

AMENDED IN SENATE APRIL 12, 2004

**SENATE BILL**

**No. 1352**

---

---

**Introduced by ~~Senator Romero~~ *Senators Romero and Speier***

February 18, 2004

---

---

An act to amend Section ~~6126~~ 6126.4 of the Penal Code, relating to the Inspector General.

LEGISLATIVE COUNSEL'S DIGEST

SB 1352, as amended, Romero. Inspector General: Adult and Youth Correctional Agency.

Existing law specifies the duties and responsibilities of the Inspector General in connection with departments under the authority of the Youth and Adult Correctional Agency.

~~This bill would make a technical, nonsubstantive change to those provisions.~~

*This bill would require the Inspector General to report semi-annually to the Governor and the Legislature a summary of investigations and audits, as specified. The bill would also require the Inspector General to make the summary public, and to make the investigative reports and audits public, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 6126 of the Penal Code is amended to~~
- 2 *SECTION 1. Section 6126.4 of the Penal Code is amended to*
- 3 *read:*

1 6126.4. ~~It~~ (a) *Except as provided in subdivision (b), it is a*  
2 *misdemeanor for the Inspector General or any employee or former*  
3 *employee of the Inspector General to divulge or make known in*  
4 *any manner not expressly permitted by law to any person not*  
5 *employed by the Inspector General any particulars of any record,*  
6 *document, or information the disclosure of which is restricted by*  
7 *law from release to the public. This prohibition is also applicable*  
8 *to any person or business entity that is contracting with or has*  
9 *contracted with the Inspector General and to the employees and*  
10 *former employees of that person or business entity or the*  
11 *employees of any state agency or public entity that has assisted the*  
12 *Inspector General in the course of any audit or investigation or that*  
13 *has been furnished a draft copy of any report for comment or*  
14 *review.*

15 (b) *There Inspector General shall report semi-annually to the*  
16 *Governor and the Legislature a summary of his or her*  
17 *investigations and audits. The summary shall be posted on the Web*  
18 *site of the Office of the Inspector General and otherwise made*  
19 *available to the public upon its release to the Governor and the*  
20 *Legislature. The summary shall include, but not be limited to, the*  
21 *number of investigations and audits conducted within the report's*  
22 *timeframe, the number of cases referred to law enforcement*  
23 *agencies for criminal prosecution, the number of its referrals that*  
24 *are being prosecuted, the number of cases referred to hiring*  
25 *authorities for administrative processing, a summary of potential*  
26 *cost-savings through the correction of inefficient or wasteful*  
27 *practices it has identified in audits, and recommendations it has*  
28 *made through audits and investigations that have not been*  
29 *implemented by the subject agency or department.*

30 (c) *Investigative reports and audits conducted by the Office of*  
31 *the Inspector General shall be posted on the Web site of the office*  
32 *and otherwise made available to the public upon their release to*  
33 *the Governor, the subject agency, or the Legislature with the*  
34 *following conditions and exceptions:*

35 (1) *The office shall redact the names and other identifying*  
36 *information of subjects in investigations that have been referred to*  
37 *a law enforcement agency for prosecution.*

38 (2) *The office shall redact names and other identifying*  
39 *information of subjects of investigations where allegations have*  
40 *been determined to be unfounded or not sustained.*



1 read:

2 ~~6126. (a) The Inspector General shall be responsible for~~  
3 ~~reviewing departmental policy and procedures for conducting~~  
4 ~~audits of investigatory practices and other audits, as well as~~  
5 ~~conducting investigations of the Department of Corrections, the~~  
6 ~~Department of the Youth Authority, the Board of Prison Terms, the~~  
7 ~~Youthful Offender Parole Board, the Board of Corrections, the~~  
8 ~~Narcotic Addict Evaluation Authority, the Prison Industry~~  
9 ~~Authority, and the Youth and Adult Correctional Agency, as~~  
10 ~~requested by either the Secretary of the Youth and Adult~~  
11 ~~Correctional Agency or a Member of the Legislature, pursuant to~~  
12 ~~the approval of the Inspector General under policies to be~~  
13 ~~developed by the Inspector General. The Inspector General may,~~  
14 ~~pursuant to policies developed by the Inspector General, initiate an~~  
15 ~~investigation or an audit on his or her own accord.~~

16 ~~(b) Upon completion of an investigation or audit, the Inspector~~  
17 ~~General shall provide a response to the requester.~~

18 ~~(c) The Inspector General shall, during the course of an~~  
19 ~~investigatory audit, identify areas of full and partial compliance,~~  
20 ~~or noncompliance, with departmental investigatory policies and~~  
21 ~~procedures, specify deficiencies in the completion and~~  
22 ~~documentation of investigatory processes, and recommend~~  
23 ~~corrective actions, including, but not limited to, additional training~~  
24 ~~with respect to investigative policies, additional policies, or~~  
25 ~~changes in policy, as well as any other findings or~~  
26 ~~recommendations that the Inspector General deems appropriate.~~

O

