



# THE PRISON TRANSPARENCY PROJECT

## ADDRESSING CORRUPTION AND HUMANITARIAN ABUSES

A REPORT ON THE CALIFORNIA PRISON SYSTEM

SEPTEMBER 2, 2024

[www.prisontransparency.com](http://www.prisontransparency.com)



## EXECUTIVE SUMMARY

This report highlights the severe issues within the California Department of Corrections and Rehabilitation (CDCR), with a focus on the California Men's Colony (CMC) in San Luis Obispo. The report documents systemic staff misconduct, fabricated reports, humanitarian abuses, and the failure of oversight mechanisms. It calls for urgent reforms, including independent investigations, increased transparency, and improved protection for incarcerated individuals and their families.

This Report is posted to [www.prisontransparency.com](http://www.prisontransparency.com) and has been sent to a variety of stakeholders throughout the country for their situational awareness, including, but not limited to:

### **Government Officials and Agencies**

1. **Governor of California** - Gavin Newsom
2. **California Attorney General** - Rob Bonta
3. **Secretary of the California Department of Corrections and Rehabilitation (CDCR)**
4. **Inspector General of California** - Roy Wesley
5. **Director of the Office of Internal Affairs, CDCR**
6. **California State Senators and Assembly Members**
7. **Federal Representatives**
  - Senators Dianne Feinstein and Alex Padilla
8. **California State Auditor** - Grant Parks
9. **California State Public Defender**

### **Advocacy and Human Rights Organizations**

1. **American Civil Liberties Union (ACLU) of Northern California**
2. **Prison Law Office**
3. **Amnesty International USA**
4. **Human Rights Watch**
5. **Center for Constitutional Rights**
6. **National Lawyers Guild**
7. **Equal Justice Initiative**

### **Media Outlets**

1. **Local and State Newspapers**
  - The Los Angeles Times
  - The Sacramento Bee
  - San Francisco Chronicle
2. **National Newspapers**
  - The New York Times
  - The Washington Post
  - USA Today
3. **Television News Programs**
  - Good Morning America
  - 60 Minutes
  - CNN, MSNBC, Fox News, ABC, CBS, NBC
4. **Radio and Podcasts**
  - NPR (National Public Radio)
  - Popular justice-focused podcasts like "Ear Hustle," "Criminal," or "This American Life"
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### **Legal and Academic Institutions**

1. **Stanford Law School's Three Strikes Project**
2. **UC Berkeley School of Law's Death Penalty Clinic**
3. **Harvard Law School's Criminal Justice Institute**
4. **University of Southern California (USC) Gould School of Law**
5. **University of California, Irvine (UCI) School of Law**
6. **National Prison Project of the ACLU**

# INTRODUCTION

## Background

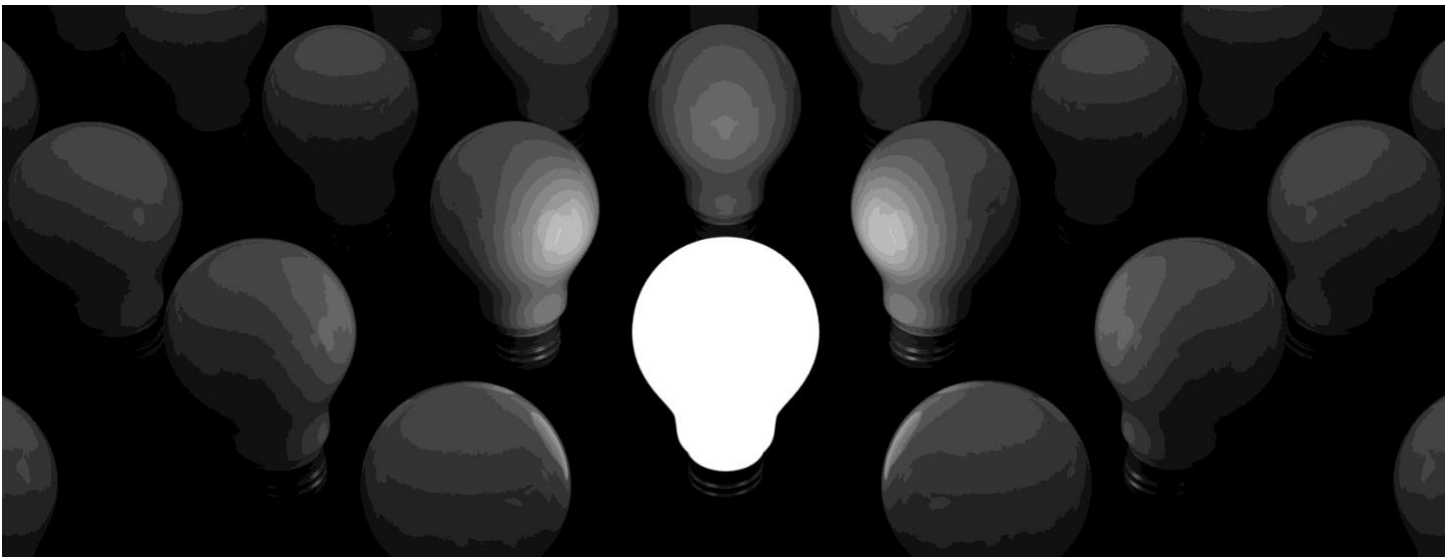
Dr. Angela Cotellessa, founder of the Prison Transparency Project, has spent over four years researching and documenting the lived experiences of incarcerated individuals in California prisons. With a background in public service, including work for Governor Gray Davis, Presidents George W. Bush, and Barack Obama, Dr. Cotellessa is dedicated to exposing systemic issues within the prison system and advocating for humane and ethical reforms.





