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The Department Violated Its Regulations by Redirecting Backlogged Allegations of Staff Misconduct to Be Processed as Routine Grievances

The Office of the Inspector General (the OIG) provides contemporaneous oversight of the California Department of Corrections and Rehabilitation's (the department) process for reviewing and investigating incarcerated persons' allegations of staff misconduct. To summarize the results of our monitoring of this process, we issue annual reports that assess several different facets of the department's overall statewide staff misconduct process. We are issuing this special review to shed light on one particularly problematic decision the department made when determining how to address a backlog of complaints it amassed under its prior process for handling incarcerated persons' allegations of staff misconduct. The decision violated both the department's regulations and its policy for screening and investigating grievances received from incarcerated people who alleged staff misconduct.

The department's decision came to our attention during the course of our monitoring when we received a departmental memorandum outlining a directive to convert backlogged grievances containing allegations of staff misconduct into "routine grievances" and redirect them for handling by prison grievance offices. After receiving this memorandum, we reviewed a backlog of allegations of staff misconduct the department received from February 24, 2022, through February 27, 2023, which the department closed pursuant to this directive. From this backlog of 595¹ cases, we performed detailed analyses of 22 grievances for which the statutes of limitation had expired before the grievances were redirected and 71 grievances that prison staff closed after the grievances were redirected.

Our review found that the department's decision to redirect these grievances to its prisons circumvented

1. Excluded from the 595 backlogged grievances were those alleging improper use of force, violations of the Prison Rape Elimination Act, allegations made by incarcerated people no longer in custody or under parole supervision, and outstanding AIMS cases whose status the department was still researching as of the date of this publication.

control measures that were put in place to prevent prison authorities from making potentially biased decisions when responding to allegations of staff misconduct. The redirection resulted in a wasteful duplication of efforts and misallocation of resources because departmental staff had already determined that the grievances contained allegations of misconduct and had referred the grievances for allegation inquiries or investigations.² The department also allowed the statutes of limitations to take disciplinary action to expire in many grievances, and prison staff who reviewed the grievances did not always adequately address or investigate complaints that its Centralized Screening Team (screening team) had already determined included allegations of staff misconduct.

The Department's Process for Investigating Grievances Alleging Staff Misconduct

The department's current process allows incarcerated people to submit allegations of staff misconduct by filing a grievance with their prison's Office of Grievances (grievance office). However, prior to 2020, staff at the prisons where the staff misconduct allegedly occurred investigated these grievances themselves. After reviewing this process at Salinas Valley State Prison, we found that investigations of alleged staff misconduct at the prison were inadequate and lacked independence.³ In response to our review, the department shifted the responsibility of investigating allegations of staff misconduct to a new and independent 47-member Allegation Inquiry

2. Department regulations generally define an allegation inquiry as the process of gathering relevant facts and evidence concerning a claim that involves an allegation of staff misconduct to establish that staff misconduct may have occurred.

3. In January 2018, the secretary of the department and attorneys from the Prison Law Office requested that the OIG assess Salinas Valley State Prison's process of handling incarcerated persons' allegations of staff misconduct. Our summary of the results of this review can be found on our website in the report titled [Special Review of Salinas Valley State Prison's Processing of Inmate Allegations of Staff Misconduct](#).





