

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

**A. GENERAL INFORMATION**

1. Date

2. Department

3. Organizational Placement (Division/Branch/Office Name)

4. CEA Position Title

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The CEA will assume primary leadership and policy-making responsibility for OIG's legislative mandate created by the recent legislative changes to Penal Code Section 6126, and for the OIG's existing legislative mandate to monitor and report annually to the Governor and legislature on key components of CDCR's rehabilitation efforts. The CEA's duties are integral and directly related to the OIG's mission to initiate audits and reviews of CDCR's policies, practices and procedures; provide contemporaneous oversight of CDCR's review and investigation of staff misconduct and other grievances; and conduct objective, metric-oriented oversight and inspection of CDCR's reforms

6. Reports to: (Class Title/Level)

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

This position will be responsible for managing, directing, staffing, and exercising broad policy-making authority over the Office of the Inspector General's (OIG) newly-assigned statutory duties as conferred by legislative changes to Penal Code Section 6126. The CEA will be a key member of the executive management team, participating in agency-wide planning and decision-making, and serve as an advisor to the Inspector General, the Chief Deputy Inspector General, the Chief Counsel and other team members on wide ranging administrative issues, including:

**Program staffing:** Recruit, hire, and develop staff members to carry out the duties and intent of the new legislative authority.

**Determination of audit focus:** Identify and select audit topics or issues affecting the policies, practices, and procedures of the Department of Corrections and Rehabilitation (CDCR).

**Reporting and follow-up:** Have primary responsibility for overseeing the preparation of the OIG's reports on audits, complaints against CDCR staff, and any follow-up audits or reviews for use by the Governor, Legislature, Department of Corrections and Rehabilitation, or the public, and ensuring these reports are available on the OIG's public website.

In addition, the position will manage the OIG's Oversight, California Rehabilitation Oversight Board (C-ROB), and Investigations Unit (OCI). OCI monitors complaints the OIG receives from inmates, family members, and stakeholders, and respond to or investigates complaints for merit or resolution. As mandated in Assembly Bill 900 (the Public Safety and Offender Rehabilitation Services Act of 2007) C-ROB was established within the OIG. C-ROB is mandated to regularly examine the various mental health, substance abuse, educational, and employment programs for inmates and parolees operated by the CDCR. C-ROB submits annual reports to the Governor and the Legislature on the effectiveness of treatment efforts, the rehabilitation needs of offenders, any gaps in rehabilitation services, the level of offender participation, and overall program success.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The CEA will assume primary leadership and policy-making responsibility for activities mandated by the recent legislative changes to Penal Code Section 6126, and for the OIG's existing legislative mandate to monitor and report to the Governor and legislature on CDCR's rehabilitation efforts annually. As such, the CEA's duties will be integral and directly related to major components of the OIG's mission to initiate audits and reviews of CDCR's policies, practices and procedures; provide contemporaneous oversight of CDCR's review and investigation of staff misconduct and other grievances; and conduct objective, metric-oriented oversight and inspection of CDCR's reforms intended to increase the percentage of inmates served in rehabilitative programs, adhere to standardized staffing models, and comply with new inmate classification scoring and gang management systems.

## **B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Recent amendments to Penal Code Section 6126 provide the OIG with authority to initiate audits or reviews of the CDCR, and to prepare written reports of findings. These amendments require the OIG to “provide contemporaneous oversight of grievances that fall within the Department of Corrections and Rehabilitation’s process for reviewing and investigating inmate allegations of staff misconduct and other specialty grievances, examining compliance with regulations, department policy, and best practices” and to issue annual reports thereon.

These new statutory responsibilities will necessitate the addition of approximately 16 new positions that will be used to conduct oversight and issue reports on CDCR’s process for reviewing and investigating inmate allegations of staff misconduct and other grievances. Ten existing positions currently operating within the OCI Unit will continue the OIG’s mandate to conduct objective, metric-oriented oversight and inspection of CDCR’s reforms intended to increase the percentage of inmates served in rehabilitative programs, adhere to standardized staffing models, and comply with new inmate classification scoring and gang management systems. These positions, representing a wide range of statutory responsibility, will fall under the management and control of the CEA, who will be required to possess a foundational knowledge of the programs and processes under their oversight, as well as the knowledge and skills required to conduct the audits and inquiries of those programs and processes.

The OIG does not currently have staff who perform audits or monitor the staff complaint process of the California Department of Corrections and Rehabilitation (“the department”). As to the auditing function, the OIG previously had the authority to conduct audits of the department’s programs and functions. The OIG had a dedicated team of auditors, assigned to a Bureau of Audits and Investigations, which conducted the audits. In 2011, the OIG’s authority to conduct audits was removed, and the positions associated with the OIG’s auditing team, including a manager, multiple supervisors, and auditors. As to the staff complaint monitoring function, this will be the first time the OIG will be standing up a team dedicated to monitoring the department’s processing of staff complaints. From the time the OIG lost its authority to conduct audits in 2011 to the present, the OIG has conducted a few special reviews. The work the OIG conducted for these special reviews was largely the functional equivalent of audit work. One of these special reviews was at the request of the department and it concerned the department’s handling of staff complaints at one of its 35 prisons. In order to complete the special review, which resulting in the publication of a report in January 2019, the OIG assigned a multidisciplinary team of approximately 13 employees, including supervisors, managers, lawyers, inspectors, and editors, to perform the work necessary for the special review. For varying periods during an approximate one-year period, the OIG reassigned these employees from their regular work duties to conduct the special review. Many of these employees, managers, and supervisors worked significant extra hours, including nights and weekends. This created a significant backlog of work in the other areas to which the employees are normally assigned. To this day, the OIG is attempting to address the backlog in the other areas caused by the employees being diverted from their regular work duties and working on the special review.