## Purpose of This Report

This report aims to inform decision-makers, elected officials, media representatives, and senior CDCR leaders about the corruption and abuse within California's prison system, particularly at the California Mens Colony. The goal is to advocate for immediate reforms, increased oversight, and accountability within CDCR to ensure the safety, dignity, and human rights of all incarcerated persons.





# SECTION 1: SYSTEMIC ISSUES AT THE CALIFORNIA MENS COLONY

## 1.1 Staff Misconduct and Corruption

The California Men's Colony (CMC) has a documented history of staff misconduct, corruption, and abuse. Reports have surfaced of Correctional Officers (COs) engaging in retaliatory actions, fabricating reports, and inciting violence among inmates. These practices are not only unethical but also violate the fundamental principles of the California Model, which emphasizes rehabilitation and humane treatment.

## 1.2 Harassment and Fabrication of Reports by Correctional Officer Montez

At CMC, Correctional Officer Montez has demonstrated a pattern of harassment and misconduct towards inmates, particularly targeting Shawn Rodriguez. In a recent incident, which took place in January of 2024, Officer Montez harassed Shawn over a trivial matter regarding the positioning of his feet/shoes/knees during a visit—Montez claimed Shawn's shoes/knees were too close to his wife's. When Shawn inquired about the issue, seeking clarity and understanding, Officer Montez escalated the situation by yelling, cussing, jerking him around while he was handcuffed behind his back, then fabricating lies in an official government report about what had occurred. This represents an excessive use of force, and also is a fireable offense for fabricating lies in an official CDCR report.

The fabricated 115 disciplinary write-up against Shawn was later overturned due to its lack of basis in truth. Video footage from Visiting clearly showed she had lied in her report. However, ***despite the falsehoods and the unjust treatment Shawn experienced, Officer Montez has not faced any consequences for her offenses. Lt. Shawna Robinson, in charge of Visiting, is a large part of why a shoddy investigation was done. She made up her mind that there was no staff misconduct even before an investigation started.*** This incident reflects a broader issue of unchecked power and retaliatory behavior by certain staff members at CMC, even those in leadership roles, contributing to a hostile and abusive environment for inmates.

**Both Montez and Robinson have engaged in behaviors that, according to CDCR's Staff Disciplinary Matrix, are fireable offenses.**

