

Office of the Inspector General

BUDGET NO. 0552

REPORT NO. 1

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.] (Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.] (Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 8.2. Office of the Inspector General [6125. - 6141.] (Chapter 8.2 added by Stats. 1994, Ch. 766, Sec. 1.)

6131. (C)

(c) Upon the completion of any review conducted by the Inspector General, he or she shall also prepare and issue on a quarterly basis a public report that includes all reviews completed in the previous quarter. The public report shall differ from the complete report in the respect that the Inspector General shall have the discretion to redact or otherwise protect the names of individuals, specific locations, or other facts that, if not redacted, might hinder prosecution related to the review, or where disclosure of the information is otherwise prohibited by law, and to decline to produce any of the underlying materials. In a case where allegations were deemed to be unfounded, all applicable identifying information shall be redacted. The public report shall be made available to the public upon request and on a quarterly basis as follows:

(1) In those cases where a review is referred only for disciplinary action before the State Personnel Board or for other administrative proceedings, the employing entity shall, within 10 days of receipt of the State Personnel Board's order rendered in other administrative proceedings, provide the Inspector General with a copy of the order. The Inspector General shall attach the order to the public report on his or her Internet Web site and provide copies of the report and order to the Legislature, as well as to any complaining employee and any employee who was the subject of the review.

(2) In those cases where the employing entity and the employee against whom disciplinary action has been taken enter into a settlement agreement concerning the disciplinary action, the employing entity shall, within 10 days of the settlement agreement becoming final, notify the Inspector General in writing of that fact and shall describe what disciplinary action, if any, was ultimately imposed on the employee. The Inspector General shall include the settlement information in the public report on his or her Internet Web site and provide copies of the report to the Legislature, as well as to any complaining employee and any employee who was the subject of the review.

(3) In those cases where the employing entity declines to pursue disciplinary action against an employee, the employing entity shall, within 10 days of its decision, notify the Inspector General in writing of its decision not to pursue disciplinary action, setting forth the reasons for its decision. The Inspector General shall include the decision and rationale in the public report on his or her Internet Web site and provide copies of the report to the Legislature, as well as to any complaining employee and any employee who was the subject of the review.

(4) In those cases where a review has been referred for possible criminal prosecution, and the applicable local law enforcement agency or the Attorney General has decided to commence

criminal proceedings against an employee, the report shall be made public at a time deemed appropriate by the Inspector General after consultation with the local law enforcement agency or the Attorney General, but in all cases no later than when discovery has been provided to the defendant in the criminal proceedings. The Inspector General shall thereafter post the public report on his or her Internet Web site and provide copies of the report to the Legislature, as well as to any complaining employee and any employee who was the subject of the review.

(5) In those cases where the local law enforcement agency or the Attorney General declines to commence criminal proceedings against an employee, the local law enforcement agency or the Attorney General shall, within 30 days of reaching that decision, notify the Inspector General of that fact. The Inspector General shall include the decision in the public report on his or her Internet Web site and provide copies of the report to the Legislature, as well as to any complaining employee and any employee who was the subject of the review.

(6) In those cases where a review has not been referred for disciplinary action, other administrative proceedings, or criminal prosecution, the Inspector General shall include the decision not to refer the matter in the public report on his or her Internet Web site and provide copies of the report to the Legislature, as well as to any complaining employee and any employee who was the subject of the review.

(Amended by Stats. 2011, Ch. 36, Sec. 47. Effective June 30, 2011.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-586		Corrections: health facilities.	Chaptered 10/10/1995		-		
SB-92	Committee on Budget and Fiscal Review	Budget Act of 2011.	Chaptered 06/30/2011	06/30/2011 - Chaptered by Secretary of State. Chapter 36, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
SB-174	Strickland	Public safety and welfare.	Chaptered 08/06/2009	08/06/2009 - Chaptered by Secretary of State. Chapter 35, Statutes of 2009.	Secretary of State-Chaptered	Yes	Majority
SB-1330	Committee on Judiciary	Maintenance of the codes.	Chaptered 09/27/2010	09/27/2010 - Chaptered by Secretary of State. Chapter 328, Statutes of 2010.	Secretary of State-Chaptered	No	Majority
SB-1352	Romero, Speier	Inspector General: Youth and Adult Correctional Agency.	Chaptered 09/24/2004	09/24/2004 - Chaptered by Secretary of State. Chapter 734, Statutes of 2004. 09/24/2004 - Approved by Governor.	-		

COMMENTS/RECOMMENDATIONS: The Office of the Inspector General issues a public report upon the completion of all reviews and then again annually. An additional quarterly report is not necessary.