

Robert A. Barton  
Inspector General

Office of the Inspector General

# SEMI-ANNUAL REPORT

## January – June 2015

### Volume I



September 2015

**Fairness ♦ Integrity ♦ Respect ♦  
Service ♦ Transparency**

# Office of the Inspector General

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September 2015



# FOREWORD

This 21st Semi-Annual Report covers the time period of January through June 2015. Pursuant to California Penal Code Section 6133 et seq., the Office of the Inspector General (OIG) is required to report semi-annually on its oversight of the California Department of Corrections and Rehabilitation's (CDCR or the department) Office of Internal Affairs investigations and the employee discipline process. The OIG's Semi-Annual Reports have primarily served this purpose.

In addition to its oversight of CDCR's employee discipline process, the OIG also uses a real-time monitoring model to provide oversight and transparency in several other areas within the State prison system, including use of force, contraband surveillance watch, and critical incidents. Therefore, the OIG publishes the Semi-Annual Report in a two-volume format to allow readers to more easily distinguish the various categories of oversight activity.

We encourage feedback from our readers and strive to publish reports that meet our statutory mandates as well as offer all concerned parties a useful tool for improvement. For more information about the Office of the Inspector General, including all reports, please visit our website at [www.oig.ca.gov](http://www.oig.ca.gov).

— **ROBERT A. BARTON, INSPECTOR GENERAL**

# VOLUME I

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# DISCIPLINE MONITORING ACTIVITIES

The Discipline Monitoring Unit of the Office of the Inspector General (OIG) is responsible for monitoring the California Department of Corrections and Rehabilitation's (CDCR or the department) employee discipline process. The OIG monitors and assesses the department's internal investigations of alleged employee misconduct as well as the hiring authority's disciplinary decisions related to cases where there are sustained allegations of employee misconduct. The OIG continues monitoring any subsequent appeal. Volume I is a summary of OIG monitoring activities for both administrative and criminal investigations the department conducted, as well as an assessment of the disciplinary process.

The OIG assessment is based on our duties pursuant to Penal Code Section 6133. Part of our assessment is based on CDCR's adherence to its own policy and part of our assessment is based on our expert opinion on the quality of the investigation. Additionally, we also assess the cases based on what we believe the disposition and level of discipline should be.

Each administrative case is reported in two separate phases, the Pre-Disciplinary and the Disciplinary Phase. If the administrative investigation is completed and the hiring authority determines the findings regarding the allegations, the case is found in Appendix A1, entitled Pre-Disciplinary Phase. In this SAR period, this Appendix now includes cases where no allegations were sustained.

In the Disciplinary Phase, cases are reported once the department makes its decision to impose discipline and after completion of any appeal process. These cases are reported in either Appendix B, entitled Disciplinary Phase, or Appendix C, entitled Combined Phases, where both the Pre-Disciplinary and Disciplinary Phase concluded during the six-month reporting period. The Disciplinary Phase appendix also includes cases in which the Office of Internal Affairs approved direct disciplinary action without a full investigation because the facts are deemed sufficiently established that no investigation is needed. Sometimes these cases involve an interview of only the subject of the investigation. The OIG also monitors and assesses these cases.

Appendices B and C also report penalties imposed. Although there may be different penalties for different subjects in one case, the OIG reports only the highest initial and the highest final penalty for sustained allegations in each separate case. The initial penalty is the penalty the hiring authority initially selected. The final penalty might be different due to new information coming to light, a settlement (a mutual agreement between the department and employee), or a decision by the State Personnel Board. Regardless, the final penalty is reported as the highest penalty for allegations sustained. If the penalty did not change, the report identifies the final penalty as "no change."

If the department conducted a criminal investigation, the case is reported in Appendix A2, entitled Investigative Phase Cases. These cases are reported once the Office of Internal Affairs completes its criminal investigation and either refers the case to the district attorney's office or determines there is insufficient evidence for a criminal referral.

This report provides an assessment of 324 monitored cases the OIG closed during the reporting period of January 1, 2015, through June 30, 2015, 303 of which involve alleged administrative misconduct. This includes cases for which the department conducted an internal affairs investigation as well as those cases in which the department determined there was sufficient evidence to impose discipline without an internal investigation or only with an interview of the subject of the investigation. The remaining 21 cases pertain to alleged criminal behavior.

The number of cases reported only reflects the number of cases the OIG monitored and that concluded during this period. The OIG is sensitive to protecting the integrity of the process, and, therefore, only reports those cases that have completed a phase.

## THE EMPLOYEE DISCIPLINE PROCESS

Whenever the department reasonably believes employee misconduct may have occurred, it is the responsibility of the hiring authority to timely request an investigation. The hiring authority refers the matter to the Office of Internal Affairs Central Intake Panel, which then determines whether an internal affairs investigation is warranted, whether enough information exists for the department to proceed without an investigation, whether a subject-only interview is needed, or whether there is insufficient evidence of misconduct. The OIG participates in the Office of Internal Affairs Central Intake Panel meetings to monitor the process, provide recommendations regarding Office of Internal Affairs Central Intake Panel determinations, and determine which cases the OIG will monitor. The following table is the OIG guide for determining which cases to accept for monitoring.

<b>Madrid-Related Criteria</b>	<b>OIG Monitoring Threshold</b>
Use of Force	Use of force resulting in, or which could have resulted in, serious injury or death or discharge of a deadly weapon.
Dishonesty	Perjury; material misrepresentation in an official law enforcement report; failure to report a use of force resulting in, or which could have resulted in, serious injury or death; or material misrepresentation during an internal affairs investigation.
Obstruction	Intimidating, dissuading, or threatening witnesses; retaliation against an inmate or against another person for reporting misconduct; or the destruction or fabrication of evidence.
Sexual Misconduct	Sexual misconduct prohibited by Penal Code Section 289.6.
High Profile	Cases involving alleged misconduct by high-ranking department officials; misconduct by any employee causing significant risk to institutional safety and security, or for which there is heightened public interest, or resulting in significant injury or death to an inmate, ward, or parolee (excluding medical negligence).
Abuse of Position or Authority	Unorthodox punishment or discipline of an inmate, ward, or parolee; or purposely or negligently creating an opportunity or motive for an inmate, ward, or parolee to harm another inmate, staff, or self, i.e., suicide.
Criminal Conduct	Trafficking of items prohibited by the Penal Code or criminal activity that would prohibit a peace officer, if convicted, from carrying a firearm (all felonies and certain misdemeanors or “wobblers” such as those involving domestic violence, brandishing a firearm, and assault with a firearm).

Once a case is accepted for monitoring, the OIG follows it through the entire process. If an internal affairs investigation is conducted, the assigned OIG Special Assistant Inspector General monitors the investigation and consults with the investigators and the department attorney, if one is designated, throughout the process.

When the investigation is complete, the hiring authority is required to review the investigative report within 14 days of receipt of the report. Policy requires the hiring authority to consult with the assigned Special Assistant Inspector General regarding the discipline decision. If the Special Assistant Inspector General believes the hiring authority's decision is unreasonable, the matter may be elevated to the next supervisory level through an executive review process.<sup>1</sup>

Employees who receive discipline have a right to challenge the discipline imposed against them by filing an appeal with the State Personnel Board, an independent State agency. The OIG continues monitoring through this appeal process. During this process, a case may be concluded by way of settlement, a unilateral action by one party withdrawing the appeal or disciplinary action, or a State Personnel Board decision after a contested hearing. In cases where the State Personnel Board decision is subsequently appealed in superior court, the OIG continues to monitor the case until final resolution.

## **MONITORING THE PRE-DISCIPLINARY PHASE**

The Pre-Disciplinary Phase starts when either the hiring authority submits a case to the Office of Internal Affairs or the Office of Internal Affairs opens a case on its own. The vast majority of cases are based on hiring authority referrals. The Pre-Disciplinary Phase ends when the hiring authority determines whether any allegations will be sustained. This phase involves hiring authorities, the Office of Internal Affairs Central Intake Panel, assigned investigators from the Office of Internal Affairs, and department attorneys, if assigned.<sup>2</sup> It is not purely an investigative phase, although an investigation may be a major component.

### **MONITORING HIRING AUTHORITY REFERRALS**

The OIG monitors the timeliness of hiring authority case referrals to the Office of Internal Affairs. In previous reports, the OIG recommended that the department adopt a standard requiring case referral within 45 days from the date of discovery and the department adopted the recommendation. For cases reported during the last reporting period of July through December 2014, the hiring authority timely referred 71 percent of the cases the OIG monitored. Chart 1 below displays the number of cases referred to the Office of Internal Affairs Central Intake Panel within 45 days during this reporting period. As the chart reflects, the hiring authority timely

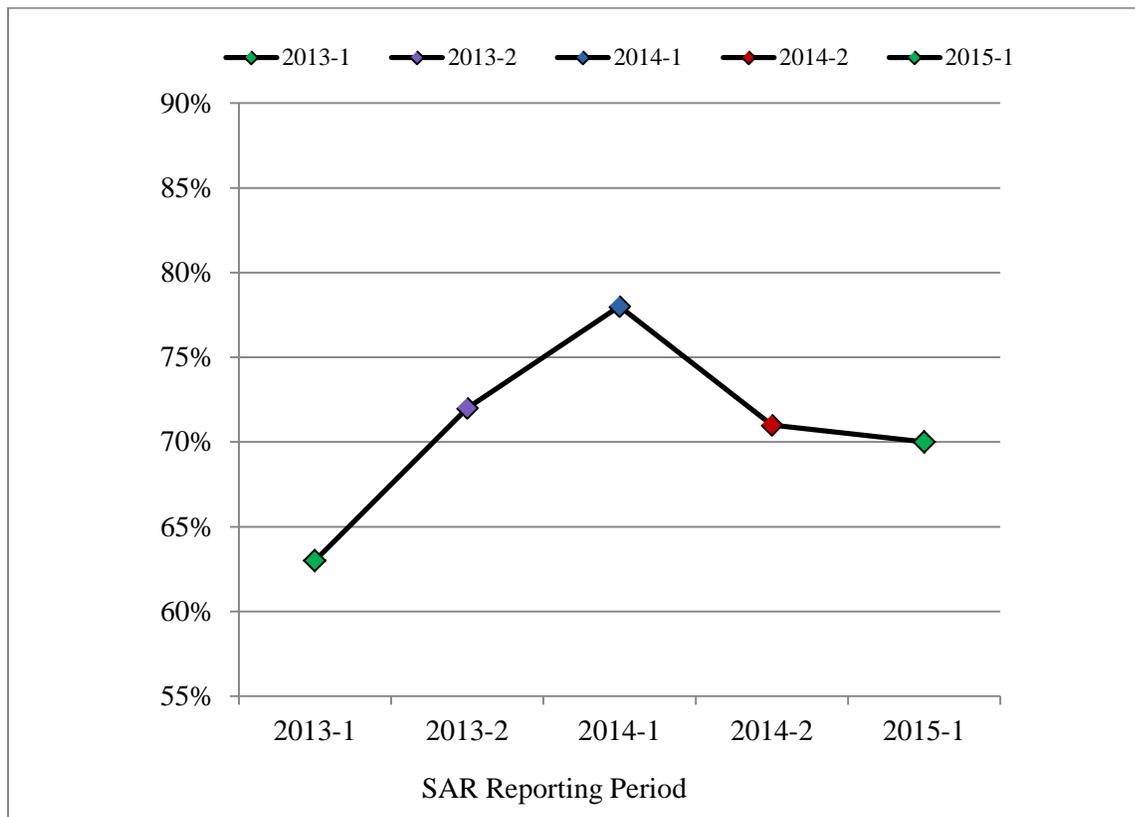
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<sup>1</sup> Pursuant to Department Operations Manual, Chapter 3, Article 22, Section 33030.14, when there is a disagreement over a hiring authority's decision concerning findings, penalty, or settlement, the OIG, or other designated stakeholders, can elevate that decision to a higher level of managerial review.

