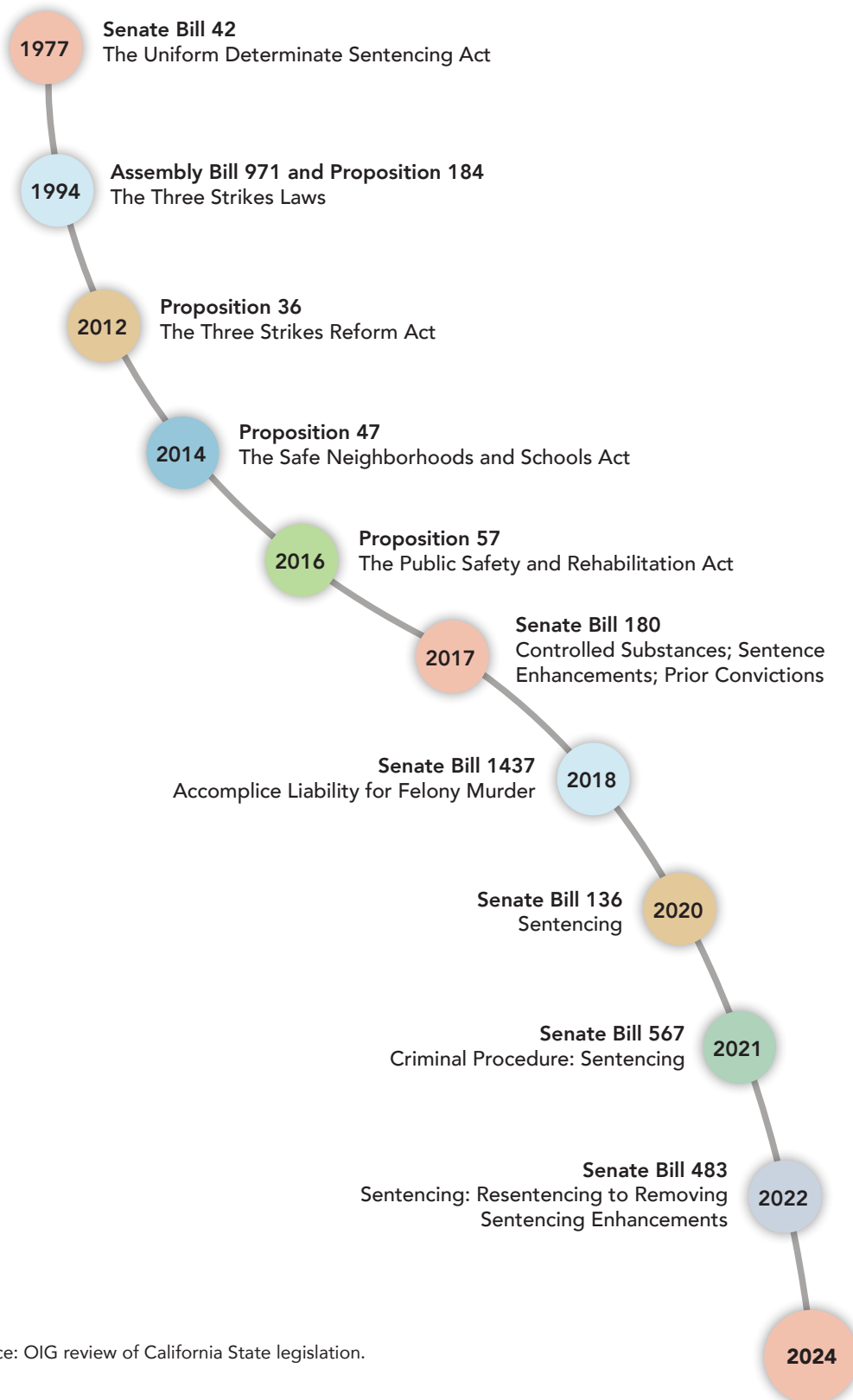
The implementation of revised sentencing laws increases analysts' workloads by triggering complicated release date recalculations for much of the incarcerated population. In addition, as we mentioned earlier, analysts have had to perform manual calculations because numerous revisions in laws and policy caused the department to discontinue using calculation software that could not be modified to accommodate the revisions. These realities, especially in light of the staff shortages that we discuss later in this report, increase the risk that errors in release date calculations will result in incarcerated people being released either before or after completing their sentences.