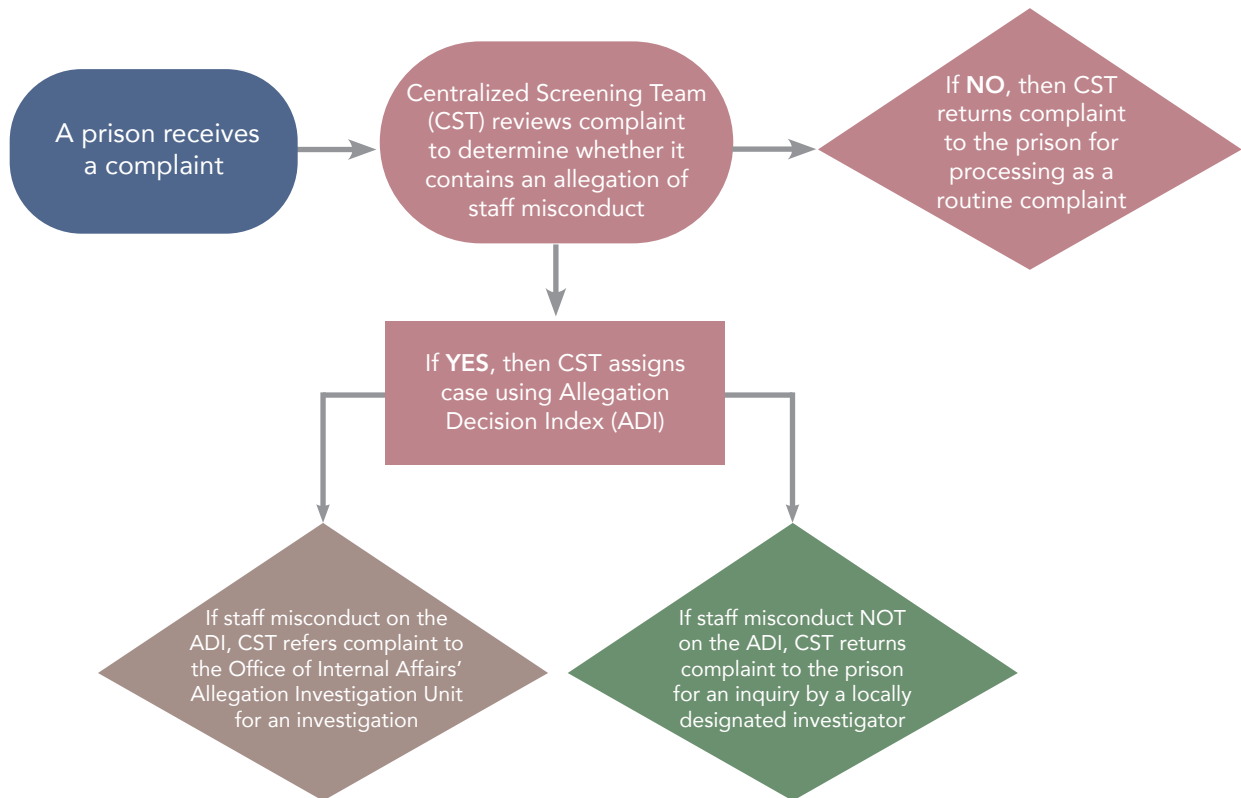
Management Section (AIMS). This new procedure was subsequently codified in regulation and departmental policy.

In 2021, the OIG reviewed the department’s new process and found that it required prison staff to subjectively determine what allegations constituted staff misconduct using an overly complex method. Furthermore, the department’s decision to allow prison staff to retain the authority to decide whether to route grievances to AIMS left the department’s inadequate and potentially biased staff misconduct investigation process largely unchanged. To increase independence and fairness, we recommended that the department restructure its process to allow

incarcerated people to submit allegations of staff misconduct directly to AIMS.

Consequently, in 2022, the department requested and received approximately \$34 million to restructure its staff misconduct allegation screening, referral, investigative, and disciplinary process. The department then revised its regulations to require the newly established screening team within the Office of Internal Affairs to receive and screen all grievances for allegations of staff misconduct. The new regulations require the screening team to return “routine issues,” defined as any complaint that is *not identified as staff misconduct*, to prisons for review and processing (see figure below).

Figure. An Overview of the Department’s Staff Misconduct Investigation and Review Process



Source: The California Department of Corrections and Rehabilitation.



