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**SB-1069 State prisons: Office of the Inspector General.** (2023-2024)

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**Senate Bill No. 1069**

**CHAPTER 1012**

An act to amend Section 6133 of the Penal Code, relating to state prisons.

[ Approved by Governor September 30, 2024. Filed with Secretary of State September 30, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1069, Menjivar. State prisons: Office of the Inspector General.

Existing law establishes the Office of the Inspector General that is responsible for, among other things, contemporaneous public oversight of internal affairs investigations and staff grievance inquiries conducted by the Department of Corrections and Rehabilitation's Office of Internal Affairs. Existing law requires the Office of the Inspector General to issue regular reports, no less than annually, to the Governor and the Legislature summarizing its recommendations concerning its oversight of the department allegations of internal misconduct and use of force and, no less than semiannually, summarizing its oversight of Office of Internal Affairs investigations. Existing law requires these reports to be posted on the Inspector General's internet website and otherwise made available to the public upon release to the Governor and Legislature.

This bill would give the Office of the Inspector General investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person and would authorize the Office of the Inspector General to monitor and investigate a complaint that involves sexual misconduct with an incarcerated person, as provided. The bill would require the Office of the Inspector General to, upon the completion of an investigation, compile and submit a report to the appropriate hiring authority, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 6133 of the Penal Code is amended to read:

**6133.** (a) (1) The Office of the Inspector General shall be responsible for contemporaneous public oversight of the Department of Corrections and Rehabilitation investigations and staff grievance inquiries conducted by the Department of Corrections and Rehabilitation's Office of Internal Affairs.

(2) To facilitate oversight of the department's internal affairs investigations, the Office of the Inspector General shall have staff physically colocated with the Department of Corrections and Rehabilitation's Office of Internal Affairs, within a reasonable timeframe and without undue delays.

(3) The Office of the Inspector General shall be responsible for advising the public regarding the adequacy of each investigation and whether discipline of the subject of the investigation is warranted.

(4) The Office of the Inspector General shall have discretion to provide public oversight of other Department of Corrections and Rehabilitation personnel investigations, as needed.

(5) The Office of the Inspector General shall have investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person as set forth in paragraph (7).

(6) The Office of the Inspector General may monitor and investigate a complaint that involves sexual misconduct with an incarcerated person as set forth in paragraph (7).

(7) (A) The Office of the Inspector General may exercise its investigatory authority in both of the following situations:

(i) The Office of the Inspector General may perform a full investigation into a complaint that involves sexual misconduct that the Department of Corrections and Rehabilitation has not opened for investigation.

(ii) During an investigation being performed by the Department of Corrections and Rehabilitation, if the Office of the Inspector General determines the department is not performing an adequate investigation, the Office of the Inspector General may perform the supplemental investigative measures it deems necessary to ensure the investigation is performed adequately, including, but not limited to, interviewing subjects and witnesses, reviewing and gathering records, and collecting evidence.

(B) The Office of the Inspector General shall not exercise its investigative authority in a manner that duplicates investigative efforts or interferes with an ongoing investigation being performed by the Department of Corrections and Rehabilitation.

(8) (A) Upon completion of an investigation pursuant to this subdivision, the Office of the Inspector General shall compile an investigation report and provide a copy of the report, together with all underlying evidence gathered during the investigation, to the appropriate hiring authority within the Department of Corrections and Rehabilitation.

(B) The Office of the Inspector General shall monitor the actions the hiring authority takes after receiving the investigation report and report the results of its monitoring in accordance with subdivision (b).

(b) (1) The Office of the Inspector General shall issue regular reports, no less than annually, to the Governor and the Legislature summarizing its recommendations concerning its oversight of the Department of Corrections and Rehabilitation allegations of internal misconduct and use of force. The Office of the Inspector General shall also issue regular reports, no less than semiannually, summarizing its oversight of Office of Internal Affairs investigations pursuant to subdivision (a). The reports shall include, but not be limited to, all of the following:

(A) Data on the number, type, and disposition of complaints made against correctional officers and staff.

(B) A synopsis of each matter reviewed by the Office of the Inspector General.

(C) An assessment of the quality of the investigation, the appropriateness of any disciplinary charges, the Office of the Inspector General's recommendations regarding the disposition in the case and, when founded, the level of discipline afforded, and the degree to which the agency's authorities agreed with the Office of the Inspector General recommendations regarding disposition and level of discipline.

(D) The report of any settlement and whether the Office of the Inspector General concurred with the settlement.

(E) The extent to which any discipline was modified after imposition.

(2) The reports shall be in a form that does not identify the agency employees involved in the alleged misconduct.

(3) The reports shall be posted on the Inspector General's internet website and otherwise made available to the public upon their release to the Governor and the Legislature.