# Staff Disciplinary Matrix

E. INTEGRITY AND DISHONESTY	BASE PENALTY	PENALTY RANGE
6) Making intentionally false or intentionally misleading statements regarding a material fact, or intentionally omitting material facts, during an inquiry or investigation conducted by the department's Office of Internal Affairs.	9	7 8 9
7) Making intentionally false or intentionally misleading statements regarding a material fact or intentionally omitting material facts to a public safety officer on or off-duty.	7	5 6 7 8 9
8) Making intentionally false or intentionally misleading statements regarding a material fact or intentionally omitting material facts during an investigation conducted by any local, state, or federal entity, state or federal licensing agency, or professional peer review board.	9	7 8 9
9) False testimony under oath.	9	9
10) Falsification of material facts in reports or official records.	9	7 8 9
11) Falsification of a time record or financial record for fraudulent purposes.	9	4 5 6 7 8 9
12) False claim for Leave Entitlement.	5	4 5 6 7 8 9
13) Falsification by an employee of a medical note or record obtained from a dental, medical, mental health, or health care provider.	9	4 5 6 7 8 9
14) Entering false or intentionally misleading statements in a dental, medical, mental health, or other health care record.	9	4 5 6 7 8 9
15) Altering or destroying dental, medical, or mental health care records in violation of department policy or state or federal law.	9	5 6 7 8 9
16) Falsification, alteration, planting, or destruction of evidence.	9	7 8 9
17) Falsification, alteration, or destruction of department records, documents, or communications in violation of department policy.	9	7 8 9
18) Repeated unintentionally failing to start, shutting off, or disabling Audio-Visual Surveillance System or Body-Worn Cameras.	2	1 2 3

## 3392.45. Employee Disciplinary Matrix.

(a) Employee Disciplinary Matrix Penalty Levels:

1. Letter of Reprimand	4. Salary Reduction 10% for 7-12 Qualifying Pay Periods; or Suspension Without Pay for 14-24 Qualifying Work Days.	7. Salary Reduction 10% for 31-45 Qualifying Pay Periods; or Suspension Without Pay for 62-90 Qualifying Work Days.
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2. Salary Reduction 5% for 1-2 Qualifying Pay Periods; or Suspension Without Pay for 1-2 Qualifying Work Days.	5. Salary Reduction 5% for 25-36 Qualifying Pay Periods; or Suspension Without Pay for 25-36 Qualifying Work Days.	8. Temporary Demotion to a lower class for 12-24 Qualifying Pay Periods; or Permanent Demotion.
3. Salary Reduction 5% for 3-12 Qualifying Pay Periods; or	6. Salary Reduction 10% for 19-30 Qualifying Pay Periods; or	9. Dismissal.

- The minimum penalty for what CO Montes did is number nine, "Dismissal."
- Lt. Robinson should also be dismissed based on the Staff Disciplinary Matrix for falsifying material facts in reports or official records, retaliation, lack of integrity, discrimination/harassment, and dishonesty.

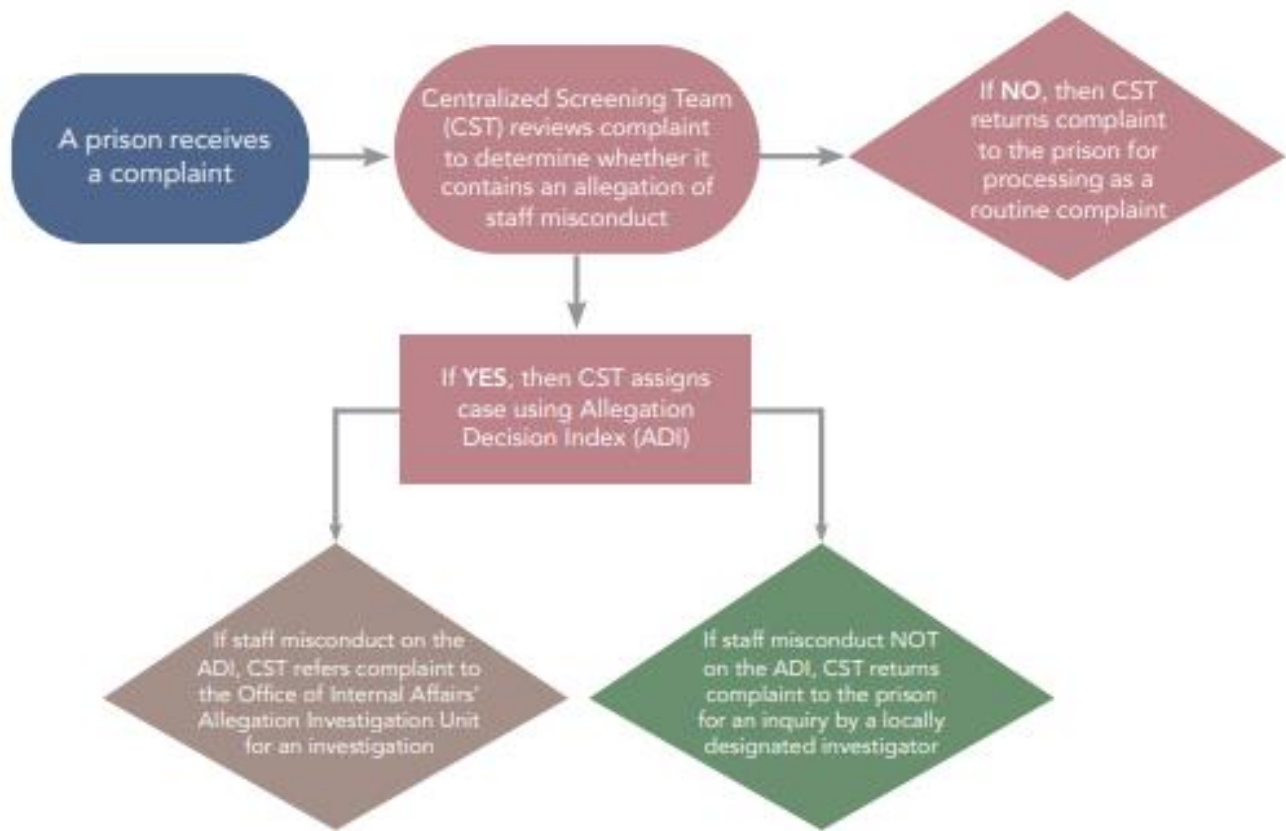
## 1.3 Fabricated Write-Ups and Unjust Transfer