In addition, regulations require the screening team to refer grievances alleging staff misconduct for an allegation inquiry or investigation. Allegations of staff misconduct that include complex issues requiring specialized investigative skills or resources are referred to the Office of Internal Affairs' Allegation Investigation Unit (AIU), which replaced the deactivated AIMS in approximately March 2023.⁴ Allegations of staff misconduct that do not require specialized skills or resources are referred to prisons for an allegation inquiry conducted by locally designated investigators who receive training by the Office of Internal Affairs to gather relevant facts and evidence. Both AIU staff and locally designated investigators are required to conduct thorough investigations, complete necessary interviews, and ensure that all relevant evidence is gathered and reviewed. The department's current regulations also require AIU managers to review all allegation inquiry and investigation reports for sufficiency, completeness, and bias.

Routine grievances on the other hand are processed very differently because regulations do not require them to be thoroughly investigated or reviewed by AIU managers. For example, grievance office staff, who may not have been trained by the Office of Internal Affairs to collect evidence and investigate allegations of staff misconduct, are only required to interview incarcerated people and witnesses if they determine interviews would assist in resolving the claim.

The Department Violated Its Regulations by Redirecting Backlogged Allegations of Staff Misconduct to Prisons for Processing and Review

Beginning February 2022, the department began developing a backlog of over 900 grievances that the screening team determined contained allegations of staff misconduct. These grievances had been referred for allegation inquiries or investigations, but most

4. Allegations of staff misconduct that include complex issues requiring specialized investigative skills or resources to investigate by the Allegation Investigation Unit include all allegations listed on the Allegation Decision Index contained in the department's operation manual, Section 33070.9.7.

had not been processed. To address the backlog, on July 26, 2023, the department issued a memorandum redirecting the backlogged cases to prison grievance offices for review and processing. Subsequently, the department closed 595 cases containing allegations of staff misconduct, reclassified them as "routine grievances," and redirected them to prison grievance offices to be opened as new grievances. The department redirected the first cases in August 2023, and instructed grievance offices to elevate the grievances if their staff identified misconduct.

This redirection violates the department's regulations requiring all allegations of staff misconduct from incarcerated people to be referred for an allegation inquiry or investigation and have these reports reviewed by AIU managers. The department explicitly stated, "If an AIMS case was converted to a routine claim pursuant to the Undersecretary's memo then it would be answered through the local Office of Grievances without OIA [Office of Internal Affairs] review (meaning no AIMS or AIU review)." Consequently, the department's action circumvented regulations and authorized prison staff who had been found to conduct inadequate and potentially biased investigations to respond to allegations of staff misconduct without oversight.

The department's decision to redirect complaints resulted in a wasteful duplication of efforts and misallocation of resources because the screening team had already determined that the grievances alleged staff misconduct that required at least an allegation inquiry. In some cases, inquiry work had already been initiated. By deviating from its regulations, the department wasted resources and reverted to handling these allegations of staff misconduct as it did in 2021, before it received approximately \$34 million to restructure and improve its process.

The Department Allowed the Statutes of Limitations to Take Disciplinary Action to Expire in Many Grievances Before They Were Redirected

State law generally requires the department to initiate discipline against peace officers within



one year of discovery of the alleged misconduct and within three years of the alleged misconduct for all other staff. The department identified a one-year statute of limitations in each redirected grievance.⁵ Consequently, the failure to timely process the backlogged grievances resulted in the statutes of limitations expiring in 127 cases before the department began redirecting the allegations of staff misconduct back to prisons for handling. The department was precluded from initiating discipline even if investigators uncovered sufficient evidence supporting the allegations of staff misconduct.

We reviewed 22 of the 127 grievances that had expired statutes of limitations and found that they included allegations which, if substantiated, could have resulted in penalties ranging from a letter of reprimand through dismissal. Eight of the 22 grievances alleged misconduct such as fabricating evidence and forging documents, which could have resulted in dismissals.⁶ Twelve of the 22 allegations could have resulted in suspensions or salary reductions, while two could have resulted in letters of reprimand.