As we show in Figure 2 on the next page, sentencing law has been frequently and significantly revised over the years through legislative amendments, regulatory changes, court decisions, and propositions passed by voters. These changes, some retroactive, have complicated the process of calculating release dates. For example, in 1977, California adopted a determinate sentencing law and moved away from a system of discretionary sentences to one of fixed terms of imprisonment. Determinate sentencing requires courts to sentence defendants to one of three terms—lower, middle, or upper—specified in the California Penal Code. Although courts have discretion regarding which of the three terms to impose, judges generally decide what best serves the interests of justice by considering multiple factors including whether a weapon was used, and an individual's criminal history.

Sentencing law was further revised in 1994 following the passage of Proposition 184, which required a minimum enhancement of 25 years to life for some three-time repeat offenders. The resulting *Three Strikes* law was amended by passage of Proposition 36 in 2012, both narrowing its application to convictions for new serious or violent offenses and allowing those convicted of nonserious and nonviolent offenses committed prior to 2012 to be resentenced.

Since 2012, the legislature has amended sentencing law almost annually. In 2014, some felonies were reclassified as misdemeanors allowing individuals to be resentenced to reduced terms. In 2016, nonviolent offenders became eligible for earlier parole by earning credits for participating in educational, vocational, and rehabilitative programs. In 2017, the mandatory three-year sentence enhancement for prior drug convictions was eliminated. In 2018, the felony murder rule was revised making some incarcerated people eligible for resentencing. In 2020, the

Figure 2. Legislation Impacting Release Date Calculations



Source: OIG review of California State legislation.

legislature limited judges' discretion to impose maximum sentences, eliminated some mandatory sentence enhancements, expanded some incarcerated people's credit earning ability, and retroactively applied some earlier statutory revisions. Finally, in 2022 certain nonviolent enhancements were declared invalid resulting in additional resentences and updated release date calculations.

The legislative changes were also accompanied by regulatory changes and case law interpreting the changes. Notably, in 2017 after the department was given authority to award credits earned for good behavior and approved rehabilitative or educational achievements, it promulgated regulations implementing the changes. The regulations, which were frequently amended through 2021, further complicated release date calculations because incarcerated people could earn different credits during different time periods.

For example, an incarcerated person serving a long determinate sentence for a violent felony committed on or after September 21, 1994, could have earned credit at a rate of 15 percent through April 2017. Effective May 1, 2017, through April 30, 2021, the incarcerated person would then have been able to earn credit at rate of 20 percent. Beginning May 1, 2021, the credit rate for the same incarcerated person jumped to 33.3 percent. These different credit earning rates require analysts to conduct multiple calculations and combine them, leading to increased risk of error.

Particularly challenging is determining how many credits to award incarcerated people who were resentenced to shorter terms than they have already served. In some cases, incarcerated people resentenced after 2020 to shorter terms might have been incarcerated since 1987, and analysts would have to determine the different credit rates the incarcerated person earned during their entire incarceration and whether those credit rates changed after resentencing. In some cases, resentencing courts leave it to analysts to determine how much time an incarcerated person has spent in departmental custody.

For example, resentencing could reduce the crimes for which incarcerated people were convicted from violent to nonviolent offenses, thereby completely changing the credit earning rates they were eligible for throughout their entire incarceration. In addition, even if an incarcerated person had served more time in prison than the resentenced term, the court may impose an additional parole period in some cases. If so, analysts must ensure that the incarcerated person is given credit for any time served by reviewing the individual's entire history and adjusting credit and credit rates in accordance with the court's order. Because release date calculations in resentenced cases are so complicated and analysts must ensure credits were correctly applied, they are often reviewed by a manager and may be elevated to the Legal Processing Unit for guidance.



Finally, the incarcerated population has had difficulty understanding how amended sentencing law, regulations, and departmental policy apply to their cases. Consequently, according to an analyst, the department had been inundated with requests from incarcerated people to recalculate their release dates. The analyst also stated that the department had received an increased number of grievances and appeals related to release date calculations. The work associated with responding to incarcerated people's requests for recalculations, as well as questions related to the grievances and appeals that may follow from those recalculations, further added to analysts' high workloads we describe in Chapter 3 of this report.

### ***Recommendation***

- The department should analyze current sentencing laws, identify specific areas where sentencing laws should be clarified, and work with stakeholders to clarify those areas to reduce calculation errors.

### ***Missing Legal Documents Delay Analysts' Ability to Calculate Release Dates***

According to analysts, sometimes documents were missing from files, and this may have prevented analysts in reception centers, and occasionally in mainline prisons, from completing timely release date calculations in compliance with departmental policy.