Shawn Rodriguez, an inmate at California Men's Colony (CMC) for the past 2.5 years, has been a courageous whistleblower against staff misconduct. Last year, he testified in a trial about severe abuses he witnessed at RJ Donovan (RJD) prison in San Diego. His bravery contributed to the implementation of body-worn cameras in several California prisons, including RJD. Despite his efforts, Shawn has faced relentless retaliation, including fabricated write-ups, threats to his safety and life, and now an unjust transfer to more dangerous facilities.

In January 2024, Shawn and his wife reported an incident involving Correctional Officer Montes at CMC, who harassed them during a visit and then gave him a 115 filled with lies and mischaracterizations (which was later overturned due to the video footage). Instead of addressing the misconduct, Lt. Shawna Robinson, under the leadership of Warden Danny Samuel, covered it up, violating CDCR policy by handling the complaint internally rather than forwarding it to the Office of Internal Affairs.

Recently, Shawn was informed of an impending transfer from CMC, a Level 3 facility, to a more dangerous Level 4 prison due to a fabricated write-up. The write-up, based on a normal spousal/adult conversation over the phone, is a clear act of retaliation for his whistleblowing. This transfer not only endangers Shawn's safety but also diminishes his chances of parole—a pattern of abuse that seems to be deliberately aimed at him. **Shawn is being mistreated simply for reporting staff misconduct which has been found to be valid.**

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



Source: The California Department of Corrections and Rehabilitation.

**DESCRIPTION:** The above Image depicts the CDCR policy for how to handle reports of staff misconduct. The California Mens Colony is in non-compliance with this policy directive.

#### 1.4 Denial of Visitation Rights Due to Arbitrary and Undocumented New Clothing Requirements at CMC and Retaliatory Actions by Lt. Shawna Robinson

At CMC, staff have arbitrarily denied visitation rights to inmates and their families based on minor infractions, further exacerbating the emotional and psychological toll on both inmates and their loved ones. In June 2024, Shawn Rodriguez was denied the opportunity to visit with his wife and daughter, who had flown cross-country to see him. The reason provided for this denial was that Shawn was not wearing the correct style of state-issued blue clothing, a requirement that had not been communicated to him beforehand nor documented/posted, as CDCR policy requires.

CDCR policy requires inmates to wear state-issued blue clothing for Visiting, and that's what Shawn was in fact wearing on June 28, 2024. **It appears that CMC may be making up their own rules**



**and regulations, despite existing CDCR policy directives.** If the policy did, in fact, change, at the CDCR level, regarding only SOME styles of state-issued blue clothing being allowed for Visiting, then it is necessary to document these rule changes, post them, and provide them to prisoners, per CDCR's own requirements.