The department also redirected 129 grievances alleging staff misconduct with statutes of limitations that were set to expire within 60 days after they were redirected. This is significant because departmental policy states that investigations should generally be completed at least 60 days prior to the statute of limitations expiring to allow the department sufficient time to initiate discipline if warranted. Therefore, it is unlikely that the department would have had sufficient time to complete a thorough investigation and initiate discipline in an additional 129 cases if investigators substantiated the allegations of staff misconduct.

5. For purposes of this report, we did not review the accuracy of the department's determination.

6. *California Code of Regulations*, Title 15, section 3392.5 outlines the department's employee disciplinary matrix misconduct categories, and penalty ranges and levels.

The Department Did Not Adequately Address or Investigate Allegations of Staff Misconduct That Were Redirected as Routine Grievances

We reviewed 71 grievances the department closed and redirected as routine grievances to determine whether prison grievance offices adequately addressed them. All grievances we reviewed contained at least one allegation of staff misconduct that included complex issues requiring specialized investigative skills or resources according to current departmental regulations and policies. Regulations require that all allegations of staff misconduct containing complex issues be referred for investigation by the Office of Internal Affairs. Instead, 16 of the cases we reviewed (23 percent) were processed by staff who were not identified as locally designated investigators and likely did not receive Office of Internal Affairs' training to conduct allegation inquiries or investigations of staff misconduct.

As shown in the table on the next page, the most common staff misconduct allegations in the grievances we reviewed were categorized as "Other Misconduct" on the department's Allegation Decision Index, a tool established in departmental policy to identify complex issues. Included in that category is threatening incarcerated people, misconduct that results in significant injury or death of an incarcerated person, or actions that endanger others. Allegations that staff lacked integrity or retaliated against incarcerated people were also common.

Grievance office staff did not address all allegations of staff misconduct in at least three grievances we reviewed. For example, one incarcerated person alleged discrimination and harassment because a correctional officer reportedly called him "Maxine Waters, [sic] grandson," because he is African American. The incarcerated person perceived the moniker to be derogatory. Despite the allegations of harassment and discrimination, the grievance office did not address them in its decision.

In another grievance, an incarcerated person alleged a correctional officer threatened him, stating that he



Table. Total Number of Allegations Found on the Allegation Decision Index

Categories	Total Allegations
Other Misconduct	26
Retaliation	25
Integrity	25
Discrimination/Harassment	16
Dishonesty	14
Code of Silence	4
Use of Force	3
Total	113

Source: OIG analysis of the CDCR 602-1 grievance forms for 71 redirected cases we reviewed. Categories are not mutually exclusive as a single grievance may contain multiple allegations, and each allegation may fall under more than one category.

would have his sergeant “place [him] in administrative segregation, and beat the shit out of [him], and plant drugs on [him].” None of these allegations were addressed in the grievance office’s decision.

Finally, in another case, an incarcerated person alleged a sergeant retaliated against him for filing a prior grievance by denying his packages and referring to him in a derogatory manner. The incarcerated person also asked about the department’s policy regarding packages. However, the grievance office only responded with information on the quarterly package policy and did not address the allegation of retaliation.

The unaddressed allegations in all the grievances described above could have warranted discipline with penalties up to and including dismissal if substantiated. By failing to address these allegations, the department violated its regulations that require a response to each claim in a grievance.

We also found that the actions taken by the grievance offices were not reasonable and sufficient overall in 22 grievances we reviewed. In some cases, documentation showed that prison staff did not

interview the incarcerated people who made the allegations or the staff who allegedly committed misconduct. Interviews are important because they can provide additional information supporting or refuting the allegations of staff misconduct.

In other allegations involving complex issues, we did not find evidence in case records that grievance office staff reviewed relevant and available documentation such as the form CDCR 7219 (Medical Report of Injury or Unusual Occurrence), reports of the incident, and housing records. In some grievances we reviewed, it did not appear that grievance office staff attempted to gather evidence at all. Finally, grievance offices closed two grievances as duplicates even though they contained new allegations and a third as a duplicate even though it was not duplicative of another grievance.

