



August 2024 Intake Processing Unit Impact Case Blocks
Published in October 2024

The Office of the Inspector General (the OIG), as part of our statute, maintains an Intake Processing Unit that receives complaints from the incarcerated population and the public. Staff in the Intake Processing Unit respond to complaints that the OIG receives through U.S. Postal mail, phone calls (toll-free hotline), and inquiries through our website, which can exceed 800 claims a month. Below are eight complaints that the Intake Processing Unit reviewed and closed as of August 2024. These cases highlight the OIG's impact and efforts to resolve the complainant's concerns.

Incident Date

July 28, 2024

Case Type

Threat Against an Officer; Contraband, Dangerous Property

Mission

Division of Adult Institutions:
High Security

OIG Case Number

24-0086841-PI

Complaint Summary

On July 28, 2024, we received a complaint via our website from an anonymous complainant who alleged that three incarcerated people planned to kill a female correctional officer. The complainant also alleged that these three incarcerated people had hidden weapons and drugs inside their mattresses and pillows. The complainant provided the last names of the three incarcerated people, along with the prison facility and cell block numbers for two of the incarcerated people.

OIG Actions

On July 29, 2024, the OIG reviewed departmental records and found names that matched those the complainant had provided, the incarcerated peoples' prison identification numbers, and the housing locations of the three incarcerated people. On the same day, the OIG submitted an emergency safety notification to the warden regarding the alleged threat to the correctional officer including the names of the three incarcerated people, two cell block numbers, and possible locations of weapons and contraband.

Disposition

On July 29, 2024, within 45 minutes of the OIG's notification, the Investigative Services Unit (ISU) conducted cell searches in the two cells and found the following contraband: 1) five makeshift weapons were found in Cell No. 1, with the metal stock of each one sharpened to a point, and the weapons measured between 3-³/₄ inches and 6-¹/₂ inches in length (see Photo 1); and 2) two makeshift weapons were found in Cell No. 2, with the metal stock of each sharpened to a point, and the weapons measured between 6-¹/₄ inches and 7 inches in length. Based on the finding of possession of deadly weapons, the prison referred the alleged infractions to the district attorney's office for review and postponed the rules violation report hearings pending a response from the district attorney.



Photo 1. Five makeshift weapons found in Cell No. 1 (photographed by CDCR staff on 7-29-24).





Incident Date

June 12, 2024

Case Type

Documented and
Verified Systemic Safety
Concerns; Transfer of
Incarcerated Person

Mission

Division of Adult
Institutions: High Security

OIG Case Number

24-0082943-PI

Complaint Summary

On June 12 and 14, 2024, the OIG received three voicemail complaints from the brother (complainant) of an incarcerated person who alleged potential safety concerns, on behalf of the incarcerated person, if prison staff transferred his brother to a particular prison. The complainant alleged prison staff had informed his brother of an upcoming transfer to a prison where, in 2020, incarcerated people had previously stabbed his brother. The complainant alleged despite department staff previously documenting enemy concerns at this prison, the transfer was still planned. The complainant stated he had attempted to contact the department's Office of Internal Affairs and its ombudsman's office, on behalf of the incarcerated person, but had been unsuccessful in reaching anyone.

OIG Actions

The OIG located confidential records and grievance documents from the incarcerated person's electronic central file. The OIG reviewed a confidential memorandum from February 2024 that stated the department would not house the incarcerated person at two prisons due to systemic safety concerns. Subsequently, in May 2024, an institutional classification committee (ICC) noted the documented safety concerns at the two prisons and recommended transfer to a third prison. However, a classification staff representative (CSR) subsequently endorsed the incarcerated person for transfer to one of the two prisons where systemic safety concerns existed. The CSR reasoned the third prison was not an option because it did not have bed space available at the time of the endorsement.

The OIG also located a grievance submitted by the incarcerated person and received by the department's Office of Grievances (the OOG) on June 17, 2024. The grievance stated the incarcerated person had safety concerns about the prison to which departmental staff had planned to transfer him. The ICC recommended a third prison for transfer but, at that point in time, it was "closed for intake." The incarcerated person requested to speak with the institutional gang investigator (IGI) to avoid transfer to a prison in which he had been "almost killed" in 2020. On June 17, 2024, a Correctional Counselor II determined there was no imminent risk detected and processed the grievance as a routine claim. Subsequently, on June 17, 2024, departmental staff transferred the incarcerated person to the prison where documented systemic safety concerns existed.

On June 18, 2024, the OIG notified the warden at the prison where the incarcerated person had arrived on June 17, 2024, about the documented systemic safety concerns. We recommended that the warden conduct a review of these safety and enemy concerns.

