



California Correctional Supervisors Organization, Inc.

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The Bureau Of Independent Review Is Costing Taxpayers Millions In Unnecessary Litigation

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While the State of California struggles to cut its budget by cutting programs and laying-off employees, the California Department of Corrections and Rehabilitation (CDCR) continues to increase their litigation costs. Meanwhile, the Legislators have put in motion changes to lower the penalties for crimes in an effort to lower the cost of incarcerating felons and lower court costs. The Governor is searching for every dollar he can save, while CDCR is expanding and incurring millions of dollars in unnecessary expenditures.

The Bureau of Independent Review (BIR) was created in 2000 to re-review investigations conducted by CDCR investigators concerning staff misconduct. The problem is the "WATCHERS" or BIR have no one watching them. The BIR have expanded their resources and authority over the operations of CDCR. The BIR's budget increased ten-fold, while litigation costs for employee disciplinary actions tripled and continues to increase on minor infractions that should be handled by their supervisor in the form of training to avoid mistakes.

Currently the State Personnel Board (SPB) litigation costs have tripled due to the interference of the BIR. CDCR represents approximately 22% of state employees; yet, more than 50% of SPB cases are CDCR related. The CDCR cases have a 68% loss rate, which reflects a deficiency in the cases being brought forward initially. The 68% loss rate turns into an even larger expense to the state because back pay for wages and sometimes benefits is compensated back to the employee with interest.

The BIR is a redundant department. The CDCR Vertical Advocate already reviews the investigations. The hiring authority, commonly the Institutional Warden, is the person to decide the level of discipline to be applied. However, Wardens are evaluated by the Office of the Inspector General (OIG) in order to become and maintain full-time Warden positions. The BIR is part of the OIG and can give the hiring authorities a bad evaluation to the OIG, if Warden's do not respond to the needs of the BIR; therefore, the BIR carries too much authority to be an impartial oversight of CDCR discipline.

The BIR strengthens and grows with the expansion of adverse actions. Taxpayers do not need multiple oversight agencies in the state. Duplication of oversight agencies only creates duplication of investigations, duplication of costs in the workforce, and duplication of costs to the state and taxpayers.

The California Correctional Supervisors Organization (CCSO) represents almost 3800 supervisors and managers as members who work for the California Department of Corrections and Rehabilitation (CDCR). CCSO recommends that California can save millions of dollars by eliminating the BIR.