

SENATE OFFICE OF OVERSIGHT AND OUTCOMES

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Gun-toting Auditors and Attorneys:

Does the Inspector General Need 105 Armed Peace Officers?

SACRAMENTO – The lawyers and auditors at the Office of the Inspector General are not your typical state auditors and lawyers. Under their gray flannel suits, they're packing guns and ammunition. Handcuffs dangle from their duty belts. The cars they drive to and from the office are provided by the state. They qualify for generous pensions designed for police and firefighters. Their actual work, however, requires none of the specialized law-enforcement duties required of peace officers employed in other state agencies.

These are among the findings of a report released today by the California Senate Office of Oversight and Outcomes. The report scrutinizes the peace officer status enjoyed by most employees at the Office of the Inspector General, the state's watchdog agency that monitors California's prisons. The report -- titled *Gun-Toting Auditors and Attorneys: Does the Inspector General Need 105 Armed Peace Officers?* -- is available at the oversight office website: www.sen.ca.gov/oversight

The Senate report finds that OIG uses peace officer perquisites – the pensions and take-home state cars -- to attract and retain its professional team. To justify this peace officer status, state law and administrative rules offer an elaborate rationale that presumes these auditors and lawyers will engage in such activities as hand-to-hand combat and high-speed pursuits.

The Senate report recommends that legislators re-evaluate state law that designates auditors and lawyers as peace officers who carry guns, drive law-enforcement vehicles, and collect pensions designed for police and firefighters.

The report examines the statutory basis of peace officer status, the increasing number of OIG peace officers, their record of performing law-enforcement duties, and the cost of their vehicles, firearms and other police equipment. It also provides a comparison with other agencies with similar workforces: the County of Los Angeles Office of Independent Review, the California Attorney General's Office, and the U.S. Justice Department's Inspector General.

Among the report's findings:

- OIG staffers from the Inspector General on down are expected to carry a gun and ammunition at all times they're on duty: at the office, on the road, in the air. But one place they always go unarmed is inside a prison. At California correctional facilities, OIG staff must check their weapons at the gate or leave them locked in their cars.
- Those weapons have price tags: \$430 for a Glock semi-automatic pistol, \$35 for a holster, \$75 for ammunition. All told, outfitting each OIG peace officer costs taxpayers \$2,050. Add the take-home state car, and the grand total exceeds \$20,000.
- In the past five years no OIG peace officer has fired a gun on duty, except at the firing range. That itself can be dangerous – one Deputy Inspector General accidentally shot himself while putting in his required hours at the range.
- Supposedly, OIG peace officers need take-home state cars so they can respond to critical incidents around the clock. But 70 percent of the mileage they put on their state cars is for their daily commute to the office. Based on their individual home-storage permits, their home-to-office commutes total **3,230 miles** per workday.
- The career paths leading to these peace officer positions indicate just how unusual the Office of the Inspector General is. In the two OIG bureaus that house the attorneys and auditors, 98 percent were *not* peace officers before signing on with the Inspector General.
- The OIG's Bureau of Independent Review was modeled on Los Angeles County's Office of Independent Review, a team of lawyers who monitor the L.A. Sheriff's Department, including county jails. The Los Angeles operation, however, is emphatically a *civilian* group. "We don't feel we need peace officer status -- we never asked for it, we never needed it, we don't want it," its chief attorney said.

- California's Attorney General employs 1,150 lawyers. They don't have take-home cars and only a handful – fewer than 5 -- are sworn peace officers. Just one carries a gun. None of the AG's 80 auditors are peace officers or get cars.

In response to the Senate investigation, the Office of the Inspector General recently announced a partial concession regarding the report's findings. Although the OIG did not explain how it planned to navigate potential statutory obstacles, the agency conceded that issuing guns to auditors was an excessive and unnecessary expense. The new policy, however, did not explain the agency's prior contradictory statements that an armed force was necessary for safety. The announcement also did not address the identical policy issues raised by issuing weapons to OIG lawyers -- nor the controversial categorizing of auditors and lawyers as peace officers in the first place.

The OIG is an independent state agency established in 1998 to oversee and investigate alleged wrongdoing within the state corrections department. Among its duties, OIG conducts audits and investigations of the California Department of Corrections and Rehabilitation, oversees the department's internal affairs investigations, collects complaints and tips about the correctional system, evaluates candidates for warden, and inspects facilities.

The non-partisan Office of Oversight and Outcomes was created in 2008 by Senate President pro Tempore Darrell Steinberg (D-Sacramento) to bolster the Senate's ability to gauge government performance.