As we mentioned earlier in this report, counties send legal documents—including abstracts of judgment and minute orders used to complete calculations—to reception centers on the buses used to transport incarcerated people to reception centers. However, we found that the department did not always receive the necessary commitment documents needed to calculate the release dates. One analyst estimated that documents were missing 25 percent of the time. In fact, in one case we reviewed, the department did not receive an amended abstract of judgment and minute order, both dated October 7, 2020, until July 6, 2021, eight months and 29 days later.

When legal documents were missing, analysts or technicians generally requested them from county courts. Although staff attempted to use a consistent method to obtain missing documents, prisons used different standard forms to email, fax, or mail document requests depending on individual court requirements or options. In addition, depending on the county or court branch within a county, staff may have been required to request missing documents by phone. Several counties make legal documents electronically available on court websites, but according to a manager at one prison we reviewed, some courts require fees to access the legal documents necessary to complete accurate and timely release date calculations.

The responsiveness of courts to document requests varies among counties. One analyst stated that it could take a month to get requested legal documents, while another said she had requested documents in July 2023 but had not yet received them by February 2024. We also reviewed a case in which an incarcerated person was resentenced on January 13, 2023, and ordered to report to parole on January 18, 2023. Although the department did not receive the court order until January 24, 2023, analysts timely processed his release within five days. Had the department received the order in a more expedient manner, the incarcerated person could have been released in time to report to parole on January 18, 2023.

If reception center analysts must request and wait for counties to provide missing commitment documents, they will likely be unable to complete initial calculations within five days as required by departmental policy. In addition, the delay could prevent reception center analysts from completing the initial release date calculations at all, leaving this job to analysts at mainline prisons. This is problematic because the calculations completed by analysts at mainline prisons are in part intended to verify the calculations completed at the reception center. If missing documents prevent reception center analysts from completing an initial release date calculation and a mainline analyst makes an error when performing the initial calculation, it is possible that error could follow an incarcerated person throughout their period of incarceration. For example, if incarcerated people do not participate in prison programs to earn credits and do not commit rule violations or crimes in prison, their release dates would not be reviewed until shortly before they were scheduled to be released. Therefore, if the original calculations were inaccurate, any errors may not be caught before the incarcerated people were kept beyond the dates they were legally entitled to be released, if at all.

### ***Discrepancies in Legal Documents Delay Timely and Accurate Release Date Calculations***

In addition to missing documents, many legal documents sent to reception centers contain discrepancies that analysts must resolve before completing release date calculations. Common discrepancies include inconsistencies between the court's abstract of judgment and the minute order regarding sentencing terms, court orders for testing not being documented in either the abstract of judgment or minute order, recorded sentences that do not match the penal code charged, and errors made because of the improper application of sentence enhancements.

For example, a court might sentence an incarcerated person to a high term of six years when the statutory high term limit is five years, or a court might sentence an incarcerated person to state prison when he or she should have been sentenced to county jail in accordance with recent legislative changes. In one case we reviewed, it was unclear from the abstract of judgment and the minute order whether an incarcerated

person was convicted of a violent felony. When the department requested clarification to resolve the discrepancy, the court explained that the incarcerated person was not convicted of a violent felony and was eligible for a higher credit rate. Consequently, his release date was moved forward 258 days.

Case records staff generally do not contact courts to resolve discrepancies as they do to get missing legal documents. Instead, the department's Legal Processing Unit is solely responsible for contacting courts to resolve identified discrepancies. The Legal Processing Unit may review the referral and determine there is no discrepancy and give analysts direction on interpreting and applying the information contained in the documents. However, if the Legal Processing Unit determines the discrepancy should be elevated to the court for resolution, analysts must wait for courts to respond and the Legal Processing Unit to convey the response before they can complete accurate release date calculations.

Like requests for missing legal documents, courts are, at times, slow to respond to requests to resolve discrepancies. For example, analysts discovered a sentencing discrepancy in the case we discussed in Chapter 1 in which an incarcerated person brought a class action lawsuit against the department for being kept 518 days beyond his release date. On March 16, 2006, the department wrote to the sentencing court, with copies to the district attorney and public defender, inquiring about a sentencing discrepancy. When the court failed to respond, the department sent another letter on June 19, 2006, requesting a response. An analyst was only able to recalculate the incarcerated person's release date in November 2007 after receiving the court's amended abstract of judgment and minute order. The department then released the incarcerated person on November 28, 2007, after he served an additional 518 days of incarceration.

### ***Recommendation***

- The department should work with county courts to obtain access to electronically available legal documents that courts are statutorily required to provide including abstracts of judgment, minute orders, charging documents, plea forms, and transcripts.