As previously mentioned, the screening team already determined that the redirected grievances alleged staff misconduct. However, we found that grievance offices determined only one of the 71 cases we reviewed contained allegations necessitating elevation to the screening team and likely referral to AIU for investigation. In that case, the incarcerated person alleged that a correctional officer threatened him and his cellmate with use of force and a retaliatory cell extraction. Grievance office staff interviewed the incarcerated person and his cellmate and determined that staff misconduct may have occurred. Interestingly, the incarcerated person’s cellmate also filed a grievance concerning the same incident, but different grievance office staff concluded that there was no evidence of staff misconduct and denied the grievance. Given that the screening team had already determined that these two redirected grievances alleged staff misconduct, it is unreasonable that grievance office staff determined that only one case warranted elevation to AIU for investigation.

The department’s decision to reclassify allegations of staff misconduct as routine grievances likely contributed to the inadequate grievance reviews that we found. Had these allegations been investigated by the Office of Internal Affairs or locally designated



investigators as current regulations and policy require, the allegation inquiries and investigations would likely have been more thorough and reviewed by managers responsible for verifying the sufficiency of the investigations. At a minimum, instead of reclassifying the allegations as routine and treating them as though they contained no allegations of staff misconduct, the department should have assigned the backlogged grievances to locally designated investigators to complete allegation inquiries. By doing so, Office of Internal Affairs managers would have been able to review the locally designated investigators' reports as required by current regulation and departmental policy.

The Department Did Not Timely Investigate the Redirected Allegations of Staff Misconduct

In addition to failing to address all allegations of staff misconduct and conducting inadequate reviews, the department took an excessive amount of time to respond to the redirected grievances. Regulations generally require that staff complete their responses to grievances within 60 days. In the 71 cases we reviewed, the department took an average of 346 days from the date it first received the claim to close the grievances. The department's total processing time in the 71 case files we reviewed ranged between 214 to 548 days, and it took the department more than a year to close 28 of the 71 cases (39 percent).

The Department Mishandled Some Redirected Grievances by Improperly Rejecting or Closing Them

California regulations and departmental policy generally require incarcerated people to file grievances alleging staff misconduct within 60 days of discovery. However, one grievance office rejected a redirected grievance after staff improperly determined an incarcerated person did not file it within 60 days as required by regulations. The screening team first received the grievance on October 14, 2022, only five days after the date the incarcerated person was allegedly subjected to retaliation by a correctional officer. The grievance alleged the officer fabricated allegations that the

incarcerated person assaulted him. However, the grievance office rejected the grievance as untimely because it considered the grievance submitted on the date it was redirected on August 31, 2023, rather than when it was originally submitted.

The rejection stated:

You did not submit this claim within the timeframe required by the California Code of Regulations, title [sic] 15. The date you discovered the adverse policy, decision, action, condition, or omission by the Department was 10/14/2022; yet the date you submitted this claim was 8/31/2023. You should have submitted your claim on or by 12/13/2022 to meet the requirement set forth in the regulations.

The grievance office's reason for this rejection was in error as it was received by the screening team within five days of the incident—well within the time frame required by regulations.

Regulations also authorize grievance offices to reject grievances if they are unable to respond within 60 days. We found that one grievance office rejected two redirected grievances on that basis. In both cases, grievance office staff had already finished gathering facts, interviewing potential witnesses, and reviewing records. However, they only submitted their draft decisions for review approximately 24 hours before the 60-day deadline elapsed. Because the grievance office submitted their draft decisions for review so close to the deadline to respond, and because prison management did not expedite reviewing the draft decisions, the grievances were not decided on the merits of the claims. Instead, the department wasted the time and effort it spent gathering evidence and simply rejected the grievances because the responses were not timely completed. This is particularly concerning because in one of the cases, there were still over three months remaining in the one-year statute of limitations for the department to initiate discipline if sufficient evidence supported the incarcerated person's allegation of staff misconduct.