<sup>2</sup> Not every case is assigned to a department attorney in the Pre-Disciplinary Phase. Investigators from the Office of Internal Affairs are referred to as "special agents."

referred 70 percent of the cases the OIG monitored to the Office of Internal Affairs Central Intake Panel within 45 days, essentially the same as the last reporting period. Timely referrals are the first step to ensuring completion of a thorough and timely investigation.

**Chart 1: Cases Referred to the Office of Internal Affairs Central Intake Panel by the Hiring Authority Within 45 Days**



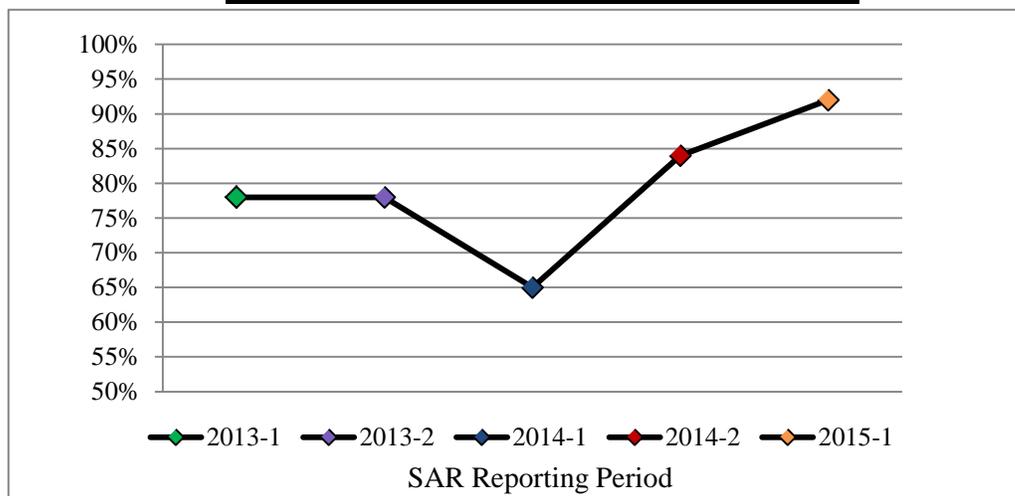
## MONITORING THE CENTRAL INTAKE PANEL

The Office of Internal Affairs Central Intake Panel meets weekly to review the referrals for investigation submitted from throughout the department. Special Assistant Inspectors General from the OIG’s Discipline Monitoring Unit review the referrals and attend each weekly meeting. The Special Assistant Inspector General makes recommendations to the department regarding whether the department should investigate a matter, the level of investigation needed, and which cases the OIG will accept for monitoring. In this six-month reporting period, the OIG reviewed 1,109 cases forwarded to the Office of Internal Affairs Central Intake Panel for evaluation. The Office of Internal Affairs opened 962 of those cases and the OIG accepted 324 of the opened cases for monitoring.

The OIG reviewed 1,109 cases referred to the Office of Internal Affairs. Of those, the Office of Internal Affairs opened 962 cases.

Departmental policy requires the Office of Internal Affairs Central Intake Panel to make a determination regarding the case within 30 days of referral. During the January through June 2014 reporting period, the OIG recommended the department take action to decrease the special agent vacancy rate to improve the timeliness of determining the referrals and the Office of Internal Affairs was able to do so. The percentage of timely determinations has increased substantially since then. During this reporting period of January through June 2015, the Office of Internal Affairs Central Intake Panel timely addressed 92 percent of the monitored cases. During the last reporting period of July through December 2014, the Office of Internal Affairs made a timely decision on 84 percent of reviewed cases. After timely case referral, a timely initial determination by the Office of Internal Affairs Central Intake Panel is the next step to completing a timely investigation.

**Chart 2: Percent of Cases with Timely Determinations by the Office of Internal Affairs Central Intake Panel**



## MONITORING THE INVESTIGATION

The OIG provides oversight of the entire investigative process for both administrative and criminal investigations. This oversight includes providing recommendations regarding the scope of the investigation, attending interviews, reviewing evidence and investigative reports, and monitoring the timeliness of the investigative process. As noted above, pursuant to statute, the OIG reports our expert opinion regarding the quality of the investigation.

## PROTECTION OF COMPELLED STATEMENTS

If the department compels a subject of an administrative investigation to provide a statement, the compelled statement is not to be used against the employee in a criminal investigation or prosecution.<sup>3</sup> Disclosure of compelled statements in a criminal investigation to anyone who is

<sup>3</sup> *Kastigar v. United States*, 406 U.S. 441 (1972); *Garrity v. New Jersey*, 385 U.S. 493 (1967); *Lybarger v. City of Los Angeles*, 40 Cal. 3d 822 (1985)

part of the prosecution team, including investigators, will preclude the admission of any such evidence, as well as any evidence obtained as a result thereof, thereby seriously compromising any criminal prosecution.

During this reporting period, the OIG discovered two cases where the sensitivity of the compelled statement was breached by the criminal investigator and, as a result, compelled statements were improperly disclosed. One such case involved a use of deadly force. Based on statements the officer made during a compelled statement, the Office of Internal Affairs special agent in-charge and a senior special agent decided to open a criminal investigation. Facts from the compelled statement, as well as the rationale for opening a criminal investigation, were documented in the case management system for the criminal case. In addition, the senior special agent supervised both the special agent who conducted the criminal investigation and the special agent who conducted the administrative investigation.

A second case involved a baton strike to an inmate's head. The Office of Internal Affairs did not assign separate case numbers for the administrative and criminal investigations. After completing a compelled statement in the administrative investigation, the special agent inappropriately documented information from the compelled interview into the case management system for the criminal investigation. This enabled the special agent assigned to the criminal investigation to access the compelled information. In addition, the same senior special agent supervised both the special agent who conducted the criminal investigation and the special agent who conducted the administrative investigation.

We believe these cases to be anomalies. However, this issue is of such importance that the department should take appropriate action to prevent a case from being dismissed as a result of suppression of improperly obtained evidence. These two cases appear to be outliers and not indicative of the quality of criminal investigations. The OIG recommends the Office of Internal Affairs assign separate senior special agents to supervise the administrative and criminal investigators to avoid any possibility of inappropriate sharing of information.

## **TIMELINESS OF INVESTIGATIONS**

In the past, the OIG reported that the Office of Internal Affairs delayed completing investigations. A core *Madrid* concern was the department's failure to timely complete investigations resulting in the statute of limitations precluding imposition of discipline in many cases.<sup>4</sup> That extreme no longer exists and, with the exception of very rare instances, cases are completed within the statute of limitations.

As part of the *Madrid* reforms, the department adopted timelines so that each actor in the disciplinary process would have sufficient time to complete their part of the process. Pursuant to Department Operations Manual (DOM), Chapter 3, Article 22, Section 33030.13, "As soon as operationally feasible, but no more than twenty-one (21) calendar days following receipt of the investigative report, the Vertical Advocate shall review the investigative report and supporting

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<sup>4</sup> *Madrid v. (Gomez) Cate*, 889 F. Supp. 1146 (N.D. Cal. 1995)

documentation and provide feedback to the assigned investigator.”<sup>5</sup> Section 33030.13 of the DOM further specifies, “As soon as operationally possible, but no more than fourteen (14) calendar days following the receipt of the final investigative report, the hiring authority shall review the investigative report and supporting documentation.” The purpose of the review is to determine whether the investigation is sufficient, whether the allegations are founded, whether the facts support disciplinary action, what penalty is appropriate, and the OIG’s recommendations.

Based on discussions with the department regarding the interpretation of Department Operations Manual, Article 22, Section 33030.13, for the July through December 2014 reporting period, the OIG agreed to assess the department’s procedural compliance based on a 14-day standard. The OIG continues to utilize this standard during this reporting period. Therefore, at a minimum, the Office of Internal Affairs is to complete the investigation and provide the investigative report and exhibits to the hiring authority at least 14 days before the statute of limitations.

Department Operations Manual, Chapter 3, Article 14, Section 31140.30 provides that “Internal Affairs investigations shall be conducted with due diligence and completed in a timely manner in accordance with the law, applicable MOUs, and the OIA’s Investigator’s Field Guide.” The OIG continues to prod the Office of Internal Affairs to begin and complete investigations in a shorter timeframe. Investigations that take more time than the OIG believes necessary may still cause harm to the department and others involved in the process even though those cases meet the statute of limitations.

Long investigations cause the subjects of investigations to wait unnecessarily for resolution of the allegations against them, resulting in poor morale or lost opportunity for an employee who is eventually cleared of misconduct. Drawn out investigations result in delayed separation of subpar or even dishonest employees and unnecessary time and expense to the department. Investigations are also impacted due to faded memories on the part of those being interviewed and lost evidence. Most of the cases the OIG believes took longer than necessary are from the central region. Only one case reported in this section is from the southern region.