### ***The Vacancy Rates for Analyst and Case Records Technician Positions Negatively Affected Departmental Operations***

Excluding managers, we found that the department's statewide vacancy rates for case records staff ranged from 12 percent to 40 percent in September 2023, and from 15 percent to 37 percent in May 2024. Some prisons had more than a 50 percent vacancy rate for individual classifications. Figure 3 on the next page compares analyst and technician vacancies at each prison in May 2024. The high vacancy

**Correctional Case Records Analysts**

conduct calculations; verify court documents; monitor for holds and warrants; and audit calculations.

**Case Records Technicians**

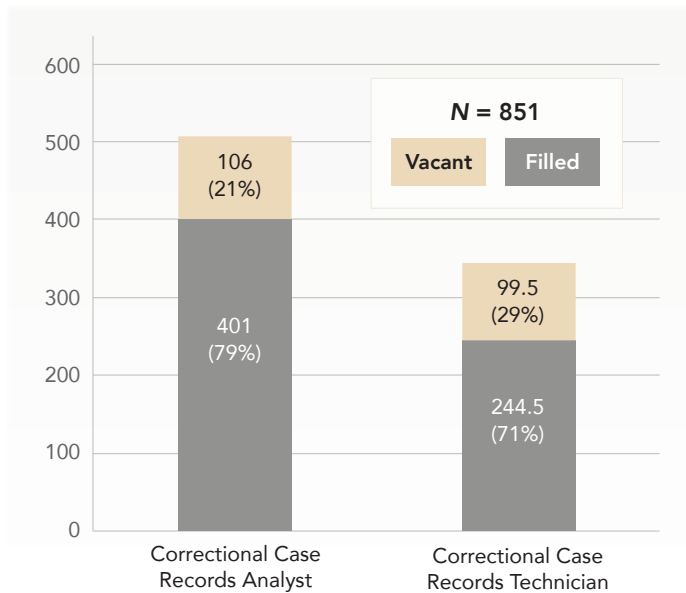
receive and scan court documents; input data into external government databases; and pull, retrieve, scan, access, and track inmate/discharged offender central files.

Source: The Department of Corrections and Rehabilitation.

rates in most case records departments increase workloads and likely contribute to inaccurate release date calculations.

The department determines case records staffing based on the population of incarcerated individuals at the prison, and there is no base minimum number of staff required. We found that statewide, there were 96 vacant analyst positions out of 519 total positions (18 percent) in September 2023, and 106 vacancies out of 507 total positions (21 percent) in May 2024. In September 2023, two prisons had analyst vacancy rates of approximately 45 percent and one prison had a vacancy rate of 73 percent. By May 2024, two prisons had analyst vacancy rates of approximately 50 percent, while two prisons had analyst vacancy rates of 70 percent or higher. Analyst positions were fully staffed at only four prisons in May 2024. High vacancy rates add to each analyst's individual workload and increase the likelihood that errors will be made in the highly complicated release date calculation process.

**Figure 3. Percentages of Vacant and Filled Analyst and Technician Positions in May 2024**



Source: OIG analysis of the department's May 2024 case records vacancy report data.

In addition, technicians provide critical support to analysts by obtaining legal documents, as well as by receiving, sorting, scanning, inputting, and documenting the information used to calculate release dates. These activities are crucial and must be completed before analysts can begin reviewing an incarcerated person's case file. We found that, statewide, prisons had 61 vacancies out of 409 positions (15 percent) in September 2023, and 99.5<sup>2</sup> vacancies out of 344 total positions (29 percent)

2. The 0.5 vacancy represents a part-time position.

in May 2024. No prisons had a technician vacancy rate above 50 percent in September 2023, but by May 2024 five prisons had technician vacancy rates of 50 percent or higher. Like high analyst vacancy rates, high technician vacancy rates negatively impact department operations and likely contribute to calculation errors.

The impact of high vacancy rates at reception centers can be particularly problematic because of the deadlines to both complete initial calculations and the challenge to obtain missing and consistent legal documents. For example, North Kern State Prison and Wasco State Prison, the only two reception centers designated to receive men, had below average analyst vacancy rates in May 2024, (10 percent and 14 percent respectively). However, North Kern State Prison had an above average technician vacancy rate. Therefore, analysts at the men's reception centers may be required to perform many of the tasks, such as obtaining missing legal documents, that could be performed by supervising technicians, if not technicians. Because initial release date calculations must be made within five days of an incarcerated person's arrival at a reception center, it is especially important that the case records departments of reception centers be adequately staffed to help ensure analysts complete timely and accurate initial release date calculations.