Despite Shawn explaining that he no longer had the required style of clothing and given we requested a clean pair from staff, Lt. Shawna Robinson and Sgt. E. Valencia, on duty that day, refused to provide him with the very clothing they required him to wear. Instead, Sgt. E Valencia told Shawn to trade clothes with a random man on the yard, a violation of CDCR policy to trade property, and also a clearly unsanitary practice that could lead to disease risk from the exchange of bodily fluids from soiled, pre-worn dirty clothing.

When Shawn's wife requested to speak with the Warden to address this issue, Lt. Shawna Robinson responded not by resolving the situation but by retaliating against the family. **Lt. Robinson took away Shawn's visiting privileges altogether, by having more junior staff below her complete reports for events that occurred when they were not present whatsoever.** She effectively cut off Shawn from his family from seeing him for months because they had reported staff misconduct. This punitive action highlights a pattern of retaliatory behavior by staff at CMC, undermining the rehabilitative purpose of the facility and causing significant harm to the inmate's familial relationships.

## **1.5 Retaliatory Removal from the Inmate Family Council for Reporting Staff Misconduct**

At CMC, transparency and accountability are critical for fostering a humane and rehabilitative environment. However, these principles have been undermined by retaliatory actions against those who attempt to hold staff accountable to be professional. In a glaring example, Shawn Rodriguez's wife, was unjustly removed from the Inmate Family Council after she reported Montez's staff misconduct to CDCR leadership.

The Inmate Family Council is intended to serve as a platform for families to voice concerns and advocate for their loved ones' well-being. Angela's involvement was an effort to ensure fair treatment and to bring attention to abuses within the facility if needed. However, after filing reports about staff misconduct, including harassment, fabrication of reports, and other unethical practices, she was removed from the Council without a legitimate explanation. ***This retaliatory action not only silenced her voice but also sent a chilling message to other families: that advocating for justice and transparency could result in personal and familial repercussions.***

This removal reflects a disturbing trend at CMC, where those who speak out against injustices face punitive actions rather than being supported in their efforts to promote a fair and accountable system.

## **1.6 Misuse of Code 4 Charities and Other Abuses at CMC**

At CMC, staff misuse a non-profit organization called Code 4 Charities, founded by the husband of Correctional Officer Lomelli, who works at CMC, to profit from inmates by overcharging them for food items, with the proceeds funding staff BBQ parties during work hours. This unethical practice further exploits an already vulnerable population of mostly lower socioeconomic status citizens, exacerbating

the systemic issues within the facility. It appears that several, expensive BBQ grills for staff use were purchased using taxpayer dollars, to facilitate their parties during work hours.

## SECTION 2: HUMANITARIAN ABUSES AND INMATE SAFETY

### 2.1 Repeated Beatings, Reported Poisoning of an Inmate, and Potential Murders by Staff at CMC

There have been numerous reports of severe abuses at CMC, including beatings, a poisoning, and suspicious inmate suicides. For example, just recently, in August 2024, a transgender inmate, Alex Rodriguez (BY0199), was beaten by staff, highlighting the ongoing violence within the facility. Additionally, an inmate who threatened to sue Correctional Officers for misconduct was allegedly poisoned by staff but survived the attempt on his life. **Recently, a CO at CMC approached a member of a gang, and offered favors in exchange for getting rid of Shawn Rodriguez.** The gang member refused to harm Shawn, and told Shawn what the CO had tried to get him to do to victimize Shawn. The criminal activities CDCR staff are engaging in must stop. **Members of government should not be murdering citizens even if they're incarcerated persons nor inciting violence amongst inmates. *Badge wearers do not have the right to commit murders, poisonings, or beatings at work; they are not above the law.***

**CDCR's Mission Statement: "To facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment."**

### 2.2 Blood in Administrative Segregation and Rising "Suicide" Rates

Shawn Rodriguez, who works as a janitor in Healthcare Facilities Maintenance at CMC, has repeatedly encountered large amounts of blood in Administrative Segregation, which he has been required to clean. This raises concerns about the frequency and severity of inmate beatings and deaths. The **high number of "suicides"** at CMC is alarming, with strong suspicions that some of these deaths may be murders by staff, covered up by staff. Even if these deaths are actual suicides, the CDCR should be concerned at the high number of suicides taking place at the California Men's Colony, at a rate much higher than other prisons.