Disposition

On June 18, 2024, the department placed the incarcerated person in the restricted housing unit due to the OIG's notification of systemic safety concerns, pending an administrative review. On that same day, July 18, 2024, an ICC endorsed that the incarcerated person be transferred to another prison where there were no documented safety concerns. On July 19, 2024, the department ultimately transferred the incarcerated person to the prison the ICC had endorsed the previous day.

We found it notable that, rather than investigate the safety concerns raised by the complainant's brother and acknowledge the existence of documentation supporting those concerns, on July 19, 2024, the OOG instead had denied the incarcerated person's claim of safety concerns submitted to the OOG two days earlier, on June 17, 2024. Furthermore, the



OIG determined the CSR had *appropriately endorsed* the incarcerated person’s transfer to a prison where systemic safety concerns existed. This OIG decision was administrative only because the incarcerated person was transferred to an appropriate prison based on the OIG’s notification to the warden on June 18, 2024.

Incident Date
May 19, 2024

OIG Case Number
24-0081306-PI

Case Type
Prison Rape Elimination Act (PREA)

Complaint Summary

On May 20, 2024, the OIG received a website inquiry from a third party alleging that two cellmates were involved in nonconsensual sexual acts. The first incarcerated person (perpetrator) was allegedly forcing the second incarcerated person (victim) to “have sex with him by intimidation and physical violence.” The third party stated the victim was allegedly scared for his life and informed others in his dormitory setting the victim wished correctional officers would step in and help him. Furthermore, the third party further alleged the perpetrator and the victim “fight all night.”

Mission
Division of Adult Institutions: General Population (Males)

OIG Actions

The OIG researched the situation and confirmed through departmental databases the information the third party had provided, including the victim’s and the perpetrator’s first and last names, their departmental identification numbers, and their housing location. We also verified that the victim and the perpetrator were cellmates.

On May 20, 2024, the OIG notified the prison of the Prison Rape Elimination Act (PREA) allegation of sexual violence in accordance with federal PREA standards.

Disposition

On May 22, 2024, the prison’s PREA compliance manager (PCM) contacted the OIG and stated a PREA investigator had interviewed both the victim and the perpetrator, and both denied having any concerns of sexual violence or safety issues. On May 23, 2024, the PREA investigator conducted a follow-up interview with the alleged victim and concluded no sexual or physical misconduct had occurred between the cellmates.

On May 28, 2024, the PCM notified the OIG that departmental staff had rehoused the alleged perpetrator in an alternate housing unit at the same prison, out of an abundance of caution. Although the investigator did not interview any potential witnesses, such as incarcerated people in the same dormitory or staff assigned to the unit, we concurred with the decision the department made concerning the bed move for the alleged perpetrator.

Incident Date
March 7, 2024

OIG Case Number
24-0087187-PI

Case Type
Prison Rape Elimination Act (PREA); Allegation of Staff Misconduct for Discourteous Treatment

Complaint Summary

On July 31, 2024, the OIG received a letter from an incarcerated male person that alleged on March 7, 2024, an officer referred to the incarcerated person as the spouse of a second male incarcerated person, who was the first person’s cellmate. The incarcerated person also alleged the officer had asked to view a tattoo on the first incarcerated person because the officer had heard that the cellmate’s name was tattooed the first incarcerated person’s arm. After the first incarcerated person raised his sleeve, revealing the tattoo, the officer began laughing and pointing at the tattoo in front of other officers, which made the incarcerated person feel humiliated. Furthermore, the first incarcerated person alleged the officer had

Mission
Division of Adult Institutions: High Security



interviewed him in a nonconfidential area, visible and audible to other incarcerated persons and officers, which put his life in danger.

OIG Actions

The OIG reviewed departmental records to determine how departmental staff had reviewed and processed the allegation of staff misconduct. The Centralized Screening Team (CST) initially determined the allegation of staff misconduct met the Prison Rape Elimination Act (PREA) criteria for sexual harassment by a staff member on an incarcerated person. However, CST revised the referral to a local inquiry because its staff considered the reported verbal sexual harassment was only a single occurrence. Department policy requires staff sexual harassment allegations to include repeated verbal comments or gestures of a sexual nature not a single instance. In addition, because both incarcerated people each filed an allegation of staff misconduct against the officer, CST referred two separate staff complaint inquiries to the hiring authority. The hiring authority then assigned two separate locally designated investigators and two separate Office of Internal Affairs' Allegation Investigation Unit Managers to review the inquiries.