At least 10 of the reported cases involve no investigative activity for six months or more after a special agent was assigned. In one case with a seven-month period of inactivity, the involved inmate transferred to a more distant institution during the interim, resulting in added time, expense, two days of overnight travel, and inconvenience for two department employees for an interview that lasted less than one hour. Another case with a seven-month delay resulted in the investigation being completed only 23 days before the deadline to take disciplinary action. In a third case, the special agent took seven months to complete only one interview, the interview of the subject employee.

One case in which investigative activity did not start for eight months involved alleged officer dishonesty and possible termination. Due to how long the investigation took, the department was forced to quickly draft and issue letters of intent to take disciplinary action. The letters were legally deficient and could not be corrected because the deadline for taking disciplinary action had expired. A second case where investigative activities did not begin in earnest for eight

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<sup>5</sup> A department attorney who litigates CDCR employee discipline cases is called a “vertical advocate.”

months found that the complaining inmate had transferred to a different institution and a second inmate witness was released on parole. Several other witnesses were unable to recall details of the incident. A third case with an eight-month hiatus involved alleged unreasonable use of force and sexual assault on an inmate. The Office of Internal Affairs did not interview the involved inmate until ten months after the incident.

One case in which investigative activities did not begin for nine months not only resulted in a witness having difficulty recalling details of the incident, but the subject of the incident was able to retire before being interviewed. In another case, although the special agent conducted the first interview six months after being assigned, the special agent did not interview the involved inmate until nine months after being assigned. In yet another case, although the special agent completed the first interview four months after being assigned, the special agent did not complete additional interviews for eight to nine months after being assigned, again resulting in witnesses being unable to recall details of the incident. While these examples represent only a small sampling of all Office of Internal Affairs cases, it is an area that needs improvement.

Even cases with shorter delays can result in unnecessary expense and inconvenience to the department. In one case where the special agent took six months to complete the investigation, the officer was able to successfully pass probation and receive maternity Family Medical Leave Act benefits, to which she otherwise would not have been entitled, before ultimately being dismissed. In another case that took longer than six months, all involved inmates had either transferred to more distant institutions or been released on parole during the pendency of the investigation. In another case that exceeded six months for the investigation to begin in earnest, the nurse that assessed the involved inmate had also already transferred to a more distant location by the time of the interview. In a case that did not start for five months, one of the inmates was released on parole, again causing additional time, travel, and expense to interview the parolee.

In a case involving alleged unreasonable use of force and sexual battery against an inmate, the special agent did not start interviews for four months after being assigned to the case. Due to the delay, involved officers could not clearly recall the incident. Moreover, one officer was not interviewed until nine months after the incident. This officer had not completed an incident report and, therefore, had nothing available to refresh his memory regarding the incident.

Another case involved an officer who allegedly failed to intervene when an inmate was attacking a nurse. The special agent waited five months before conducting any interviews. During that time, the attacked nurse and another nurse that witnessed the incident both left the department. Fortunately, the attacked nurse agreed to be interviewed but the other nurse refused, thereby compromising the investigation.

Delayed investigations may harm not only administrative cases, but criminal cases, as well. In one such case, the special agent advised the OIG that the investigation was completed and that the subject of the investigation had confessed; however, eight months later, the special agent conducted further investigation by search warrant, finally completed the investigative report, and submitted the report to the district attorney's office. Unfortunately, by the time the special agent actually completed this investigative work, the misdemeanor statute of limitations had expired, precluding the filing of misdemeanor charges.

As the foregoing cases demonstrate, the department, primarily in the central region, has significant opportunity to improve how quickly investigations are started and completed. The department recognizes and desires to address this ongoing problem. The OIG has previously recommended and again recommends that the Office of Internal Affairs develop and enforce a requirement to commence investigations within 45 to 60 days of case assignment. The OIG also recommends that the Office of Internal Affairs more closely monitor the progress of investigations to ensure investigative work is being completed as soon as possible. The department has consistently experienced a lack of staffing and high caseloads in the central region. The department is currently taking positive steps to address the staffing issues, including a recent change giving the Office of Internal Affairs more control in its background process. Department leadership agrees that timely case completion is an important goal and seeks to improve these statistics by solving their recruiting issues for special agents.

## **THE NEED FOR INSTALLATION OF CAMERAS**

Another area where the department agrees but has yet been unable to address is the lack of cameras on all yards and in housing units. Such surveillance is invaluable in capturing misconduct, documenting inmate activity, and exonerating employees who have been wrongly accused of the misconduct. The OIG monitors all incidents involving the use of deadly force, as well as incidents involving lesser force that may not have complied with departmental policy. Often times, there are conflicting accounts of what transpired, making it difficult to assess whether the force used complied with policy. Visual recordings of incidents can serve to resolve these conflicting accounts. In addition, there are many rule violations and crimes inmates commit that visual recordings could memorialize for just resolution. However, most institutions still lack cameras.

Several cases monitored by the OIG demonstrate the value of having cameras. One case involved an officer who allegedly struck an inmate in the legs three times with a baton and tripped the inmate without an imminent threat being present. The incident was captured on visual recording, clearly documenting the misconduct. Absent the visual recording, the true story may never have come to light.

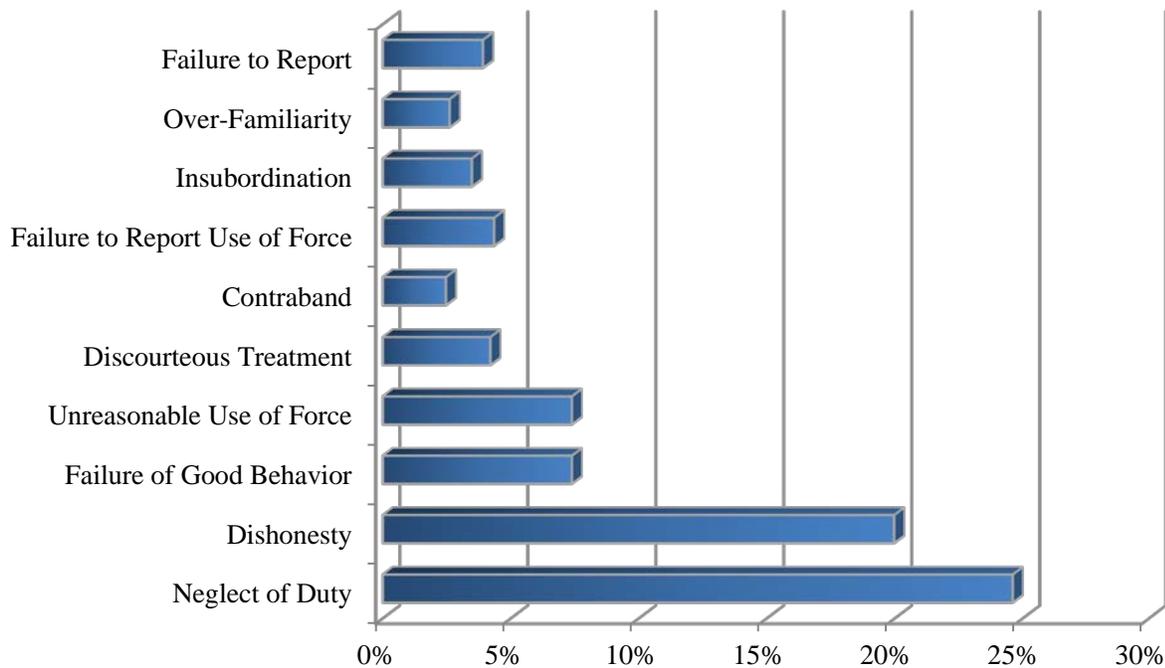
A second case involved a large-scale riot that resulted in the discharge of 26 warning shots from Mini-14 rifles and more than 179 less-lethal rounds. Two inmates were struck in the head with less-lethal rounds. The yard was not equipped with cameras; however, one officer was able to capture portions of the incident with a portable device. The available visual recording demonstrated the magnitude of the riot justifying the use of force. After the Deadly Force Review Board evaluated the incident, it determined the use of force complied with departmental policy, but also recommended that the institution install surveillance cameras on all yards. Initial cost and maintenance are recognized as a hurdle, which is why the OIG previously recommended starting in select areas. Technology continues to evolve and become both easier to implement and cost-effective.

## ALLEGATION TYPE DISTRIBUTION

The OIG continues to focus a large portion of its monitoring activities on cases involving core *Madrid* issues. The core *Madrid* allegations involve unreasonable use of force, officer dishonesty, failure to report misconduct, and code of silence. Cases involving peace officers or sworn staff are given priority for monitoring. In this reporting period, the OIG monitored cases involving 546 sworn officers, representing 88 percent of all subjects reported in the monitoring tables, which is a slight decrease from the last reporting period of 92 percent sworn officers.

Chart 3 provides a summary of the allegations, both core *Madrid* allegations and other non-criminal allegation types, for the cases being reported. A single case may contain many allegations of misconduct; therefore, the number of allegations exceeds the number of cases reported. In addition, there are numerous allegation types that cannot be classified into narrow categories and, therefore, are not captured below. However, the chart reflects the percentage of the specific categories outlined below when compared to the total number of allegations in monitored cases, including those that do not fit into the specific categories identified. The chart is intended to only reflect the allegation distribution for the cases the OIG monitored and closed during the reporting period, except for criminal investigation cases. The OIG monitored 21 criminal investigations during this reporting period.

**Chart 3: Allegations for Cases Monitored and Closed by the OIG January–June 2015**



## **MONITORING THE HIRING AUTHORITY'S FINDINGS DETERMINATION**

After the Office of Internal Affairs returns a case to the hiring authority either after investigation or without an investigation, the hiring authority must first decide which, if any, allegations should be sustained. Based on the evidence presented, the hiring authority must determine whether there is sufficient evidence to make a finding. If there is insufficient evidence to make a finding, the hiring authority may request further investigation or elect to make no finding. If there is enough evidence, the hiring authority will determine whether the allegations are sustained, not sustained, unfounded, or whether the subject employee is exonerated. The hiring authority consults with a department attorney, if one is assigned and the OIG if it is an OIG-monitored case. The hiring authority considers each case on its own merits to determine whether to sustain allegations.

If the hiring authority does not sustain any allegations, the entire case, including the disposition, is now reported in the Pre-Disciplinary Phase Appendix. In the past, even if allegations were not sustained, the case would be reported in the Combined Phase Appendix.

