

**Introduced by Senator Alquist**

January 31, 2011

---

An act to amend Section 6126 of, and to add Section 5040 to, the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 139, as introduced, Alquist. Corrections: Inspector General.

Existing law establishes the office of the Inspector General, and charges the Inspector General with various duties and responsibilities, including conducting audits of and reviewing the policies and procedures of, the Department of Corrections and Rehabilitation. Existing law establishes the Department of Corrections and Rehabilitation, and charges it with various duties and responsibilities related to inmates housed in state prisons.

This bill would require the Inspector General to oversee, and the Department of Corrections and Rehabilitation to oversee and conduct, periodic and random searches of employees and vendors entering the secure perimeter of a state prison under the jurisdiction of the department for contraband, and require the department to report to the Inspector General and the Legislature monthly regarding those searches, as specified.

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

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

- 1 SECTION 1. Section 5040 is added to the Penal Code, to read:
- 2 5040. (a) The Department of Corrections and Rehabilitation
- 3 shall oversee and conduct periodic and random searches of

1 employees and vendors entering the secure perimeter of a state  
2 prison under the jurisdiction of the department for contraband.  
3 These searches shall include random searches of property, personal  
4 or otherwise, brought into the prison by those individuals. The  
5 department shall provide the Inspector General with no less than  
6 24 hours' notice prior to the dates of those random searches the  
7 department plans to conduct.

8 (b) (1) The department shall provide a written report to the  
9 Legislature and the Inspector General at least monthly detailing  
10 the following:

11 (A) The names of the prisons where the searches took place.

12 (B) The dates of the searches.

13 (C) The shifts during which the searches took place.

14 (D) The number of employees searched.

15 (E) The number of vendors searched.

16 (F) The number of cell phones discovered.

17 (G) The number of items of portable computer equipment found,  
18 including, but not limited to, iPods, MP3 players, DVD players,  
19 CD players, CDs, and portable video game players.

20 (H) Tobacco products found.

21 (I) Illegal substances found, listed by type of substance.

22 (2) The report shall include a general comment section for use  
23 by the Inspector General and the department to discuss the issues  
24 they find relevant to the searches and shall include a section  
25 detailing the actions taken as a result of the discovery of contraband  
26 possessed by an employee or vendor and the results of any  
27 disciplinary process resulting from the discovery of contraband.

28 (c) The reports to be submitted pursuant to subdivision (b) shall  
29 be submitted in compliance with Section 9795 of the Government  
30 Code.

31 SEC. 2. Section 6126 of the Penal Code is amended to read:

32 6126. (a) (1) The Inspector General shall review departmental  
33 policy and procedures, conduct audits of investigatory practices  
34 and other audits, be responsible for contemporaneous oversight of  
35 internal affairs investigations and the disciplinary process, and  
36 conduct investigations of the Department of Corrections and  
37 Rehabilitation, as requested by either the Secretary of the  
38 Department of Corrections and Rehabilitation or a Member of the  
39 Legislature, pursuant to the approval of the Inspector General  
40 under policies to be developed by the Inspector General. The

1 Inspector General may, under policies developed by the Inspector  
2 General, initiate an investigation or an audit on his or her own  
3 accord.

4 (2) The Inspector General shall audit each warden of an  
5 institution one year after his or her appointment, and shall audit  
6 each correctional institution at least once every four years. Each  
7 audit of a warden shall include, but not be limited to, issues relating  
8 to personnel, training, investigations, and financial matters. Each  
9 four-year audit shall include an assessment of the maintenance of  
10 the facility managed by the warden. The audit report shall include  
11 all significant findings of the Inspector General's assessment of  
12 facility maintenance. These audit reports shall be provided to the  
13 Legislature and shall be made public. The requirements of this  
14 paragraph shall be phased in by the Inspector General so that they  
15 are fully met by July 1, 2009.

16 (3) *The Inspector General shall oversee, at a minimum, the*  
17 *department's search of one staff shift per year at each adult*  
18 *institution, in order to ensure the integrity of the process and of*  
19 *the searches, and the accuracy of the reports submitted pursuant*  
20 *to Section 5040. Nothing in this paragraph shall be interpreted to*  
21 *allow the Inspector General to direct the department regarding*  
22 *when the random searches shall take place, to allow the Inspector*  
23 *General to direct the department regarding how the random*  
24 *searches shall be carried out, or as requiring the Inspector*  
25 *General's approval prior to the department conducting the random*  
26 *searches.*

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

29 (c) The Inspector General shall, during the course of an  
30 investigatory audit, identify areas of full and partial compliance,  
31 or noncompliance, with departmental investigatory policies and  
32 procedures, specify deficiencies in the completion and  
33 documentation of investigatory processes, and recommend  
34 corrective actions, including, but not limited to, additional training  
35 with respect to investigative policies, additional policies, or changes  
36 in policy, as well as any other findings or recommendations that  
37 the Inspector General deems appropriate.

38 (d) The Inspector General, pursuant to Section 6126.6, shall  
39 review the Governor's candidates for appointment to serve as

1 warden for the state’s adult correctional institutions and as  
2 superintendents for the state’s juvenile facilities.  
3 (e) The Inspector General shall, in consultation with the  
4 Department of Finance, develop a methodology for producing a  
5 workload budget to be used for annually adjusting the budget of  
6 the Office of the Inspector General, beginning with the budget for  
7 the 2005–06 fiscal year.

O