
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 2699 **Hearing Date:** June 14, 2022
Author: Ting
Version: February 18, 2022
Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *State prisons: Office of the Inspector General*

HISTORY

Source: Author

Prior Legislation: SB 112 (Comm. on Budget & Fiscal Review), Ch. 364, Stats. 2019

Support: Unknown

Opposition: None known

Assembly Floor Vote: 65 - 0

PURPOSE

The purpose of this bill is to require Office of the Inspector General reports to be posted to the office's website and made available to the public within five days of their release to the Governor and Legislature, rather than upon release.

Existing law creates the independent Office of the Inspector General (OIG). (Pen. Code, § 6125.)

Existing law provides that the OIG is responsible for contemporaneous oversight of internal affairs and the disciplinary process of the California Department of Corrections and Rehabilitation (CDCR). (Pen. Code, § 6126, subd. (a).)

Existing law requires the OIG to initiate an audit or review of policies, practices, and procedures of CDCR when requested by the Governor, the Speaker of the Assembly, or the Senate Rules Committee. (Pen. Code, § 6126, subd. (b).)

Existing law requires the OIG, upon completion of an audit, to prepare a complete written report which may be confidential as well as a public report. Requires copies of public reports to be posted on the OIG website. (Pen. Code, § 6126, subd. (c).)

Existing law requires the OIG, when conducting an audit, to identify areas of full and partial compliance or non-compliance with departmental policies and procedures, specify deficiencies in the completion and documentation of processes, and recommend corrective actions. (Pen. Code, § 6126, subd. (d).)

Existing law mandates the OIG to conduct an objective, clinically appropriate, and metric-oriented medical inspection program to periodically review delivery of medical care at each state prison, and an objective, metric-oriented oversight and inspection program to periodically review delivery of specified reforms. (Pen. Code, § 6126, subs. (f) & (g).)

Existing law requires the OIG to annually report to the Governor and the Legislature a summary of its reports. Requires the summary to be posted on the office's website and otherwise made available to the public upon its release to the Governor and the Legislature (Pen. Code, § 6132, subd. (a).)

This bill requires the OIG reports to be posted to the office's website and made available to the public within five days of their release to the Governor and Legislature, rather than upon release to the Governor and Legislature.

COMMENTS

1. Need For This Bill

According to the author:

Under current law, the Office of the Inspector General (OIG) is required to make reports under PEN 6133 public upon their release to the Governor and the Legislature. In order to accommodate workload at the Office of the Inspector General (OIG), AB 2699 gives the OIG no more than five days to make its annual and semiannual recommendation and oversight reports available to the public. The bill does not deter the OIG from continuing to make reports available to the public once they've been released to the Governor and the Legislature.

2. Office of the Inspector General

Penal Code section 6125 establishes the OIG as an independent governmental entity. The Inspector General is appointed by the Governor and subject to Senate confirmation. The mission of the OIG is to safeguard the integrity of the State's correctional system by providing oversight and transparency through monitoring, reporting, and recommending improvements to CDCR. The OIG is responsible for reviewing departmental policy, practices, and procedures when requested by the Governor, Secretary of CDCR, or a member of the Legislature. (<https://www.oig.ca.gov/about-us/>)

The OIG oversees and reports on several aspects of CDCR including, employee discipline monitoring, critical incident monitoring, staff complaint and inmate grievance monitoring, use of force monitoring, medical inspections, audits and authorized special reviews, and retaliation complaint reviews. The OIG also maintains a complaint hotline to address concerns regarding allegations of improper activity within the department and serves as the ombudsman for sexual abuse complaints. In addition, the OIG conducts background and qualification reviews for the vetting of warden candidates.

(<https://www.oig.ca.gov/wpcontent/uploads/2022/05/OIG%20Fact%20Sheet%20What%20We%20Do.pdf>.)

All OIG publications are required to be posted on the OIG's website upon release to the Governor and the Legislature. (Pen. Code, § 6132, subd. (a).) This bill would give the OIG five days to post a report on its website after it is released to the Governor and the Legislature.

3. Expanded Role of OIG Proposed in the Budget

The Governor's 2022-2023 budget proposes additional funding and positions for the OIG to independently monitor the new process for handling allegations of staff misconduct. Specifically, the Governor's budget provides \$2.3 million General Fund and 16 positions in 2022-23 (increasing to \$3.6 million and 24 positions in 2023-24) for the OIG to monitor CDCR's new process for screening for and investigating staff misconduct alleged in claims submitted by inmates, parolees, and third parties. Under the Governor's proposal, the OIG would do the following:

- Monitor 30% of regular grievances received by CDCR's newly-created Centralized Screening Team (CST). Under the proposal, OIG would receive resources to monitor about 30 percent of the estimated 147,500 regular grievances reviewed by CST. The proposal does not include resources for OIG to monitor the remaining 72,500 claims consisting of health care grievances, requests for reasonable accommodation, and third-party claims. OIG indicates that it plans to focus on regular grievances, rather than other types of claims, because it believes they are more likely to contain allegations of staff misconduct.
- Monitor 10% of investigations conducted by the Allegation Investigation Unit (AIU). Claims alleging serious misconduct will be referred to this new unit for an investigation. Along with resources initially provided in 2019-20, the proposal would allow OIG to monitor about 10 percent of the investigations conducted by AIU.

(Legislative Analyst's Office, *The 2022-2023 Budget: Monitoring Correctional System Staff Misconduct Investigations* (February 9, 2022) available at <<https://lao.ca.gov/Publications/Report/4520>>.)

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