## **MONITORING THE DISCIPLINARY PHASE**

### **PENALTIES**

Consistent with the most recent reporting period of July through December 2014, in the current reporting period, the Disciplinary Phase begins after the hiring authority determines that allegations should be sustained. If the hiring authority sustains allegations, the hiring authority must determine whether to provide corrective action or a penalty consistent with the provisions of CDCR's policies and procedures. The disposition is reported in the Disciplinary Phase.

### **EXECUTIVE REVIEW**

If either the OIG or the department attorney believes the hiring authority is making an unreasonable decision regarding whether to sustain allegations or the level of discipline, either may seek executive review pursuant to the department's policies and procedures. In the executive review, the hiring authority's supervisor, the department attorney's supervisor, and the OIG supervisor consult regarding the findings. If an unreasonable decision is still being contemplated, either party may seek a next higher level of review.

Although executive review is a critical part of the discipline process, it is designed to be used sparingly and is sought only when there are significant differing opinions that cannot be resolved at the initial hiring authority level.

For the last five reporting periods, nine out of 13 executive review decisions were ultimately consistent with OIG recommendations. The OIG continues to believe executive review is a valuable tool and will invoke it whenever necessary. Chart 4 provides a comparison of OIG executive review requests that took place during this reporting period and in prior reporting

periods. In the current reporting period, the OIG sought executive review on four occasions. In the cases where the OIG sought executive review during this reporting period, three were ultimately decided consistent with the OIG’s position.

**Chart 4: Executive Review**

Reporting Period	OIG Requested Executive Review	Executive Review Decision Consistent with OIG’s Position
Jan–June 2015	4	3
Jul–Dec 2014	3	2
Jan–Jun 2014	4	3
Jul–Dec 2013	1	0
Jan–Jun 2013	1	1
<b>Total</b>	<b>13</b>	<b>9</b>

\*This chart only includes cases in which OIG solely requested executive review.

## CASE SUFFICIENCY RATINGS

The OIG and the department continue to work collaboratively to improve the internal affairs investigation and employee discipline processes. The OIG assesses each case to determine whether the department sufficiently complied with its policies as well as best practices in conducting the investigation and addressing the allegations. An insufficient rating does not necessarily mean there was an adverse outcome. Rather, an insufficient rating indicates that there were deficiencies that had the potential for creating an adverse outcome. Again, as noted earlier in this report, pursuant to statute, the OIG assessment of the quality of the investigation is based on our expert opinion.

Prior to January 2014, the OIG provided one overall assessment rating which did not differentiate between a procedural or substantive assessment. At the department’s request, the OIG began assessing and reporting procedural and substantive performance separately in the reporting period of January through June 2014. Part of the rationale was to provide the department with better feedback so the department could address areas needing the most attention. Differentiating the assessments also provides overall fairness to the department employees who performed well in spite of deficiencies elsewhere in the process.

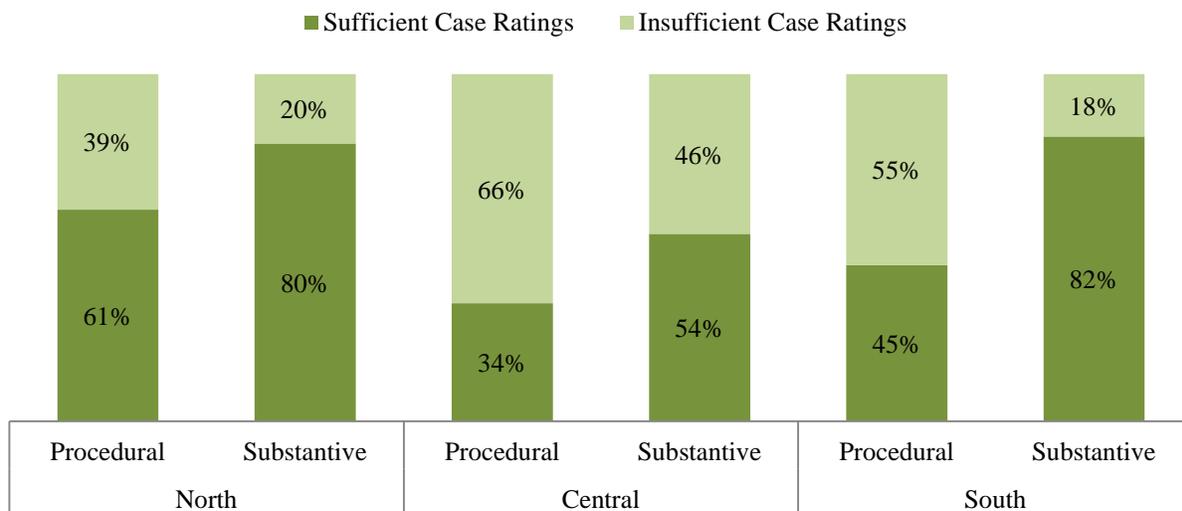
Procedural insufficiencies may affect a case in tangible and intangible ways, even if the case is ultimately completed within the statutory time constraints. For example, if the department delays conducting interviews, critical witnesses may forget details of the incident, may transfer to a different location, may retire, or even pass away. If a hiring authority determines the investigation is insufficient, there may be inadequate time to request further investigation resulting in a less than desirable decision. There may also be intangible substantive harm such as an unreasonably short amount of time for the hiring authority to review a case or for the

department attorney to draft the disciplinary action. Therefore, the OIG continues to assess process deficiencies regardless of outcome or specific entity responsibility within the department. However, minor inadequacies typically do not result in an insufficient rating. The procedural assessment is primarily based on adherence to policy, while the substantive assessment is a qualitative assessment.

There are additional factors within the ratings to be noted. The Pre-Disciplinary Phase assesses the hiring authority, the Office of Internal Affairs Central Intake Panel, department attorney (if the case is designated), and Office of Internal Affairs special agents who conduct the investigations. The Disciplinary Phase assesses the hiring authority and, when designated, the department attorney. Any or all of these entities may be responsible for a sufficient or insufficient rating. The individual assessments in the appendices outline specific reasons for each insufficient case rating for use by the department and transparency for the public. The OIG’s role is to assess the department as a whole. Therefore, the entity responsible within the department is less relevant to the OIG’s reporting.

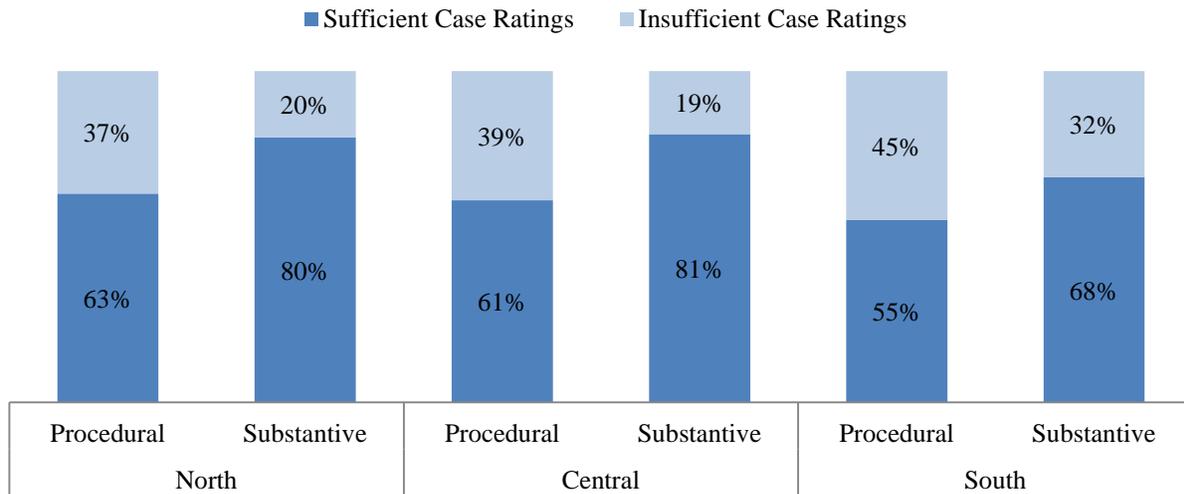
Chart 5 shows the OIG’s assessments by region for the Pre-Disciplinary and Investigative Phases.<sup>6</sup> Chart 6 displays the OIG’s assessment by region for the Disciplinary Phase. The charts provide sufficiency ratings for the department as a whole rather than the individual entity (OIA, department attorney, or hiring authority) responsible for the rating.

**Chart 5: Department Pre-Disciplinary and Investigative Case Ratings by Region**



<sup>6</sup> A “pre-disciplinary phase” takes place in cases involving administrative allegations. In criminal cases, the same phase is called the “investigative phase.”

**Chart 6: Department Disciplinary Case Ratings by Region**



In the July through December 2014 reporting period for the Pre-Disciplinary Phase, cases in the central region carried a 62 percent procedural sufficiency rating, which was a significant improvement from the prior 21 percent sufficiency rating in the January through June 2014 period. Unfortunately, this reporting period demonstrates a substantial relapse in the central region from 62 percent to a 34 percent procedural sufficiency rating. The southern region also demonstrated a regress from the past reporting period of a 55 percent sufficiency to a 45 percent sufficiency, while the northern region continues to improve, increasing its procedural sufficiency rating from 50 percent to 61 percent.

Substantively, the central region also demonstrated a significant decrease in its sufficiency rating. In the July through December 2014 reporting period, the central region had an 85 percent substantive sufficiency rating for the Pre-Disciplinary Phase. During this reporting period, the sufficiency assessment for the central region decreased to a rating of 54 percent. The northern region's substantive sufficiency assessment rating also decreased but to a much less degree, from 88 percent to 80 percent. The southern region showed some improvement from the last reporting period, increasing its sufficient substantive assessment from 76 percent to 82 percent.