The OIG found several issues with the completed local inquiries. Although each complaint involved the same allegations against the officer, the department had wasted resources by opening separate inquiries. Furthermore, in one inquiry, the investigator had reviewed body-worn camera evidence, but because the investigator failed to request the video evidence, departmental staff deleted the evidence per the department's 90-day video retention policy. For allegations of staff misconduct made by an incarcerated person, the video evidence shall be preserved beyond 90-days if properly identified by department staff, such as the investigator. For the other inquiry, the investigator omitted the presence of body-worn camera evidence, as if it did not exist or was not relevant to the allegation. Finally, one inquiry sustained the allegation of staff misconduct against the officer; whereas the other local inquiry did not sustain the allegation against the officer.

Based on the discrepancies and the inefficiencies described above, on August 9, 2024, the OIG referred the concerns to the OIG's Staff Misconduct Monitoring Unit's Local Inquiry Team to conduct a retrospective review.

Disposition

On August 15, 2024, the OIG's Local Inquiry Team began its monitoring of the local inquiry retrospective review. The OIG publishes the results of our monitoring of the department's cases on our website in an anonymous format as local inquiry team case block files (<https://www.oig.ca.gov/publications/>). These case blocks provide an assessment of the overall inquiry and a rating assessment concerning the department's performance.

Incident Date

July 1, 2024

OIG Case Number

24-0086020-PI

Case Type

Allegation of Staff Misconduct

Complaint Summary

On July 19, 2024, the OIG received a complaint from an incarcerated person that he had submitted a grievance alleging that an unnamed officer was reading his legal mail (confidential correspondence) and that the officer had videotaped the contents of the legal mail using his body-worn camera. The incarcerated person also alleged the department had improperly processed the allegation as a routine grievance. Furthermore, the incarcerated person stated that he no longer planned to submit grievances alleging staff misconduct because the department would process his staff misconduct allegations as routine grievances.

Mission

Office of Internal Affairs' Centralized Screening Team (CST)



OIG Actions

We were able to locate the grievance submitted to the Office of Grievances (the OOG) even though the incarcerated person never identified the grievance log number in the complaint submitted to our office. The grievance identified the officer’s name, the date and the location of the incident, and it also provided a 30-minute window when the alleged misconduct had occurred. The incarcerated person stated the officer violated departmental regulations by “literally reading the contents of the legal mail. Staring at names, reading sentences, and most importantly videotaping my legal [mail] using his body-worn camera.” (Punctuation added to the quotation for clarity)

Departmental regulations require the incarcerated person to present unsealed legal mail to the appropriate staff, who then remove documents from the sealed envelope in front of the incarcerated person. The officer opening the envelope must hold its pages upside down to prevent the officer from reading the material and also, to shake the envelope and its contents to check for contraband.

The OIG found that on July 2, 2024, the Office of Internal Affairs’ Centralized Screening Team (CST) determined no staff misconduct had taken place regarding the allegation that an officer read and videotaped legal mail. CST had processed the grievance as a routine type, returning it to the prison for handling per the department’s established methods and instruction.

On July 23, 2024, the OIG elevated its dispute to CST for its decision and recommended that its staff process the complaint as an allegation inquiry. This type of inquiry involves a locally designated investigator who may interview the complainant, witness(es), subject(s), and preserve and review video footage from body-worn cameras.

Disposition

On July 29, 2024, CST agreed with the OIG’s recommendation and revised the complaint processing from a routine type to one of an allegation of staff misconduct, which CST then referred for an inquiry to be conducted by a locally designated investigator.

Incident Date
May 6, 2024

OIG Case Number
24-0080278-PI

Case Type
Safety Concern;
Allegation of Staff
Misconduct: Integrity

Complaint Summary
Between May 6, 2024, and May 8, 2024, the OIG received five voicemails from anonymous incarcerated people (complainants) alleging that an officer was spreading confidential information in a program office to an incarcerated person. The complainants alleged the officer’s sharing of confidential information with other incarcerated people of a different race or ethnicity was jeopardizing the safety of the population, including that of a second incarcerated person.

Mission
Division of Adult
Institutions: High Security

OIG Actions

The OIG reviewed departmental records and identified that the Office of Grievances (the OOG) never received either a grievance or an allegation of staff misconduct regarding this allegation.

Due to the detailed allegations in the voicemails, on May 9, 2024, the OIG shared a printed call transcript for each voicemail with the warden to maintain the anonymity of those who reported the misconduct.



Disposition

On May 9, 2024, the hiring authority referred the allegation of staff misconduct committed by the officer to the Centralized Screening Team (CST) for review. On May 24, 2024, a lieutenant notified our office that departmental staff had interviewed the second incarcerated person immediately following our initial contact, and the incarcerated person stated he did not have any safety concerns and requested to remain at the same facility.