We drew the OIG employees for the special review team noted above from the teams assigned to conduct OIG’s other wide and varied functions, including the oversight of the department’s internal investigations and employee discipline process; vetting of warden and superintendent candidates; monitoring the use-of-force review process; conducting a medical inspection program; serving as the Prison Rape Elimination Act ombudsperson; conducting retaliation investigations; reviewing the department’s reforms pursuant to its Blueprint plan; and the statewide intake of complaints from inmates, inmate family members, and members of the public.

The current management team cannot absorb the work of OIG’s assumption of the additional duties of performing audits of the department and monitoring its staff complaint process. A CEA is needed to manage the three new teams (two audit teams and a staff complaint monitoring team) needed to perform these additional duties. The three new teams will be directly supervised by a first-line supervisor. The CEA is needed to directly supervise the three supervisors and indirectly supervise the attorneys and inspectors assigned to the teams.

The CEA will focus on the establishment and develop of the new auditing teams which will be responsible for compiling data and information and performing in-depth statistical analysis and publishing reports on a wide range of issues concerning the department, which may include, but are not limited, to inmate discipline, rehabilitative programs, misuse of state resources, personnel management, inmate housing conditions, institutional safety and security, and inmate population management. The CEA will be responsible for the establishment, development, and management of the staff complaint monitoring team.

The CEA is also needed to assume the management of the OIG’s existing OCI team. This change will provide relief to the Chief Assistant Inspector General’s current excessive workload by taking on the responsibility for managing the OCI team. OCI is responsible for handling statewide complaint intake; rehabilitation monitoring; warden/superintendent vetting; retaliation investigations regarding the departmental staff; internal investigations including those concerning Equal Employment Opportunity complaints; and the PREA ombudsperson function.

The CEA is expected to manage a group of 25 employees, including four supervisors.

### **C. ROLE IN POLICY INFLUENCE**

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Changes to Penal Code Section 6126(b) have re-instated the OIG's ability to initiate audits or reviews of CDCR's policies, practices, and procedures.

The CEA will develop policies and procedures for identifying areas or topics for audit, as well as for initiating, planning, and conducting audits. The CEA will recruit, select, and retain staff conducting those audits and reviews, and will develop and implement policies and procedures for producing written public reports.

Additional changes to Penal Code Section 6126(i) commission the OIG to provide contemporaneous oversight of grievances that fall within the CDCR's process for investigating inmate allegations of staff misconduct, and for examining compliance with regulations, department policy, and best practices; and for issuing annual reports of the results of contemporaneous oversight. The CEA's responsibilities will include development and implementation of OIG's policies for meeting this legislative mandate and for selecting, recruiting, and retaining staff to perform the contemporaneous oversight and reporting.

The CEA will guide the process of gathering and analyzing information for the OIG's C-ROB mandate, culminating in conclusions and recommendations that will be utilized by the Governor, legislature, and CDCR in formulating necessary policy changes governing CDCR's rehabilitative services for offenders in its custody. As such, the CEA will have primary responsibility for making (or recommending to the Inspector General) necessary changes in policies for the performance of the OIG's mandated C-ROB duties as conferred by Penal Code Section 6126(g).

In addition, the CEA will play a key role in succession planning, including anticipating upcoming vacancies and recruiting appropriate replacement candidates, coordinating background investigations of candidates, and analyzing legislation in anticipation of pending mandates that may result in significant additional changes to the OIG's mission or workload.

Regarding publications and public communications, the CEA will assume primary responsibility for producing public reports for use by the Governor, legislature, advocacy groups, and other stakeholders. These reports represent the culmination of the duties and responsibilities under the CEA's purview, and will typically result in changes or reforms having a statewide impact. Accordingly, these reports must exhibit a commensurately high level of relevant content and professional appearance.

**C. ROLE IN POLICY INFLUENCE (continued)**

**13. What is the CEA position's scope and nature of decision-making authority?**

The CEA will have the primary decision-making authority for developing criteria for initiating audits and reviews, and for managing and directing the OIG staff that conduct them in accordance with legislative changes to Penal Code Section 6126(b) permitting the Inspector General to initiate an audit or review of the policies, practices and procedures of CDCR. This authority to initiate audits and reviews has not been statutorily permitted to the OIG since early 2011, and these legislative changes give the OIG broad discretionary authority that will fall under the primary management and control of the CEA.

**14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

Changes to Penal Code Section 6126 will require the OIG to develop and implement new policy regarding its legislative mandate to initiate audits and reviews of CDCR's policies, practices and procedures; as well as develop and implement new OIG policy for contemporaneous oversight of grievances that fall within CDCR's process for reviewing and investigating inmate allegations of staff misconduct. Development and implementation of these new policies and procedures will be the responsibility of the proposed CEA.