Some Redirected Allegations of Staff Misconduct Were Investigated By Staff Ranked Lower Than the Staff Alleged to Have Committed Misconduct

Regulations require that locally designated investigators be ranked at least one classification higher than the staff allegedly involved in the misconduct. However, regulations do not require grievance office staff to be ranked higher than the accused staff member because they are only supposed to review and process routine grievances that do not allege staff misconduct. Therefore, grievance offices were placed in the position of reviewing allegations outside their usual responsibilities and potentially reviewing allegations against staff with higher classifications. Both circumstances violate departmental regulations.

We found several instances of lower-ranking staff reviewing grievances alleging staff misconduct. In two grievances, a lieutenant was assigned to gather facts concerning allegations against an associate warden and a warden. In another case, a sergeant reviewed an incarcerated person's allegations of misconduct against several staff, including a lieutenant. In the grievance, the incarcerated person alleged the lieutenant confronted and cursed at him by "getting in [his] face & telling [him] to get the fuck out of his building." After reviewing grievance log records, we did not find documentation that the sergeant interviewed the incarcerated person, the lieutenant, or other staff. In fact, we noted inconsistencies in the reasoning the sergeant cited in his recommended decision to deny the

grievance compared with what we reviewed in relevant confidential reports regarding the incident. Finally, we found that the sergeant did not address all allegations of staff misconduct, including acts involving dishonesty, retaliation, integrity, and other misconduct related to health and safety of the incarcerated person. Although these flaws are similar to other inadequacies we discuss above, they are particularly concerning in this context because lower-ranking staff may be hesitant to document evidence that their superiors engaged in misconduct.

The findings from the grievances we sampled are concerning, and it is likely that similar issues are present in grievances we did not review. We strongly disagree with the department's decision to reclassify staff misconduct allegations and redirect them to prisons to process as routine grievances. The decision not only violates regulations and departmental policy but also impairs the department's ability to investigate and pursue disciplinary action on substantiated staff misconduct. Equally alarming is the department's failure to acknowledge the damage this decision may have on incarcerated people affected by the misconduct and on the intended transparency of the staff misconduct complaint process. Given the importance of thoroughly investigating allegations of staff misconduct which include complex issues, we would have expected the department to have addressed the backlog in a manner that was both transparent and in compliance with departmental regulations and policy. **OIG**



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STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

GAVIN NEWSOM, GOVERNOR

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January 22, 2024

Ms. Amarik K. Singh
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Dear Ms. Singh:

The California Department of Corrections and Rehabilitation submits this letter in response to the Office of the Inspector General’s report titled: *The Department Violated Its Regulations by Redirecting Backlogged Allegations of Staff Misconduct to Be Processed as Routine Grievances*. Although significant improvements have been made, the Department acknowledges there is more work to be done regarding its staff misconduct process, which over the past several years has undergone monumental transformation. At several points, the Office of the Inspector General’s report appears to conflate aspects of the new staff misconduct process, the Allegation Investigation Unit, and grievances routed through it with grievances previously handled by the now deactivated Allegation Inquiry Management Section, which is confusing and at points misleading. It is important to note that as the Department began a phased activation of its new process for investigating allegations of staff misconduct, it simultaneously began a phased deactivation of the now fully deactivated Allegation Inquiry Management Section.

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One component of the new staff misconduct process, which in January 2022, was among the first to activate, is the Centralized Screening Team. This was an important and critical activation for the Department, as the Centralized Screening Team serves as the initial independent reviewer of all source documents that may contain allegations of staff misconduct toward or involving an incarcerated or paroled person, ensuring consistency and standardization. At the outset, this new team screened and routed all grievances submitted by an incarcerated or paroled person that contained an allegation of staff misconduct either to the newly created Allegation Investigation Unit for investigation or to Allegation Inquiry Management Section for inquiry. The deciding factor in determining whether to route the grievance for investigation or inquiry was based on the institution at which the incarcerated person was housed, as specified in the regulations governing activation of the new process.