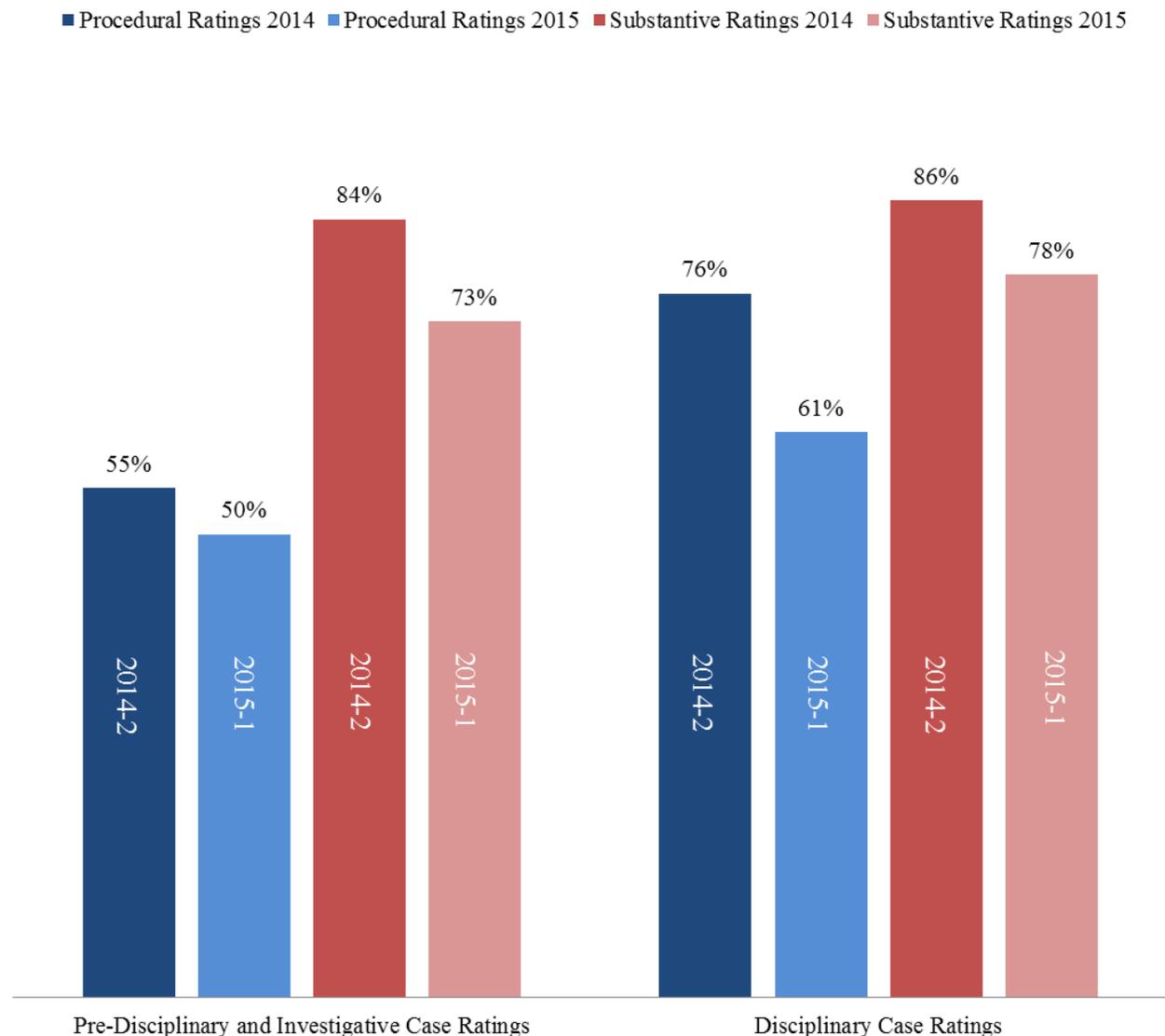
The Disciplinary Phase assessments also regressed in all three regions, both procedurally and substantively, with the most significant being in the southern region. For the procedural assessment, during the July through December 2014 reporting period, the southern region had a sufficient assessment of 84 percent whereas this reporting period reports a sufficiency of 55 percent. The central region previously had a sufficiency of assessment of 78 percent compared with a current 61 percent sufficiency, whereas the northern region had a prior sufficient procedural Disciplinary Phase assessment of 72 percent compared with a current sufficient assessment of 63 percent.

All three regions also demonstrate a decrease in the substantive sufficiency assessment for the Disciplinary Phase. The southern region's sufficiency rating decreased from 85 percent in the last reporting period to a sufficiency rating of 68 percent in this reporting period, the most

dramatic decrease. The central region had a prior sufficient assessment of 89 percent compared with the current 81 percent sufficiency. In addition, the northern region’s Disciplinary Phase substantive sufficient assessment rating has decreased from 84 percent to 80 percent.

Chart 7 shows the overall statewide sufficiency procedural and substantive assessments compared to last year. Of the 234 cases being reported in the Pre-Disciplinary and Investigative Phases, 50 percent were deemed procedurally sufficient and 73 percent substantively sufficient, compared to 55 percent and 84 percent respectively during the July through December 2014 reporting period. Of the 170 cases being reported in the Disciplinary Phase, 61 percent were deemed procedurally sufficient and 78 percent substantively sufficient. In the last reporting period the Disciplinary assessments were 76 percent procedurally sufficient and 86 percent substantively sufficient. Again, the current ratings reflect an overall decrease in the number of sufficient assessments in all phases of the disciplinary process with respect to cases the OIG monitored.

**Chart 7: Department Overall Case Sufficiency Ratings**



# VOLUME I CONCLUSION

The OIG continues to provide ongoing oversight and transparency to CDCR as it attempts to enforce the reforms mandated by the court in *Madrid* for internal investigations and the employee discipline process. In addition, the Semi-Annual Report once again provides specific recommendations regarding policies and procedures within CDCR, including a summary of the department's response to past recommendations. A summary of past recommendations and the department's response are reported separately below.

A new recommendation is that the department refresh its training to the Office of Internal Affairs special agents regarding the importance of protecting compelled statements in administrative cases from improper use in criminal investigations. We also recommend that the department institute better protections in supervision and the case management system to prevent one supervisor from having supervisory duties over both the administrative special agent and the criminal special agent.

A prior recommendation that has yet to be implemented is that the Office of Internal Affairs develop and enforce a requirement to commence investigations within 45 to 60 days of case assignment. As demonstrated earlier in the report, the Office of Internal Affairs must also be more diligent in monitoring the progress of investigations to ensure that special agents festinate their investigative work. The department has consistently cited a lack of staffing and high caseloads as a basis for drawn out investigations and points to a lack of specific policy requiring that investigations commence within a set amount of time. The department agrees with the OIG that it is appropriate for investigations to be concluded more quickly and is trying to identify areas where efficiency can be improved.

Additionally, the OIG once again recommends that the department install quality surveillance cameras within prisons. Recognizing the fiscal challenges, the department should prioritize the installation of cameras, starting at institutions with a high incidence of use of force, administrative segregation units, and mental health housing and treatment areas, although cameras would prove to be an essential tool at all institutions.

Although this reporting period resulted in an overall decrease in sufficient procedural ratings for the department, the Central Intake Panel improved its timeliness and should be commended. In addition, although investigations still take too long in our opinion, the largest percentage of overall delay is attributable to a combination of untimely case referral for investigation and delayed completion of the investigative findings and penalty conferences. Multiple factors come into play during each of these processes and, in order for the process to be effective, the department as a whole must work collaboratively.

The OIG strives to provide transparency and critical information to the public and to assist the department in continuing to develop policies and procedures that ensure a fair disciplinary process. The department has been receptive to the OIG's feedback. The OIG maintains an open dialogue with the department and is optimistic that this dialogue will achieve the ultimate goal.

# VOLUME I RECOMMENDATIONS

The OIG recommends the department implement the following recommendations from Volume I of the Semi-Annual Report, January–June 2015.

**Recommendation 1.1** The OIG recommends that the Office of Internal Affairs implement a requirement that special agents commence investigations within 45 to 60 days of case assignment.

**Recommendation 1.2** The OIG recommends that the department develop a program to phase in the installation of cameras, starting at institutions with a high incidence of use of force, such as high security and reception center institutions, and in the administrative segregation units and mental health housing/treatment areas.

**Recommendation 1.3** The OIG recommends that the department refresh training to the Office of Internal Affairs special agents regarding the importance of protecting compelled statements from improper use and also recommends that the Office of Internal Affairs implement protections in supervision and the case management system to prevent compelled statements from being used in criminal cases.

# RECOMMENDATIONS FROM PRIOR REPORTING PERIODS

The OIG recommended the department implement the following recommendations from Volume I of the prior Semi-Annual Report, July –December 2014.

**Recommendation 1.1** The OIG recommends that the Office of Internal Affairs implement a requirement that special agents commence investigations within 45 to 60 days of case assignment.

**CDCR Response: Not implemented.** The department will assess the feasibility of conducting the first interview after case assignment within a certain time-frame given its current staffing levels. In the meantime, the Office of Internal Affairs will continue its efforts in hiring more special agents to reduce its overall vacancy rate. The department was successful in granting more flexibility and decision-making to Office of Internal Affairs management.

**Recommendation 1.2** The OIG recommends that the Employment Advocacy and Prosecution Team develop a policy requiring department attorneys to have a witness present when preparing trial witnesses for hearings or, if no witness is available, to audio-record the interviews.

**CDCR Response: Not implemented.** This recommendation has been considered and does not appear feasible as it may compromise attorney-client discussions with potential witnesses and may violate statutory requirements or MOU obligations.

**Recommendation 1.3** The OIG recommends that the department investigate every negligent discharge of a firearm to determine how unintended discharges can be avoided and whether disciplinary action is required. The OIG further recommends that the department develop a policy concerning the safe handling of firearms in the armory.

**CDCR Response: Fully implemented.** On August 26, 2015, the Office of Internal Affairs issued a memorandum to department executive staff advising that the Office of Internal Affairs will respond for a deadly force investigation to any accidental discharge of a firearm by a department employee. The Office of Correctional Safety has procedures in place to prevent a negligent discharge from occurring. These procedures have been taught to all instructors and students that utilize the Glock since 2012. The Office of Correctional Safety Semi-Automatic Handgun course and clarification memo describe the process for making the weapon safe, disassembly of the weapon, and storing the weapon.

**Recommendation 1.4** The OIG recommends that the department adopt a consistent statewide policy on the factors that should lead to a revocation of a concealed weapons permit. Specifically, the policy should include an automatic and immediate revocation of any department-issued concealed weapons permit if the peace officer has been consuming alcohol while in the possession of a weapon.

**CDCR Response: Partially implemented.** The department has drafted a proposed statewide regulation for peace officer employees carrying a department-authorized off-duty firearm and

has provided the proposed regulation to stakeholders for review and comment. The proposed regulation addresses the suspension and revocation of the right to carry an off-duty firearm to include a standard for revocation for consumption of alcohol while in possession of a weapon. The proposed regulation is projected to go into effect on October 24, 2015.