Furthermore, on June 3, 2024, CST determined the claim met screening criteria for an allegation of staff misconduct on the Allegation Decision Index for integrity. The department uses an Allegation Decision Index to determine to which unit within the department a complaint should be referred for processing. On June 7, 2024, CST referred the claim to the Office of Internal Affairs' Allegation Investigation Unit for an investigation.

Incident Date
June 5, 2024

OIG Case Number
24-0084170-PI

Case Type
Allegation of Staff
Misconduct: Excessive or
Unnecessary Use of Force

Complaint Summary
Between June 23, 2024, and July 2, 2024, the OIG received four voicemails from an incarcerated person (complainant) alleging an officer used excessive or unnecessary use of force by hitting the back of his legs on an unidentified date. Furthermore, the complainant stated the Office of Grievances (the OOG) was "not taking the proper steps on the grievance process" and was taking advantage of him due to his mental health condition.

Mission
Division of Adult
Institutions: High Security

OIG Actions

The OIG reviewed departmental records and located three grievances the complainant had submitted to the OOG regarding an allegation of excessive or unnecessary use of force. We identified that one grievance received on June 11, 2024, alleged that during his cell extraction on June 5, 2024, officers punched the back of his legs while he was not resisting or posing a threat. The OIG found the Centralized Screening Team (CST) had determined no staff misconduct had occurred because the alleged claim "does not validate misdirection of standard policy/procedure."

The OIG obtained and reviewed body-worn camera footage of the alleged incident that had occurred in a restricted housing unit designated for incarcerated people with mental health conditions. The video footage identified an immediate cell extraction had taken place, one in which officers applied physical strength and holds while applying restraints. However, on reviewing the video evidence, it was unclear whether any officers had punched the complainant's legs. At the same time, it was clear from the footage that the complainant did yell out "stop kicking me please, I am not resisting," while in a prone position.

On June 28, 2024, the OIG referred these concerns to the OIG's Staff Misconduct Monitoring Unit's Centralized Monitoring Screening Team for monitoring of CST's grievance decision for this allegation's designation of routine processing. On July 1, 2024, the OIG requested CST to conduct a review of its grievance decision because the allegation of staff misconduct is included in the Allegation Decision Index criteria for excessive or unnecessary use of force, which would require an investigation, not an inquiry.

Disposition

On July 2, 2024, CST reviewed the grievance and the use-of-force incident report, and concurred with the OIG's recommendation. CST routed the claim to the Office of Internal Affairs' Allegation Investigation Unit (AIU) for an investigation of excessive or unnecessary use of force.



Incident Date

August 22, 2023

Case Type

Incarcerated Person
Pay Rates

Mission

Division of Adult
Institutions: Female
Offender Programs
and Services

OIG Case Number

24-0081414-PI

Complaint Summary

On June 18, 2024, the OIG met with Inmate Advisory Council (IAC) representatives during a scheduled on-site visit. An incarcerated person (complainant), a certified facilitator, had informed the OIG that he and other certified facilitators had been receiving an incorrect pay rate of \$0.45 cents per hour for approximately one year. The complainant stated having submitted the grievance in August 2023 for this pay issue, with the Office of Grievances (the OOG) having granted the claim. However, after approximately 10 months, the issue remains unresolved since the pay increase was never processed. Prison staff informed the complainant that the electronic pay system needed an update to issue the correct pay rate of \$0.85 cents per hour, and they were still working on an updating of the system.

OIG Actions

The OIG conducted a review of departmental records and found that on June 14, 2023, the incarcerated person filed a grievance with the OOG about the incorrect pay rate. On August 3, 2023, the OOG granted the claim and stated the department would increase complainant's pay rate once the prison and a contracted group provider reached an agreement. On August 22, 2023, a memorandum issued by one of the department's deputy directors stated the department had reached an agreement with the provider. A subsequent memorandum issued to the complainant noted the department had not updated the electronic payroll system to be able to process the new pay rates. The memorandum further stated the incarcerated people's supervisors would pay the certified facilitators the correct pay rate. Our review of electronic records performed in June 2024 showed the incarcerated person was still receiving the incorrect pay rate, and there was no documentation of a method to distribute the correct pay.

On June 27, 2024, the OIG contacted the hiring authority and requested a further inquiry into the planned implementation for processing updated pay rates for the certified facilitators.

Disposition

On July 2, 2024, the prison's inmate assignments lieutenant advised the OIG that the department had completed its inquiry. The department reported that the pay codes could not be updated timely, thus its staff had reverted to a manual payment process.

On July 23, 2024, the lieutenant notified the OIG that the department had resolved the pay code issue and provided supporting documentation that the department was paying four certified facilitators the correct pay rate of \$0.85 cents per hour from the effective date of August 22, 2023. The lieutenant also stated he would share this information with another prison to ensure the correct hourly rate would also be paid to its certified facilitators.