The volume of grievances routed by the new Centralized Screening Team to the former Allegation Inquiry Management Section outpaced its staffing resources. As a result, the Department initially redirected internal resources to the Allegation Inquiry Management Section to address the accumulating backlog, but the backlog continued to grow. Ultimately, the Department undertook a review of the grievances within the backlog. The Department identified grievances the newly activated Centralized Screening Team had incorrectly screened as including allegations of

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Amarik Singh, Office of the Inspector General
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potential staff misconduct and assigned and routed to the Allegation Inquiry Management Section for inquiry rather than to local Office of Grievances for review and processing as routine grievances. As a result, the Department proactively initiated a process to ensure these incorrectly screened grievances were reassigned to the correct area of responsibility, with knowledge that under the regulations, if facts were discovered suggesting staff misconduct occurred, the matter would be suspended and elevated to the Office of Internal Affairs. This reassignment complied with regulations and was shared with the Office of the Inspector General in advance. Of note, the reassigned grievances amounted to less than one-third of one percent of all grievances reviewed by the Department in calendar year 2023.

The Department acknowledges and takes responsibility for the reassigned grievances which exceeded statute of limitations dates prior to reassignment. By August 2023, all allegations of staff misconduct previously routed to the Allegation Inquiry Management Section for inquiry were completed and closed and in November 2023, full implementation of the Department's new staff misconduct process was achieved. The Department's new, robust staff misconduct process includes safeguards, such as mandatory investigation completion deadlines and an enhanced supervisory monitoring processes to prevent this from occurring in the future.

It is important to note that the now fully deactivated Allegation Inquiry Management Section completed fact gathering inquiries into allegations of staff misconduct made by incarcerated and paroled persons. If during the inquiry process, a reasonable belief was established that an allegation of staff misconduct may have been true, the inquiry was suspended and referred to the Hiring Authority, who either handled the matter locally or elevated it to the Office of Internal Affairs for a complete, thorough, and unbiased investigation. The Allegation Inquiry Management Section was never responsible to conduct formal investigations.

The Department remains committed to being proactive and will continue to refine overall staff misconduct processes to improve accountability, efficiency, and transparency throughout. The Department is also committed to continuing to work with the Office of the Inspector General and other stakeholders to ensure open communication on these very important issues.

Sincerely,

DocuSigned by:
Jeffrey Macomber
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JEFFREY MACOMBER
Secretary



The Office of the Inspector General's Comments on the Response From the Department of Corrections and Rehabilitation

To provide clarity and perspective, we are commenting on the California Department of Corrections and Rehabilitation's (the department) response to our report. The numbers below correspond with the numbers we have placed in the margin of the department's response on pages 8 and 9.

1. On December 13, 2023, we provided the department with a draft of this seven-page report along with a list of the 71 staff misconduct allegations it converted into routine grievances that we sampled during our review. On January 3, 2024, the department identified one factual error on our part, which we corrected in the final draft before providing the department with the revised report on January 18, 2024. The department's only other comments centered on our use of the terms "inquiry" and "investigation" and the difference between AIMS and AIU, which we also addressed in the revised draft we sent to the department for a second review.

On pages one and two of our report, we clearly outline the evolution of the department's staff misconduct investigation process beginning with the previous process that assigned local prisons the responsibility for investigating allegations of staff misconduct, to the interim Allegation Inquiry Management Section (AIMS) process, through the transition away from AIMS to the department's current process. The department implemented its current regulatory process for processing allegations of staff misconduct from January 2022 through January 2023. Consequently, this current process had been fully implemented for approximately six months when the department reclassified its backlog of unaddressed grievances alleging misconduct and redirected them to prisons for processing. Despite having two opportunities over nearly six weeks to review the draft report and examine the sampled grievances, the department did not identify any factual inaccuracies or any specific statements in the final report that it believed to be misleading, until it issued this response vaguely characterizing the report as "confusing and at points misleading."