### ***High Vacancy Rate of Supervisors and Lack of Mandated Supervisory Review***

The negative impact of the shortage of analysts and technicians is magnified by the fact that the department also has a high case records supervisory vacancy rate. In September 2023 there were 28 vacancies out of 75 total statewide supervising technician positions, while in May 2024 there were 24 vacancies out of 60 positions. Although the raw number of vacant positions decreased from 2023, the overall percentage increased from 37 percent in September 2023 to 40 percent in 2024. In May 2024, nine prisons had a 100 percent vacancy rate for supervising technician positions and the remaining prisons with vacancies had rates over 50 percent.

While the vacancy rate for analyst supervisors decreased from September 2023 to May 2024, it remained over 10 percent. In September 2023, 22 of the 141 analyst supervisor positions (16 percent) were vacant, and 16 of the 139 positions (12 percent) were vacant in May 2024. Finally, the nine percent statewide vacancy rate for case records department managers in May 2024 was relatively low in comparison to other supervisory positions. Figure 4 on the next page shows supervisor and manager vacancies at all prisons in May 2024.

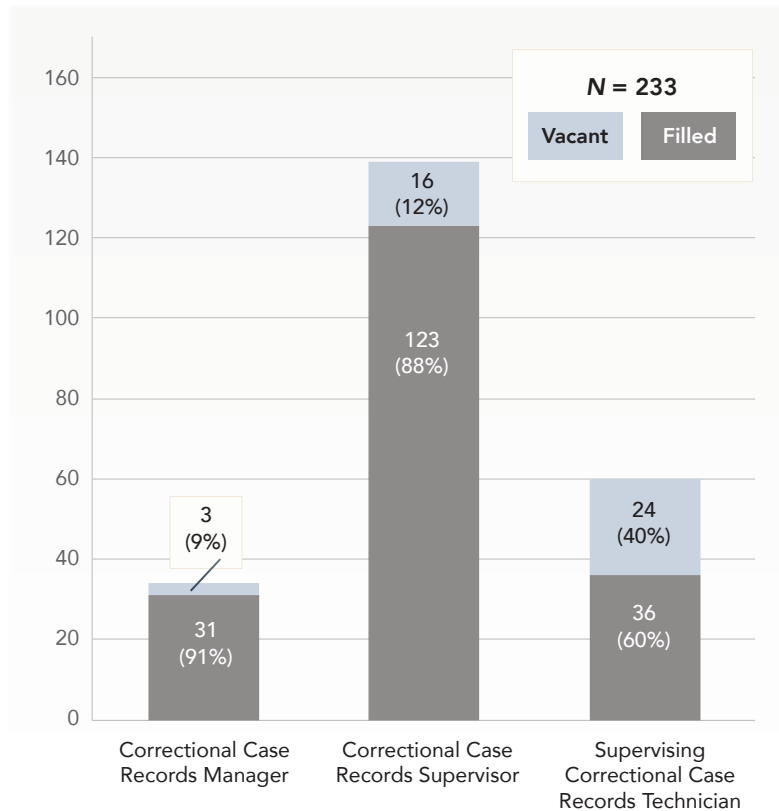
**Correctional Case Records Managers** oversee the case records department which includes supervisors, analysts, and technicians; also provide training to new employees; interpret legal and court documents; and are responsible for security and integrity of inmate records.

**Correctional Case Records Supervisors** supervise and train case records analysts; calculate and audit release/discharge date calculations; interpret legal and court documents; communicate to courts when clarification is necessary; and communicate with law enforcement agencies in matters of mutual concern.

**Supervising Case Records Technicians** are working supervisors who supervise case records technicians; enter data into departmental databases; and perform other supervisory and clerical duties.

Source: The California Department of Corrections and Rehabilitation.

**Figure 4. Percentages of Vacant and Filled Manager and Supervisor Positions in May 2024**



Source: OIG analysis of the department's May 2024 case records vacancy report data.

In September 2023, the department's reception centers had a 4 percent analyst supervisor vacancy rate, and two of the three reception centers had supervising technician vacancy rates of 50 percent or higher. While the analyst supervisor vacancy rate at reception centers rose to 8 percent in May 2024, it was still lower than the statewide rate of 12 percent for the same period. Two reception centers had no vacant analyst supervisor positions in May 2024, but one had a supervising technician vacancy rate of 60 percent while the other had a 100 percent supervising technician vacancy rate.