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## SECTION 3: NEED FOR INCREASED OVERSIGHT AND THE CALIFORNIA MODEL

### 3.1 Inadequate Oversight and Cover-Ups

Despite the principles of the California Model, which aims to create more humane and rehabilitative environments in prisons, CMC has failed to implement these principles effectively. Although CMC is not one of the pilot programs for the California Model, Warden Danny Samuel has stated he is voluntarily implementing the California Model at CMC, and it is advertised on a screen for visitors at CMC to see. Instead, staff misconduct complaints are frequently covered up, and abuses are allowed to continue unchecked—definitely not in line with the ethos of the California Model.

Warden Danny Samuel has failed to follow CDCR policies, including the requirement to forward staff misconduct complaints to the Office of Internal Affairs ***even when he himself has personally received the complaints. This failure has allowed a culture of corruption and abuse to flourish under his leadership, with little to no accountability for those responsible.***

### 3.2 The California Model: A Hopeful Vision Not Yet Realized

While the California Model offers a hopeful vision for a more humane and rehabilitative prison system, it remains largely theoretical at CMC. The abuses documented in this report demonstrate a significant gap between the model's principles and the reality on the ground. Without proper implementation and oversight, the California Model will continue to be more of a Public Relations campaign than a genuine force for change.

### 3.3 Non-Compliance with CDCR Policy on Forwarding Staff Misconduct Complaints to the Office of Internal Affairs

The California Department of Corrections and Rehabilitation has established policies to ensure that allegations of staff misconduct are properly investigated and addressed. According to CDCR policy, any staff misconduct complaint received at a prison must be promptly forwarded to the Office of Internal Affairs (OIA) for an independent review. However, ***the California Men's Colony has consistently failed to comply with this critical policy, contributing to a culture of impunity and unaccountability within the facility.***

Despite numerous complaints of staff misconduct, including harassment, retaliation, and fabrication of reports, CMC has not forwarded these complaints to the OIA as required. This failure has allowed staff misconduct to go unchecked, perpetuating an environment of abuse and fear. The Office of Inspector General (OIG) has produced a report highlighting this non-compliance.



The lack of adherence to this policy not only undermines the integrity of the internal affairs process but also erodes trust in the correctional system as a whole. It leaves inmates and their families without a meaningful avenue for recourse and accountability, further exacerbating the injustices they face.

### **3.4 CDCR's Failure to Propose Resentencing for Shawn Rodriguez Under Senate Bills 1437 and 775**

Recent legislative changes in California, specifically Senate Bill 1437 (SB 1437) and Senate Bill 775 (SB 775), have reformed the state's legal approach to the "Natural and Probable Consequences Doctrine," a theory under which individuals could be convicted of murder-related crimes even if they did not personally commit or intend to commit any killing and even if no killing actually occurred, as is the case with Shawn Rodriguez. SB 1437, enacted in 2019, restricted murder liability to those who personally harbored malice aforethought and provided a mechanism for individuals convicted under the old doctrine to seek resentencing. SB 775, signed into law in 2021, further expanded these provisions to include individuals convicted of attempted murder or manslaughter under similar theories.

Despite these legislative changes, the California Department of Corrections and Rehabilitation has failed to propose resentencing for Shawn Rodriguez, who continues to be imprisoned for crimes committed by another person under the now-defunct "Natural and Probable Consequences Doctrine." Given the substantial evidence indicating that Shawn would not have been convicted under the current legal standards, CDCR is obligated to propose him for resentencing and provide relief in accordance with the law. **The ongoing failure to do so reflects a broader issue of non-compliance with the intent of these legislative reforms, perpetuating unjust incarceration under outdated legal theories.**

#### **Proof from the Trial Transcript that Shawn Should be Exonerated for Crimes He Himself Did Not Commit:**

1. **Help Free Shawn – 92-page slide deck:** [www.helpfreeshawn.com](http://www.helpfreeshawn.com) > Documents > MOST RECOMMENDED: PROOF of Shawn's Wrongful Convictions and FACTUAL INNOCENCE (pdf)
2. **Shorter Slide Deck with Juror Comments and Victim Recantations:** [www.helpfreeshawn.com](http://www.helpfreeshawn.com) > Documents > Jury Instructions and Feedback