2. Nothing in the July 26, 2023, memorandum indicates that the department made its decision to reclassify the 595 backlogged grievances because it had performed a review of those grievances and determined that they had been incorrectly screened or misclassified. The department did not mention that it had performed such a review during any of the conversations we have had with the department either prior to or following its issuance of the



memorandum. Nor did the department provide us with any records of having conducted such a review. The department has consistently explained this decision to our office as being necessary due to understaffing and a higher than anticipated workload.

We also disagree with the department's assertion that all 595 grievances it redirected to local prisons were properly categorized as routine grievances. During our review, we confirmed that each of the 71 grievances we sampled (nearly 12 percent of all the redirected grievances) contained allegations of staff misconduct that were properly classified as serious staff misconduct that must be referred to the Office of Internal Affairs under the applicable regulations.

Although the department contends there were safeguards in place whereby local grievance offices would refer grievances back to the Office of Internal Affairs if they identified staff misconduct, only one of the 71 grievances we sampled was elevated to the Office of Internal Affairs after being redirected to the prisons for processing as a routine grievance.

3. Contrary to the department's assertion, it did not inform us that it was "reassigning" all grievances assigned to AIMS alleging staff misconduct to the prisons for processing as routine grievances until two days after it issued the July 26, 2023, memorandum described in our report.

In April and May 2023, the department informed us that it was overwhelmed with AIMS cases, and its staff were seeing twice as many grievances than they had originally projected. The department further stated it contemplated reviewing some of the AIMS cases to ensure they were processed correctly and alleged staff misconduct. We asked how many AIMS cases, but, despite our request, the department did not inform us of the number of cases in its AIMS backlog. Then, on July 26, 2023, the department issued its memorandum instructing its staff to close all the backlogged AIMS cases and to redirect the grievances to prison grievance offices for processing as routine grievances effective August 20, 2023. The OIG did not receive a copy of the memorandum until July 28, 2023, when a departmental employee provided it to an OIG staff member in the course of their regular monitoring activities.

On August 1, 2023, we immediately requested additional information from the department regarding the implementation of the memorandum, including the list of the redirected cases and their new case numbers. On August 8, 2023, after receiving no response to our request, we elevated our request to the department's Undersecretary of Administration. On August 18, 2023,



we again asked the department to provide us with the information we requested. Finally, on August 22, 2023, the OIG received some of the information requested indicating the department had hundreds of cases in the AIMS backlog.

Although the department made the OIG generally aware of its problem, the department never notified the OIG of its intent to solve its problem by redirecting allegations of staff misconduct to prisons to process as routine grievances, contrary to its current regulations. The department also did not inform us of the magnitude of the AIMS backlog until after its order to redirect the grievances had gone into effect. Had we been informed of the extent of the backlog and the department's plan to redirect these allegations of staff misconduct to prisons for review, we would have recommended the department resolve its AIMS backlog in a manner that was both transparent and in compliance with its current regulations and departmental policy.

4. The department's attempt to downplay the impact of its decision by pointing out that it only affected a small percentage of grievances ignores the impact its decision had on the incarcerated people whose allegations of staff misconduct were not reviewed in compliance with the department's current regulations. The purpose of this report was not to provide an assessment of the department's overall process for reviewing allegations of staff misconduct that incarcerated people file; that is an assessment we provide in our annual staff misconduct monitoring reports. This report highlighted the department's poor decision-making when determining how to address a backlog of grievances that the department believed it was not adequately staffed to handle. Rather than temporarily redirect resources or personnel to address the backlog, it chose to subject the grievances to a less robust review process than is required by regulation. We believe it is important to provide transparency to this decision and its impact, so the department can make a more appropriate decision when deciding how to address any future backlogs it may face.