When analysts and technicians do not have supervisors to assist with complicated tasks and calculations, the risk that errors will be made but not reviewed or corrected increases. For example, although it is not explicitly required by departmental policy, supervisors in almost all instances review calculations made during the audit that is conducted approximately 10 days prior to an incarcerated person's release from custody. In practice, supervisors conduct this review because it is typically the last audit performed before an incarcerated person is released. If a prison has a high percentage of vacant analyst supervisors

or a vacant case records manager position, it is possible the required review may be inaccurate or not timely completed.

In addition, supervisors generally are not required by departmental policy to ensure that analysts perform release date calculations accurately. For example, supervisors are not required to review calculations performed after triggering events, such as when an incarcerated person completes an educational course or receives an administrative penalty for violating prison rules. According to case records staff, hundreds of these calculations may be done daily at busy prisons. It was also clear, at least at the prisons we reviewed, that staff frequently asked supervisors for assistance on individual calculations and that supervisors were extremely busy. However, without mandated reviews of calculations, supervisors are unable to catch critical release date calculation errors that may not be caught before, or even after, incarcerated people are released from custody.

### ***Recommendations***

- To help ensure initial calculations are performed correctly, the department should require supervisors and managers to review the release date calculations completed after incarcerated people are transferred to their first mainline prison.
- To help ensure release date recalculations are performed correctly, the department should require supervisors and managers to review the recalculations completed after an incarcerated person is resentenced by a county court.
- To help ensure release date calculations are performed correctly, the department should develop and require supervisors to review the recalculations completed after triggering events at predetermined intervals.

### ***Analysts Are Required to Perform a Multitude of Tasks Unrelated to Release Date Calculations, and Consolidating Analyst Positions May Increase Efficiency and Decrease Vacancy Rates***

As we discussed earlier in this report, analysts perform a multitude of tasks, most of which are related to release date calculations including obtaining and understanding legal documents, verifying and entering information into the department's electronic databases, and following up with the Legal Processing Unit on discrepancies. According to case records managers, analysts spent a significant amount of time completing these tasks.

However, analysts also perform other tasks unrelated to release date calculations such as reviewing an incarcerated person's file in preparation for their release. In that role, analysts meticulously review

record of arrests and prosecutions sheets and determine if another jurisdiction has issued a warrant or detainer that would prevent the incarcerated person from being released before those issues are cleared. In addition, analysts determine whether elderly and youthful offenders may be eligible for parole, and respond to inquiries from courts, district attorneys, law enforcement agencies, correctional counselors, and incarcerated individuals.

These tasks, particularly when performed by analysts at reception centers, which have tight deadlines to complete release date calculations, reduce the time analysts have available to focus on performing calculations. Consequently, we question whether the department could utilize staff in other classifications to perform those unrelated but necessary job duties.

Finally, given generally low statewide case records staffing levels, we also question whether release date calculations must be performed on-site at each prison. We found that analysts performed release date calculations only after all legal documents had been scanned into the department's electronic databases. Because electronic records can be accessed anywhere using departmental computers, centralizing analysts in regional offices or in one location may help fill analyst vacancies. Ultimately, without more fully staffed case records departments, we question how the department can fulfill its responsibility to timely and correctly analyze, process, and calculate release dates.

### **Recommendations**

- The department should evaluate the classification specifications and job duties of staff in case records departments to determine how they can be revised to attract and retain a greater number of highly qualified staff. At a minimum, the department should evaluate whether:
  - Case records department functions should be consolidated into regional locations with liaisons at each prison or consolidated into one central location to aid recruitment and improve calculation consistency.
  - Any or all case records functions need to be conducted on-site at each prison or if specific job duties could be performed remotely from headquarters or from more fully staffed prisons.
  - Case records staff at departmental headquarters should include analysts whose job duties include performing release date calculations at prisons where assistance is needed due to staff shortages or which meet other criteria developed by the department.



- Analysts at departmental headquarters should audit release date calculations performed at prisons on a schedule to be developed and follow up with training focusing on the areas for improvement or weaknesses identified during the audit.
- To offer pay differentials or other incentives to attract and retain case records staff in prisons with high vacancies. The job duties of technicians and analysts should be revised to remove some or all tasks from analysts unrelated to performing release date calculations.

## Chapter 3. Outdated Policies, Procedures, and Training

### *The Policies and Procedures in the Department's Operational Manual Regarding Release Date Calculations Have Not Been Updated Since 1993, and Training Regarding How to Perform Release Date Calculations Is Not Standardized or Centralized*

The department's reliance on more than 140 memoranda to instruct analysts on how to perform release date calculations can be confusing and prevents both analysts and supervisors from relying on a uniform source—the Department Operations Manual (operations manual)—to outline case records policies and procedures. The need to review numerous memoranda to determine which are relevant to an individual case also likely leads to inconsistent application and errors. Furthermore, prisons generally rely on internally developed training methods and materials to instruct analysts, which contributes to the lack of uniform release date calculation policies and procedures.

