



May 4, 2012

The Honorable Darrell Steinberg, Chair  
Senate Rules Committee  
State Capitol, Room 205  
Sacramento, CA 95814

Dear Senator Steinberg:

In response to reports of alleged staff misconduct at High Desert State Prison (HDSP), the Senate Rules Committee authorized the Office of the Inspector General (OIG) to conduct a review to determine if staff are subjecting sex offender inmates to potential harm by intentionally or negligently identifying them to other inmates.

The following summarizes the results of the OIG's review.

### **OIG Review**

The OIG reviewed inmate complaints and interviewed 52 inmates who were housed at HDSP from January 2009 through April 2012. We reviewed incident reports related to inmate assaults to determine the circumstances of the assaults and to determine what actions were taken by the Department. Several inmates alleged they were victims of assaults by officers or other inmates as a result of their status as sex offenders. In addition, some inmates claimed that they either personally assaulted or arranged for other inmates to assault sex offender inmates based on information they received, both directly and indirectly, from correctional officers.

It is evident from the number of inmate victims and assailants making allegations of officer misconduct that there is a culture of hostility toward sex offender inmates at HDSP. Some of the inmates interviewed by the OIG believed that they would be retaliated against just for talking to the OIG or the Department of Corrections and Rehabilitation's (CDCR) Office of Internal Affairs (OIA). One inmate felt that his interview was life-threatening and alleged that staff at HDSP already had details of other inmate interviews conducted by the OIA and there would be repercussions for those inmates.

The OIG identified correctional officers who worked at HDSP during the same time period and interviewed 23 officers who were not suspected of being potential subjects of misconduct. In many instances the officers no longer worked at HDSP. While none of the officers interviewed corroborated the inmates' specific allegations, some of the officers indicated that they believed there were officers at HDSP who would provoke inmates into physical altercations to necessitate the use-of-force. While this issue is separate from the ones examined in this review, it raises a concern regarding a culture of abuse and code of silence at HDSP.

### **Results of the OIG Review**

Although our review did not result in enough corroboration to pursue all inmate allegations, the volume and relative consistency among the inmate complaints at HDSP gives them credence. The OIG referred three cases of suspected officer misconduct to CDCR's OIA, who in turn opened internal affairs investigations. The OIG is monitoring these investigations.

Since the time that the alleged misconduct occurred, a new acting warden has been appointed at HDSP. The OIG has briefed the new warden on its review and the warden has expressed a sincere desire to look further into these matters. A follow-up meeting between the Inspector General and the warden has been scheduled to discuss potential remedies.

### **Future OIG Monitoring of Issues**

The volume, frequency, and type of assaults reported at HDSP are matters for legitimate concern. In addition, the potential for retaliation for cooperating with the OIG and CDCR's OIA is unacceptable. Therefore, the OIG monitors assigned to HDSP have been fully briefed on the issues raised in this review and will increase the level of scrutiny at HDSP.

Specifically, the OIG will inspect particular units, without prior notice, and review incident logs, incident reports, and inmate appeals related to assaults on inmates. The OIG will also increase the review of use-of-force incidents at HDSP. Any concerns or anomalies will be raised directly to the warden. This heightened monitoring activity by the OIG, while unusual for a specific prison and certainly not possible at all institutions, is aimed to stop further misconduct and retaliation.

The OIG is committed to assisting the department in providing offenders with humane housing and treatment and to stop abuses that could potentially subject the State to future liability. Follow-up to this review will be reported in the OIG's annual report.

Sincerely,

A handwritten signature in black ink, appearing to read "R.A. Barton". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Robert A. Barton  
Inspector General