**Recommendation 1.5** The OIG recommends that the department develop a program to phase in the installation of cameras, starting at institutions with a high incidence of use of force, such as high security and reception center institutions, and in the administrative segregation units and mental health housing/treatment areas.

**CDCR Response: Not Implemented.**

The Division of Adult Institutions will review and assess the viability of obtaining cameras for high security and reception center institutions. If viable, a request for funding may be submitted for fiscal year 2016/2017. On August 5, 2015, the department held its first meeting with stakeholders to discuss a plan to identify funding, procurement, and placement of cameras.

**The OIG recommended the department implement the following recommendations from the Volume I Semi-Annual Report, January–June 2014.**

**Recommendation 1.1** The OIG recommends that the department develop clear procedures for the referral and investigation of cases involving allegations of staff-on-inmate sexual assaults.

**CDCR Response: Substantially Implemented.**

The department has proposed to amend Title 15, California Code of Regulations, Section 3401.5, Employee Sexual Misconduct, as part of compliance with the federal Prison Rape Elimination Act (PREA) standards. The regulations were approved by the Office of Administrative Law on September 2, 2015. The department anticipates that the regulations will go into effect in January 2016.

**Recommendation 1.2** The OIG recommends that the Office of Internal Affairs modify its pre-interview admonishments so that special agents are required to inquire of subjects and witnesses whether they have consumed any substances (alcohol, medication, drugs, etc.) that may impair their ability to understand the questions or otherwise meaningfully participate in the interview.

**CDCR Response: Not implemented.**

The Office of Internal Affairs has considered this recommendation and will not change its current admonishment form.

# APPENDICES

**Appendix A1** contains the assessments for 133 Pre-Disciplinary Phase cases monitored during this reporting period, listed by geographical region.

**Appendix A2** contains the assessments for 21 Investigative Phase (criminal) cases monitored during this reporting period, listed by geographical region.

**Appendix B** contains the assessments for 90 Disciplinary Phase cases monitored during the reporting period, listed by geographical region.

**Appendix C** contains the assessments of 80 Combined Phase cases monitored during the reporting period, listed by geographical region.

# APPENDIX A1 PRE-DISCIPLINARY PHASE CASES

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## CENTRAL REGION

Incident Date 2013-09-12	OIG Case Number 14-2535-IR	Case Type Administrative Investigation	Allegations 1. Neglect of Duty 2. Dishonesty
<p><b>Incident Summary</b></p> <p>On September 12, 2013, and November 23, 2013, an officer allegedly failed to disclose on her personal history statement that she had recent previous employment from which she resigned under unfavorable circumstances. On December 10, 2014, the officer was allegedly dishonest during her investigative interview.</p>			
<p><b>Predisciplinary Assessment</b></p>			<p>Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b></p>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to expedite the investigation which allowed the officer to successfully complete probation while pending two disciplinary actions, failed to gather and include a critical supporting document as an exhibit in the investigative report, and included an exhibit to support an allegation but failed to include the allegation itself. The hiring authority failed to timely conduct the investigative findings conference.</p>			
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan? <i>The department attorney and special agent failed to develop an expedited investigative plan to complete the investigation prior to the end of the officer's one-year probationary period. The officer was able to successfully pass probation and received the benefits of permanent civil service employment due to the delay.</i></li> <li>Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The special agent failed to include or provide the personal history update documentation to support the allegation related to September 12, 2013, despite describing its existence in the report. In addition, the special agent failed to include an allegation related to a November 23, 2013, personal history update despite including that document as an exhibit.</i></li> <li>Was the final investigative report thorough and appropriately drafted? <i>The special agent failed to include or provide the personal history update documentation to support the allegation related to September 12, 2013, despite describing its existence in the report. In addition, the special agent failed to include an allegation related to a November 23, 2013, personal history update despite including that document as an exhibit.</i></li> <li>Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 3, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until May 4, 2015, 62 days thereafter.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The department failed to conduct an expedited investigation which allowed the officer to successfully complete her probationary period and the hiring authority failed to timely conduct the investigative findings conference.</i></li> </ul>			

## CENTRAL REGION

Incident Date 2013-12-12	OIG Case Number 14-2000-IR	Case Type Administrative Investigation	Allegations 1. Unreasonable Use of Force 2. Neglect of Duty
<p><b>Incident Summary</b></p> <p>On December 12, 2013, following a controlled cell extraction, an officer allegedly used a bed sheet instead of a department-approved spit mask over an inmate's entire face purportedly to prevent the inmate from spitting while the inmate was being placed in five-point restraints. Several minutes after the sheet was removed from the inmate's face and while the inmate was in at least four of the five restraints, the officer again placed the sheet over the inmate's head, using it to force the inmate's head down. A lieutenant and a sergeant allegedly failed to provide a department-approved spit mask to the officer. Another sergeant and four other officers allegedly failed to observe the actions of the other participants while the inmate was being placed in the restraints. A captain allegedly failed to timely submit a report regarding the incident.</p>			
<p><b>Predisciplinary Assessment</b></p> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, failed to properly determine the allegations, and failed to make proper findings regarding the sufficiency of the evidence to sustain allegations. The OIG sought a higher level of review but the hiring authority's supervisor also failed to make proper findings. The Office of Internal Affairs failed to conduct a thorough investigation and failed to prepare thorough draft and final investigative reports.</p>			<p>Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b></p>

# CENTRAL REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on December 27, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 7, 2014, 192 days after the date of discovery.*

- Were all of the interviews thorough and appropriately conducted?

*The special agent failed to question the officer about the officer's use of the sheet to force the inmate's head down and failed to question the officer about his failure to include that act in his report. The special agent also failed to have the officer explain why the report stated the inmate's nose and mouth were exposed when the sheet was used when, in fact, the mouth and nose were not exposed for several minutes during the first use of the sheet and not at all during the second use. The special agent also failed to question the lieutenant about his observations and failure to act when the sheet was used to force the inmate's head down.*

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

*The draft investigative report failed to include all appropriate allegations related to the use of the sheet as a spit mask and as a device to force the inmate's head down.*

- Was the final investigative report thorough and appropriately drafted?

*The final investigative report failed to include all appropriate allegations related to the use of the sheet as a spit mask and as a device to force the inmate's head down.*

- Was the investigation thorough and appropriately conducted?

*The special agent failed to adequately question the officer regarding the use of the sheet and his report and failed to adequately question the lieutenant. The special agent also made no attempt to interview the inmate.*

- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?

*The hiring authority failed to identify any allegations related to the officer's use of the sheet as a spit mask, use of the sheet to force the inmate's head down, and allegations related to the inadequacy of the officer's report. The hiring authority also failed to address allegations regarding the lieutenant's failure to stop the misconduct.*

- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

*The hiring authority failed to sustain any allegations against the officer who used the sheet as a spit mask, failed to address the officer's use of the sheet as a means to force the inmate's head down, and failed to find that the lieutenant should have intervened to stop the misconduct.*

- If an executive review was invoked in the case, did OIG request the executive review?

*The initial hiring authority failed to sustain any allegations against the officer who used the bed sheet and failed to find that the lieutenant should have intervened to stop the misconduct. The OIG sought a higher level of review.*

- If an executive review was invoked, was the appropriate decision made?

*The hiring authority's supervisor failed to make the proper factual findings regarding the officer. The OIG could not seek a higher level of review because of the proximity of the deadline for taking disciplinary action.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely refer the matter to the Office of Internal Affairs.*

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-15	14-2607-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Code of Silence</li> <li>3. Contraband</li> <li>4. Discourteous Treatment</li> <li>5. Neglect of Duty</li> </ol>

### Incident Summary

On December 15, 2013, an officer allegedly brought an audio device into the secure perimeter of the institution in an attempt to harass and intimidate another officer and encourage a code of silence with a recording of her testimony from a prior hearing involving the first officer. The officer was also allegedly dishonest with the Office of Internal Affairs when questioned about the incident. Four other officers allegedly witnessed the first officer's misconduct and failed to report it.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed six months before referring the matter to the Office of Internal Affairs, failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings, and failed to provide the OIG with the form documenting the investigative findings.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on March 28, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 29, 2014, six months after the date of discovery.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 3, 2015. The hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until March 26, 2015, 23 days thereafter.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?  
*The hiring authority failed to provide the OIG with the form documenting the investigative findings.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Officer of Internal Affairs and failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.*

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-01	14-1744-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Over-Familiarity</li> <li>2. Contraband</li> <li>3. Unreasonable Use of Force</li> <li>4. Misuse of Authority</li> <li>5. Neglect of Duty</li> </ol>

### Incident Summary

On January 1, 2014, March 12, 2014, and May 3, 2014, two officers allegedly allowed inmates to fight. On January 1, 2014, one of the officers allegedly failed to stop the other officer's misconduct and watched a movie while on duty that day. Also on January 1, 2014, a third, fourth, and fifth officer allegedly failed to intervene to stop misconduct they observed. Between January 14, 2014 and April 29, 2014, one of the officers also allegedly slammed an inmate's head on a wall and deployed pepper spray on the inmate, received a tattoo from an inmate in exchange for providing the inmate with tobacco, sold a mobile phone to an inmate, and used a mobile phone within the secure perimeter for personal use. In March 2014, five of the officers allegedly failed to confiscate paint from an inmate and prevent him from painting inappropriate artwork on a podium. On May 3, 2014, two of the officers and a sixth officer allegedly failed to report or take action after discovering an inmate fight.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed referring the matter for investigation and failed to timely consult with the OIG and department attorney regarding the investigative findings. The hiring authority failed to provide the form documenting the investigative findings to the OIG. Also, the special agent was assigned on August 7, 2014. However, interviews did not commence until December 24, 2014, over four months thereafter and almost one year after the first incident date.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on May 13, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 7, 2014, 55 days after the date of discovery.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 12, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 24, 2015, 43 calendar days thereafter.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?  
*The hiring authority failed to provide the CDCR Form 402, the form documenting the investigative findings.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the findings conference.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-09	14-1004-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

On January 9, 2014, two officers and a sergeant allegedly kicked and punched an inmate. A psychiatric technician and a licensed vocational nurse allegedly failed to report the inmate's injuries.

# CENTRAL REGION

<b>Predisciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
<b>Disposition</b> The hiring authority determined there was insufficient evidence to sustain any of the allegations. The OIG concurred.	