# SECTION 4: RECOMMENDATIONS FOR REFORM

## 4.1 Immediate Actions

1. **Independent Investigations:** Immediate independent investigations into the abuses at CMC are necessary to ensure that the truth is uncovered, and justice is served. The rampant abuses and corruption must stop.
2. **Installation of Cameras and Body Cams:** The installation of more cameras in the facilities and mandatory body cams for all staff members will help monitor and prevent further abuses.
3. **Immediate Transfer of Shawn Rodriguez:** Given the ongoing retaliation and threats to his safety, Shawn Rodriguez should be immediately transferred to a safer facility, such as the California Medical Facility (Vacaville) or the California Health Care Facility (Stockton). He does not deserve to lose living at a level 3 facility; CMC staff are trying to force his transfer to a Level 4, which is uncalled for; this is clearly retaliation for having simply reported staff misconduct.

## 4.2 Long-Term Reforms

1. **Comprehensive Review of CDCR Practices and Culture:** A thorough review of CDCR's practices and culture is needed to identify and address systemic issues, including staff misconduct, corruption, and the failure to protect inmates.
2. **Mandatory Training on Human Rights and Ethical Conduct:** CDCR staff should undergo mandatory training on human rights, ethical conduct, and the principles of the California Model to ensure that they understand and adhere to these principles. The behaviors of Montez, Robinson, and Valencia would be powerful examples, in such a training program, of how NOT to be while at work for the CDCR.
3. **Legislative Changes:** Legislative changes, including the end of mandatory minimum sentencing, are necessary to address the broader issues within California's criminal justice system and to promote rehabilitation over punishment.

# CONCLUSION

This report as well as the below reference materials document the pervasive corruption, abuse, and systemic failures within the California Men's Colony, the broader CDCR, as well as Placer County Superior Court, where Shawn was sentenced to 25 to life—most of that time for crimes he himself did not commit. It is a call to action for transparency, accountability, and reform. The stakes are high, and the need for immediate action is urgent. The moral imperative to protect the rights and dignity of incarcerated individuals and their families must guide the response to these serious issues.

## REFERENCE MATERIALS

The following reference materials are available for review:

3. **Help Free Shawn – 92-page slide deck:** [www.helpfreeshawn.com](http://www.helpfreeshawn.com) > Documents > MOST RECOMMENDED: PROOF of Shawn's Wrongful Convictions and FACTUAL INNOCENCE (pdf)
4. **Jury Instructions, Jury Comments and Victim Recantations:** [www.helpfreeshawn.com](http://www.helpfreeshawn.com) > Documents > Jury Instructions and Jury Feedback
5. **Bettencourt Chavez Lawsuit Slide Deck:**  
<https://prisontransparency.com/references%2Fdocuments>
6. **Good Morning America Draft Slide Deck:**  
<https://prisontransparency.com/references%2Fdocuments>
7. **Prison Transparency Project:** [www.prisontransparency.com](http://www.prisontransparency.com)
8. **Prior Reports of Staff Misconduct at CMC:**  
[www.helpfreeshawn.com](http://www.helpfreeshawn.com) > Documents >  
Final Submission of Repeated Staff Misconduct and Coverups at CMC updated 8.1.24 (pdf)  
And  
Citizens Complaint Addendum – Robinson and Valencia 8.19.24 (pdf)
9. **News Coverage of Valentino Rodriguez:**  
[Guard's overdose death reveals hazing culture at CA prison | Sacramento Bee \(sacbee.com\)](http://www.sacbee.com)  
[California prison guard dies by suicide after reporting officers faked documents, planted drugs \(ktvu.com\)](http://www.ktvu.com)
10. **Link to other articles about CDCR abuses:**

<https://abc7.com/california-department-of-corrections-sexual-abuse-lawsuit-former-inmates/14328254/>

<https://www.sacbee.com/news/politics-government/the-state-worker/article288014005.html>

## 11. Facebook Group for “Survivors of California’s Men Colony Prison”

<https://www.facebook.com/share/g/S2dpNygFuBTfzrFC/?mibextid=K35XfP>



**The January 29, 2024 Office of Inspector General report has exposed repeated examples of Staff Misconduct Reports being improperly handled.**





## 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 595<sup>1</sup> 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

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.<sup>2</sup> 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.<sup>3</sup> 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

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.

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*.

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