



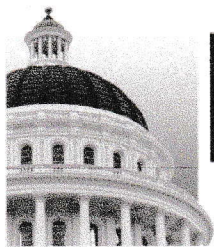
# **SPECIAL REPORT**

**CDCR'S REVISED INMATE APPEAL PROCESS LEAVES  
KEY PROBLEMS UNADDRESSED**

**OFFICE OF THE  
INSPECTOR GENERAL**

**ROBERT A. BARTON  
INSPECTOR GENERAL**

**STATE OF CALIFORNIA  
SEPTEMBER 2011**



# CALIFORNIA STATE AUDITOR

Elaine M. Howle, State Auditor

## FACT SHEET

Date: September 8, 2009

Report: 2009-107.1

The California State Auditor released the following report today:

### California Department of Corrections and Rehabilitation

*It Fails to Track and Use Data That Would Allow It to More Effectively Monitor and Manage Its Operations*

#### BACKGROUND

With annual expenditures at nearly \$10 billion—10 percent of the State's General Fund—the California Department of Corrections and Rehabilitation (Corrections) is responsible for nearly 168,000 inmates, 111,000 parolees, and more than 1,600 juvenile wards of the State. Corrections oversees 33 adult correctional institutions, conservation camps, community correctional facilities, and contracts to house inmates in out-of-state facilities. Further, Corrections provides health care to inmates at each adult facility and through external contractors. The inmate health care function transitioned to a federal court-appointed receiver and is now known as California Prison Health Care Services (Health Care Services). Corrections is also responsible for implementing rehabilitative strategies to successfully reintegrate offenders into communities.

#### KEY FINDINGS

During our evaluation of the effect of California's prison population on the State's budget and review of Corrections' operations, we noted the following:

- While inmate population decreased by 1 percent in the last three years, Corrections' expenditures increased by almost 32 percent during the same time period.
- Corrections lacks the data necessary to determine how factors such as overcrowding, the transition of the inmate health care function, escalating overtime, or aging inmates impact the cost of its operations.
- The cost per inmate varied significantly among institutions. For example, although the average cost per inmate was \$49,300 in fiscal year 2007-08, for two institutions having additional medical and mental health units the per-inmate cost exceeded \$80,000.
- Nearly 25 percent of the inmate population is incarcerated under the three strikes law—which requires individuals to serve longer terms. We estimate the cost to the State of the increase in sentence length for these inmates will total \$19.2 billion over the duration of their sentences.
- Overtime for custody staff—correctional officers, sergeants, and lieutenants—totaled \$431 million in fiscal year 2007-08 largely due to vacant positions and increases in custody staff salaries. Overtime was so prevalent that we identified more than 8,400 correctional officers whose total pay for fiscal year 2007-08 exceeded the top pay rate of supervisors two levels above them.
- Hiring a new correctional officer costs slightly more than paying overtime to existing staff because of the training they receive and the increases in the cost of the State's contribution for the retirement benefits of correctional officers.
- Although Corrections' budget for academic and vocational programs totaled more than \$208 million for fiscal year 2008-09, it is unable to assess the success of these programs in reducing inmate recidivism.

#### KEY RECOMMENDATIONS

To be more cost-effective and improve its management, we recommended that Corrections collect and use data associated with factors that affect the cost of its operations. We also recommended that Corrections develop a staffing plan allocating teacher and instructor positions for its education and vocational programs at each institution based on inmates' needs and to track and use historical inmate program assignment and waiting list data to measure program success. Additionally, we recommended that Corrections encourage the Department of Personnel Administration to exclude provisions in bargaining unit agreements that would permit any type of leave to be counted as time worked for the purpose of computing overtime compensation and negotiate a reduction in the amount of voluntary overtime correctional officers are allowed to work.







## **SPECIAL REPORT**

**\$1.3 MILLION IN UNEMPLOYMENT INSURANCE  
BENEFITS PAID TO THE CALIFORNIA DEPARTMENT  
OF CORRECTIONS AND REHABILITATION'S  
ADVERSELY SEPARATED EMPLOYEES**

**OFFICE OF THE  
INSPECTOR GENERAL**

**DAVID R. SHAW  
INSPECTOR GENERAL**

**STATE OF CALIFORNIA  
MARCH 2009**

## Chapter 1

### NEPOTISM—THE DIRECTOR CONSISTENTLY ORCHESTRATED PERSONNEL DECISIONS THAT FAVORED HER DAUGHTER AND VIOLATED CIVIL SERVICE EMPLOYMENT RULES

The director engaged in gross misconduct when she influenced personnel actions that favored her daughter as the successful candidate for employment and promotion in her department. In addition, the director interfered with a corrective action that one of her daughter's supervisors sought to take, and she inappropriately directed the disciplinary transfer of another of her daughter's supervisors.

The evidence we discovered in email records, personnel files, and witness statements demonstrates the director's gross misconduct in the following ways:

- The director precluded open and fair competition that would have ensured that the department hired the most qualified candidate for the job when she preselected her daughter for several positions in her department.
- The director inappropriately prevented the issuance of a corrective action memo against the daughter.
- The director instructed her staff to take punitive disciplinary action against the daughter's supervisor without due process.

Figure 2 on the following page shows the bad faith appointments and other misconduct that the director engaged in that benefited her daughter from 2011 through 2015.

#### The Director Preselected Her Daughter for a Bad Faith Appointment to a Staff Services Analyst Position

A year after the director's daughter separated from employment with the State, she sought in September 2011 to return to civil service as an associate governmental program analyst (AGPA) in the department where her mother served as director. The officially advertised job description (job posting) stated that the department would consider only those candidates with verified eligibility for the

#### Relevant Criteria

CalHR defines *nepotism* as the practice of an employee using his or her influence to aid another in the employment setting because of a personal relationship such as daughter or brother. State policy prohibits the practice because it is antithetical to the mandated merit-based selection process and inhibits fair and open competition. CalHR warns departments to be particularly cautious of allowing direct or indirect supervisor and subordinate reporting relationships between those who have such personal relationships. It mandates that each state department create and maintain a nepotism policy, and it most recently required that all departments update such policies in 2015.

The State assigns each civil service job to a specific *classification*—a group by which one can identify jobs that have substantially similar minimum qualifications and compensation schedules.

To ensure that all civil service appointments uphold the merit-based hiring principles that encourage fair and open competition, and that the State hires the most competent candidate to perform the job, hiring managers must hold all job candidates equally to the minimum qualifications, classifications, and application requirements listed in an advertised job posting.

State law requires that all candidates for state employment take and pass examinations that prove their qualifications for specified state job classifications. Many of these exams are available online and to the general public, while some are offered as *internal transfer exams*, available only to those currently employed by a particular department to qualify them to transfer into higher-level positions within the same department.