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-09	14-1001-IR	Administrative Investigation	1. <b>Dishonesty</b> 2. <b>Unreasonable Use of Force</b> 3. <b>Discourteous Treatment</b>

**Incident Summary**

On February 9, 2014, an officer allegedly used profanity towards an inmate when the inmate failed to comply with orders to stop sitting on a dormitory wall. After restraining the inmate, the officer allegedly pulled up on the inmate's arms, forcing the inmate's head down. When the inmate tried to hold his head up, the officer allegedly used his body weight to take the inmate to the ground. Once on the ground, the officer allegedly pushed the inmate's head onto the floor multiple times, even though the inmate was not resisting and another officer had already told the first officer to stop. The officer was allegedly dishonest to the Office of Internal Affairs.

<b>Predisciplinary Assessment</b> The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney delayed eight months before assessing and confirming the deadline for taking disciplinary action. The special agent failed to provide the OIG with adequate notice of interviews, which resulted in the OIG being unable to monitor the interviews. In the OIG's expert opinion, the department attorney failed to provide accurate legal advice when he advised the dishonesty allegations could not be proven. The hiring authority's supervisor failed to sustain the dishonesty allegations.	Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b>
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**Assessment Questions**

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney was assigned April 29, 2014, but did not make an entry into the case management system regarding the relevant dates until December 29, 2014, eight months after being assigned.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent failed to consult with the OIG when scheduling two interviews. On December 10, 2014, the special agent and the department attorney agreed to conduct two interviews on December 26, 2014. However, the OIG was not notified of these interviews until December 24, 2014. Consequently, the OIG was unable to attend the interviews.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

*In the OIG's expert opinion, the department attorney inappropriately advised the hiring authority that the dishonesty allegations could not be proven even though the officer's answers during his interview with the Office of Internal Affairs were inconsistent with his earlier report and another officer's testimony.*
- If an executive review was invoked, was the appropriate decision made?

*The hiring authority's supervisor disagreed with the initial hiring authority's decision to sustain dishonesty allegations against the officer, even though the officer's report of the incident and other witness testimony contradicted answers the officer provided during his interview with the Office of Internal Affairs.*

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-11	14-1111-IR	Administrative Investigation	1. Unreasonable Use of Force

### Incident Summary

On February 11, 2014, after an inmate threw boxer shorts through an office window at an officer, the officer exited the office and allegedly deployed pepper spray on the inmate. The officer also allegedly struck the inmate with a baton when the inmate refused to lie completely flat on the ground.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed in referring the matter to the Office of Internal Affairs. The Office of Internal Affairs delayed six months before starting interviews and the special agent failed to adequately prepare for and conduct interviews. The department attorney failed to provide the hiring authority with appropriate legal advice.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on February 11, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 4, 2014, 52 days after the date of discovery.*
- Did the special agent adequately prepare for all aspects of the investigation?  
*The special agent did not view and was not familiar with the area where the incident occurred when conducting interviews.*
- Were all of the interviews thorough and appropriately conducted?  
*The department's use-of-force policy and training materials were not used as a basis for asking questions during interviews. The special agent did not have a scene diagram available for use during the officer's interview.*
- Was the investigation thorough and appropriately conducted?  
*The special agent did not view and was not familiar with the area where the incident occurred when conducting interviews. The department's use-of-force policy and training materials were not used as a basis for asking questions during interviews. The special agent did not have a scene diagram available for use during the officer's interview.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?  
*The department attorney failed to properly analyze and consider the imminent threat requirement of the department's use-of force-policy and inappropriately recommended that the allegation not be sustained.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed in referring the matter to the Office of Internal Affairs. Minimal investigative work occurred in the more than four months after a special agent was first assigned. Interviews did not begin until six months after an agent was assigned. The inmate involved in the incident was not interviewed until nine months after the incident, after he transferred to another institution.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-19	14-1117-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty 3. Attendance

### Incident Summary

Between February 19, 2014 and March 6, 2014, a counselor allegedly arrived late to work, departed early, or both, but failed to adjust the start and end times on his timesheet. He also allegedly left work early without obtaining permission from a supervisor, was excessively tardy on multiple occasions, and failed to sign in on two occasions. The counselor also allegedly was dishonest when he failed to correct a start time on a timesheet.

## CENTRAL REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Insufficient</b>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The draft investigative report inadequately described the substance of the interviews by excluding exculpatory information.</p>	
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?</li> </ul> <p><i>The investigative draft report was not thorough. The special agent failed to include a complete summary of the interview of the officer's supervisor, who corroborated facts offered by the officer in his defense.</i></p>	

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-26	14-0858-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>

**Incident Summary**  
 On February 26, 2014, an officer allegedly submitted a fraudulent physician's note to a captain in an attempt to excuse his absence from work.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b> <b>Substantive Rating: Insufficient</b>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to complete a timely investigation, interview a critical witness, record two witness interviews, and timely notify the OIG of a supplemental witness interview. The hiring authority failed to timely notify the OIG of the findings conference, improperly deemed the investigation sufficient, failed to request additional investigation, and failed to sustain any allegations. The department attorney failed to recommend additional investigation and did not recommend the hiring authority sustain a dishonesty allegation. After a higher level of review was invoked, the hiring authority's supervisor improperly determined there was insufficient evidence to sustain dishonesty and instead added and sustained neglect of duty based on the officer's failure to accurately review the physician's note he submitted. The OIG concurred with the decision to add and sustain neglect of duty but not with the decision not to sustain dishonesty; however, the OIG was prevented from seeking a second higher level of review due to insufficient time caused by an untimely investigation.</p>	

# CENTRAL REGION

## Assessment Questions

- Were all of the interviews thorough and appropriately conducted?  
*The special agent failed to record two witness interviews.*
- Was the investigation or subject-only interview completed at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?  
*The investigation was not completed until February 18, 2015, seven days before the deadline to take disciplinary action.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?  
*The special agent failed to timely notify the OIG of a supplemental witness interview.*
- Was the investigation thorough and appropriately conducted?  
*The special agent failed to interview a critical witness and failed to record two witness interviews.*
- Did the HA properly deem the OIA investigation sufficient or insufficient?  
*The hiring authority failed to deem the investigation insufficient and request an interview of a percipient witness.*
- Did the HA properly determine whether additional investigation was necessary?  
*The hiring authority failed to request additional investigation to interview a critical witness.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?  
*In the OIG's expert opinion, the department attorney failed to recommend sustaining a dishonesty allegation that the evidence supported and failed to recommend additional investigation to interview a critical witness.*
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?  
*The hiring authority failed to sustain a dishonesty allegation that the evidence supported.*
- If an executive review was invoked in the case, did OIG request the executive review?  
*The initial hiring authority failed to sustain the dishonesty allegation. The OIG disagreed and sought a higher level of review.*
- If an executive review was invoked, was the appropriate decision made?  
*The initial hiring authority failed to sustain the dishonesty allegation. After a higher level of review was invoked, the hiring authority's supervisor also failed to sustain dishonesty.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?  
*The hiring authority failed to timely notify the OIG of the findings conference.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The investigation was untimely thereby preventing an even higher level of review after the hiring authority's supervisor failed to make an appropriate decision regarding the dishonesty allegation.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-26	14-1194-IR	Administrative Investigation	1. Unreasonable Use of Force

### Incident Summary

On February 26, 2014, an officer allegedly deployed pepper spray at an inmate for attempting to discard a mobile phone.

## CENTRAL REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Sufficient</b>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed in referring the matter for investigation. The Office of Internal Affairs delayed four months before starting investigative activities and delayed almost six months before commencing interviews. The inmate involved in the incident was not interviewed until almost seven months after a special agent was assigned and after the inmate had been transferred to a distant institution.</p>	

<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 26, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 28, 2014, 61 days after the date of discovery.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The hiring authority delayed 61 days before referring the matter to the Office of Internal Affairs. Although the special agent was assigned on May 23, 2014, four months passed before investigative activity was initiated. The special agent did not request basic investigative information until October 14, 2014, five months after initial assignment. Interviews did not commence until November 14, 2014, almost six months after assignment. The inmate involved in the incident was not interviewed until December 16, 2014, almost seven months after assignment.</i></li> </ul>
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<p><b>Disposition</b></p> <p>The hiring authority determined there was insufficient evidence to sustain the allegation. The hiring authority also determined that the officer should receive training regarding his report writing because a more detailed report would have prevented the need to investigate the matter. The OIG concurred with the hiring authority's determinations.</p>
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Incident Date	OIG Case Number	Case Type	Allegations
2014-03-05	14-1029-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Discourteous Treatment</li> </ol>

<p><b>Incident Summary</b></p> <p>On March 5, 2014, an officer went to the scene of a domestic violence incident involving her son and allegedly destroyed evidence in an attempt to protect her son. The officer was also allegedly dishonest, discourteous, and uncooperative towards an outside law enforcement officer investigating the incident.</p>
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<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b>
	<b>Substantive Rating: Sufficient</b>
<p>The department sufficiently complied with policies and procedures governing the pre-disciplinary process.</p>	

<p><b>Disposition</b></p> <p>The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.</p>
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Incident Date	OIG Case Number	Case Type	Allegations
2014-03-05	14-1112-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Failure to Report Use of Force</li> <li>Neglect of Duty</li> </ol>

<p><b>Incident Summary</b></p> <p>On March 5, 2014, an officer allegedly pushed an inmate's face into a wall and then failed to report the force he used. A second officer and a sergeant allegedly failed to document their observations of the same incident. A third officer and a second sergeant allegedly placed the same inmate in a holding cell without justification. A lieutenant allegedly failed to contact his supervisor regarding the entire incident.</p>
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# CENTRAL REGION

<b>Predisciplinary Assessment</b> The department failed to comply with the policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to cooperate with the OIG, failed to interview a percipient witness, and failed to timely commence the investigation. The hiring authority failed to timely make determinations regarding the sufficiency of the investigation and the investigative findings.	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>