### *The Department Operations Manual Was Significantly Outdated and Should Be Updated*

As we discussed in Chapter 2, sentencing laws have undergone frequent and significant changes, particularly over the last 10 years. However, even though departmental policy requires the operations manual to be kept current and accurate, the department had not updated the sections outlining case records policies and procedures since 1993. Instead, the department had issued approximately 63 memoranda since 2014 which were cumbersome to review and could make it more difficult for staff, especially less experienced staff, to perform accurate release date calculations.

For example, the department issued at least five memoranda updating policy regarding case records audits and audit procedures between July 2019 and April 2022. Each memorandum stated that the operations manual would be updated with the new policy, but no revisions had been made as of the publication of this report. Although we acknowledge that detailed memoranda are likely necessary to explain the immediate impact of significant changes in the law, policy and procedures resulting from the changes should be consolidated and easily accessible in the operations manual.

In addition, to help with calculations, some individual case records departments, and even individual analysts, modified existing tools such as outdated checklists, and created their own in-house tools. Checklists,

which guide analysts on what must be reviewed during each audit, should be updated and accurate like all departmental policies and procedures.

### **Recommendation**

- The department should update and bring current the sections in its operational manual outlining case records policies and procedures.

### ***Training Materials, Like the Release Date Calculation Processes and Procedures, Were Neither Updated nor Consolidated***

Much like the memoranda issued to instruct case records staff on how to perform release date calculations, the department's training materials have been released sporadically, were outdated, and had not been organized into updated training modules. We reviewed 49 documents the department submitted in response to our request for all training materials related to performing release date calculations. The materials consisted of eight training modules, summaries of conference calls, cheat sheets, emails, and other specific and detailed training on individual laws and release date calculation procedures. The modules, some of which were presumably updated by subsequent training, were produced as early as 1992, but only two were updated in May 2023. In addition, because some of the titles of materials were vague such as "Opinions and Remittiturs" and "For the Record," analysts could not know what information they contained without opening the document.

Because much of the department's standardized training was outdated, we found that managers and supervisors create in-house training materials for staff. These training materials were generally intended to train analysts to perform release date calculations and implement the policies and procedures outlined in the memoranda we discussed above. However, because the department had not developed or approved the training materials, there was no assurance that the training accurately reflected departmental policy. While there is value in utilizing the skills of managers and supervisors to provide supplemental, on-the-job training to case records staff, we believe updated and accurate primary training should be developed by the department.

### **Recommendations**

- The department should update release date calculation trainings to provide comprehensive instruction on performing release date calculations and other case records job duties.
- The department should regularly update release date calculation training with changes in the law, policy or procedures that occur during the year.

- The department should mandate staff attend regular training on the updates.
- The department should require case records staff to complete the comprehensive training before performing release date calculations.

# Appendix

## Scope and Methodology

California Penal Code section 6126(b) and (c) authorizes the OIG to initiate audits of the department's policies, practices, and procedures. This audit focuses on the department's efforts to ensure the accuracy and consistency of prison release date calculations for incarcerated individuals who received determinate sentences. The audit did not explore how an incarcerated person's classification status and behavior can influence their opportunities to earn time credits, thus affecting their release date. The table on the following page presents the objectives of our audit and the methods we used to address them.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions according to our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions according to our audit objectives.

Table A-1. Audit Objectives and Methodology

Audit Objectives	Method
<p>1. Assess the department's process to ensure the accuracy of sentencing term release dates.</p> <p>a. Does the department use accurate and updated court sentencing information in calculating offender release dates?</p> <p>b. Does the department use accurate and updated in-prison rule violation adjudication outcomes in calculating offender release dates?</p>	<ul style="list-style-type: none"> <li>• Reviewed relevant laws, rules, regulations, and policies and procedures related to the department's release date calculations.</li> <li>• Reviewed reports issued by the department in its state leadership accountability act reports.</li> <li>• Reviewed reports issued by the prison law office, and an article by <i>The Sacramento Bee</i>.</li> <li>• Reviewed complaints received by the Intake Unit within the Office of the Inspector General.</li> <li>• Interviewed departmental headquarters staff and reviewed relevant materials including the department's operations manual, over 140 department memoranda outlining department policies, training materials, job aids, and reference guides regarding the department's process for ensuring the accuracy of sentencing term release dates, which includes verifying the authenticity, accuracy, and completeness of documents received from the court.</li> <li>• After reviewing data on early and late releases of incarcerated people, selected two prisons to conduct fieldwork and observe operations: Wasco State Prison, and Mule Creek State Prison.</li> <li>• Interviewed departmental headquarters staff, staff at Mule Creek State Prison and Wasco State Prison, and reviewed relevant materials including the Department's Operations Manual, regulations, and the California Penal Code regarding the process of adjudicating in-prison violations.</li> <li>• Interviewed staff at Mule Creek State Prison and Wasco State Prison and reviewed relevant local operating procedures and duty statements at each selected prison regarding the process of calculating release dates.</li> <li>• Conducted on-site observations at Mule Creek State Prison and Wasco State Prison to review the receipt, acknowledgment, and documentation of court sentencing documents.</li> </ul> <p>The observation period was from February 15, 2024, through February 28, 2024.</p>

(Continued on next page.)

Table A-1. Audit Objectives and Methodology (continued)

Audit Objectives	Method
<p>2. Determine if the department properly applied time credits earned, forfeited, and restored in the calculation of sentencing term release dates in accordance with applicable laws, regulations, and guidelines.</p> <p>c. Are earned, forfeited, and restored credits properly applied in calculating release dates in accordance with applicable laws, regulations, and guidelines?</p> <p>d. Are the overall release date calculations accurate before an incarcerated person is discharged or released on parole?</p>	<ul style="list-style-type: none"> <li>• Interviewed departmental headquarters staff and reviewed relevant materials including the department's operations manual, over 140 department memoranda outlining department policies, training materials, job aids, and reference guides regarding the department's process for ensuring the accurate application of time credits earned, forfeited, and restored in the calculation of sentencing term release dates.</li> <li>• Interviewed departmental headquarters staff, staff at Mule Creek State Prison and Wasco State Prison, and reviewed relevant materials including the department's operations manual, regulations, and the California Penal Code regarding the process of awarding, forfeiting, and restoring time credits.</li> <li>• Interviewed staff at each selected prison and examined relevant local operating procedures and staff vacancy data to assess their impact on release date calculations.</li> <li>• Reviewed and analyzed supporting documentation including departmental early/late release data of a selected sample of 10 incarcerated people reported by the department to have been erroneously released early or late to identify procedural lapses and internal control risks.</li> <li>• Reviewed and analyzed supporting documentation of a selected sample of 20 incarcerated people released between July 1, 2022, and June 30, 2023, to identify procedural lapses and errors in release date calculations.</li> <li>• Conducted on-site observations at Mule Creek State Prison and Wasco State Prison to observe the calculation of release dates.</li> </ul> <p>The observation period was from February 15, 2024, through February 28, 2024.</p>

Source: Compiled by OIG auditing staff.

## Assessment of Data Reliability

The United States Government Accountability Office, whose standards our office adheres to for conducting and preparing audits, mandates an assessment of the sufficiency and appropriateness of computer-processed information used to support our findings, conclusions, or recommendations.

Throughout this audit, we relied on data provided by the department regarding incarcerated individuals. To ensure the accuracy and reliability of this data, we conducted a thorough evaluation, which included reviewing existing information, interviewing knowledgeable staff members, and performing transactional testing. Based on the results of our testing procedures, we determined that the data were reliable for the purposes of this audit.

However, we also obtained data regarding the department's implementation progress of its automated release date calculation system. Upon evaluating the data on the system's business rules, and interviewing staff members knowledgeable about the data, we found the data to be incomplete and unreliable for the audit's purposes. Therefore, we offer no opinion on the effectiveness of the department's automated release date calculation system.



## The Department's Comments to Our Audit Report

The department received a draft of this report prior to publication and was given the opportunity to comment. Although we received the department's response, we did not publish it with our report because the comments were primarily editorial in nature. Moreover, nothing in the response addressed our findings, conclusions, or recommendations; nor did the response provide any planned corrective actions. We did, however, consider the editorial changes the department requested and made edits where appropriate to provide clarity.

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# ***Audit of the California Department of Corrections and Rehabilitation's Release Date Calculations***

*Audit Report N<sup>o</sup> 23-01*

OFFICE *of the*  
INSPECTOR GENERAL

*Amarik K. Singh*  
Inspector General

*Neil Robertson*  
Chief Deputy Inspector General

STATE of CALIFORNIA  
August 2024

**OIG**