<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>                     Did the special agent cooperate with and provide continual real-time consultation with the OIG?  <i>The special agent failed to notify the OIG of several witness interviews, resulting in the OIG's inability to attend those interviews.</i> </li> <li>                     Was the investigation thorough and appropriately conducted?  <i>The special agent failed to interview the inmate upon whom the force was used.</i> </li> <li>                     Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  <i>The case was returned to the hiring authority on February 5, 2015; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until February 27, 2015, 22 days thereafter.</i> </li> <li>                     If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?  <i>Although the hiring authority ultimately deemed the investigation sufficient, the hiring authority noted during the findings conference that additional information would have been helpful but due to the impending deadline for taking disciplinary action, such information could not be obtained.</i> </li> <li>                     Was the pre-disciplinary/investigative phase conducted with due diligence?  <i>The Office of Internal Affairs delayed seven months before beginning the investigation. The investigative report was sent to the hiring authority with only 23 days remaining before the deadline for taking disciplinary action. The hiring authority delayed in consulting regarding the sufficiency of the investigation and the investigative findings.</i> </li> </ul>
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<b>Disposition</b> The hiring authority determined there was insufficient evidence to sustain the allegations against the officers, the first sergeant, and the lieutenant. As to the second sergeant, the hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred with the hiring authority's determinations.
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Incident Date	OIG Case Number	Case Type	Allegations
2014-03-06	14-1906-IR	Administrative Investigation	1. Failure to Report Use of Force

<b>Incident Summary</b> On March 6, 2014, two officers allegedly failed to report the force they used to physically restrain a resistive inmate. Three other officers allegedly failed to report the force they witnessed.
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<b>Predisciplinary Assessment</b> The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed 68 days in referring the matter to the Office of Internal Affairs. The Office of Internal Affairs did not begin interviews until February 5, 2015, eleven months after the incident and more than five months after a special agent was assigned. The inmate who complained about the officers was not interviewed until February 27, 2015, almost a full year after the incident and six months after a special agent was assigned. The special agent in-charge failed to provide a specific plan for the completion of the investigation.	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Sufficient</b>

## CENTRAL REGION

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The date of discovery was April 23, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until June 30, 2014, 68 days after the date of discovery.*

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent in-charge failed and refused to provide a specific plan for the timely completion of the investigation as required by directives issued by the Office of Internal Affairs.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely refer the matter to the Office of Internal Affairs.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-07	14-1757-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> </ol>

### Incident Summary

On March 7, 2014, an officer allegedly slapped an inmate's neck after the inmate tried to hit the officer. The officer also allegedly deployed pepper spray on the inmate as the inmate ran away. That officer and a second officer allegedly failed to immediately activate their alarms when the inmate became disruptive.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed in referring the matter to the Office of Internal Affairs and the special agent delayed almost six months before conducting interviews.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on March 7, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 30, 2014, 54 days after the date of discovery.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed conducting the investigation. The special agent was assigned July 29, 2014; however, interviews did not start until January 21, 2015, almost six months thereafter. The nurse who assessed the inmate's injuries was not interviewed until January 22, 2015, almost six months after the special agent was assigned.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain allegations. However, the hiring authority required the first officer to receive additional training regarding alarm response. The OIG concurred with the hiring authority's determination.

## CENTRAL REGION

Incident Date 2014-03-13	OIG Case Number 14-1167-IR	Case Type Administrative Investigation	Allegations 1. Failure to Report Use of Force 2. Discourteous Treatment 3. Dishonesty 4. Neglect of Duty
<p><b>Incident Summary</b></p> <p>On March 13, 2014, two officers allegedly failed to handcuff a disruptive inmate they were escorting, failed to report they used physical force on the inmate, and failed to report they observed physical force being used. The officers were allegedly dishonest by omitting from their first written reports they used and witnessed physical force being used. Both officers were allegedly dishonest during interviews with the Office of Internal Affairs. Immediately after the incident, a lieutenant allegedly yelled at the two officers in front of other custody staff, refused to accept the officers' additional reports, and failed to request clarifications from the officers about the incident.</p>			
<p><b>Predisciplinary Assessment</b></p> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent delayed almost eight months before conducting the first interview and failed to interview a key witness. The department attorney failed to advise the special agent to conduct the key witness interview. In the OIG's expert opinion, the department attorney failed to provide appropriate legal advice to the hiring authority. The department attorney delayed seeking a higher level of review until after deficient letters of intent were served and the deadline for taking disciplinary action had expired.</p>			<p>Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b></p>

# CENTRAL REGION

## Assessment Questions

- Were all of the interviews thorough and appropriately conducted?

*The special agent failed to interview a captain who may have had information concerning the officers' version of events and the lieutenant's conduct. There was an initial agreement to interview the captain and his interview was scheduled but never took place because the special agent failed to ensure the captain was properly served with notice before the scheduled interview.*

- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?

*When reviewing the investigative report, the department attorney failed to advise the special agent that a captain who may have had information related to the officers' version of events and the lieutenant's conduct should be interviewed. It was previously agreed that the captain should be interviewed.*

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

*The investigative draft report failed to contain information that should have been obtained from a captain who may have had information related to the officers' version of events and the lieutenant's conduct.*

- Was the final investigative report thorough and appropriately drafted?

*The final investigative report failed to contain information that should have been obtained from a captain who may have had information related to the officers' version of events and the lieutenant's conduct.*

- Was the investigation thorough and appropriately conducted?

*The special agent failed to interview a captain who may have had information concerning the officers' version of events because the special agent failed to ensure the captain was properly served with notice.*

- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

*In the OIG's expert opinion, the department attorney failed to provide appropriate legal advice by advising the hiring authority that dishonesty allegations could not be proven. The department attorney also failed to review the letters of intent drafted by the employee relations officer.*

- If an executive review was invoked, was the executive review process in the DOM followed?

*The department attorney delayed invoking a higher level of review related to dishonesty allegations until after deficient letters of intent had already been served on the two officers and the deadline for taking disciplinary action had expired. This prevented the hiring authority's supervisor from considering the dishonesty allegations that the initial hiring authority appropriately sustained based on the officers' first reports completely omitting any physical force used and witnessed. When referred to a higher level of review, these dishonesty allegations were not sustained by the hiring authority's supervisor. However, this was due to the defective letters of intent the employee relations officer drafted. Since the letters of intent had already been served and the deadline to take disciplinary action had lapsed, the allegations could no longer be sustained.*

- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?

*The hiring authority failed to consult with the OIG when drafting the letters of intent.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The special agent was assigned on May 19, 2014; however, interviews did not start until January 14, 2015, almost eight months later, resulting in the need for letters of intent to be quickly drafted and that were legally deficient when drafted. The department attorney failed to seek a higher level of review in a timely manner.*

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-02	14-1583-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Sexual Misconduct</li> <li>2. Unreasonable Use of Force</li> <li>3. Failure to Report Use of Force</li> </ol>

### Incident Summary

On April 2, 2014, three officers allegedly punched and kicked an inmate. One of the officers also allegedly unreasonably deployed pepper spray on the same inmate and a second inmate. Another of the three officers allegedly sexually battered the first inmate. A sergeant, two other officers, and a nurse allegedly failed to report the use of force they witnessed.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed in referring the matter for investigation. The hiring authorities for custody staff and the nurse both failed to timely conduct the findings conferences. The special agent delayed four months before starting interviews which resulted in involved officers being unable to clearly recall events surrounding the incident.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on April 11, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 27, 2014, 46 days after the date of discovery.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 3, 2015. The hiring authority for custody staff did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 6, 2015, 34 calendar days thereafter. The hiring authority for the nurse did not conduct the findings conference until April 7, 2015, 35 calendar days after the investigation was completed.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The special agent was assigned to the case on July 8, 2014; however, the interviews did not commence until November 25, 2014, over four months after assignment. Due to this delay, involved officers could no longer clearly recall the incident. One officer who had not previously completed an incident report had no report available to refresh his memory; therefore, when he was interviewed nine months after the incident, he could not recall any specific details.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-08	14-1587-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Misuse of Authority</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

On April 8, 2014, an officer allegedly allowed four inmates to assault another inmate as punishment for sexually exposing himself. The officer also allegedly directed uninvolved inmates to ignore the attack, destroyed a note containing details of the incident, ordered the inmate who had been attacked to remain on his bed, and denied him his evening meal. A second officer allegedly failed to report or stop the attack and also denied the inmate who had been attacked his evening meal. On May 21, 2014, two additional officers allegedly failed to stop and report inmates fighting in the same housing unit.

## CENTRAL REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b>
	<b>Substantive Rating: Insufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs Central Intake Panel failed to make an appropriate determination. The Office of Internal Affairs special agent did not begin interviews until six months after he was assigned to investigate the matter.	

<b>Assessment Questions</b>
<ul style="list-style-type: none"> <li>Did OIA Central Intake make an appropriate initial determination regarding the case? <i>OIA Central Intake failed to include allegations that were supported by the facts, including failure to report misconduct, failure to intervene to stop misconduct, and failure to summon medical treatment.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The Office of Internal Affairs special agent was assigned on July 23, 2014; however, the interviews did not start until January 28, 2015, six months thereafter.</i></li> </ul>

<b>Disposition</b>
The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-14	14-1585-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Failure to Report Use of Force</li> <li>Insubordination/Willful Disobedience</li> <li>Discourteous Treatment</li> </ol>

<b>Incident Summary</b>
On April 14, 2014, an officer allegedly head-butted an inmate twice, punched him in the face, and used profanity toward him. The officer also allegedly left grounds after being given an order to not leave until all reports had been reviewed.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b>
	<b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

<b>Disposition</b>
The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-23	14-1396-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>

<b>Incident Summary</b>
On April 23, 2014, a sergeant allegedly accessed a computer overtime tracking program to change her voluntary overtime designation to involuntary in order to avoid being held over for another involuntary overtime shift. The sergeant also allegedly altered documentation to reflect the change without consulting her supervisor.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Sufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to conduct the investigative findings conference in a timely manner. On June 12, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation. However, he did not conduct the first interview until February 10, 2015, eight months thereafter. The special agent in-charge failed to conduct a required case conference intended to ensure timely completion of delayed investigations.	

# CENTRAL REGION

### Assessment Questions

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?  
*The special agent in-charge failed to respond to an OIG inquiry concerning a special agent's investigative activity and request to hold a 60-day case conference.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 6, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 9, 2015, 34 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely consult regarding the sufficiency of the investigation and the investigative findings.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-25	14-1398-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Failure to Report Use of Force</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On April 25, 2014, an officer allegedly used unreasonable force on an inmate when he used physical force and struck the inmate multiple times with a baton. The officer also allegedly failed to accurately report the force he used. A sergeant and a second officer allegedly failed to intervene to stop the unreasonable use of force and failed to accurately report the force they witnessed.

<h3>Predisciplinary Assessment</h3> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to conduct a thorough investigation and the department attorney failed to adequately address the lack of thoroughness in the investigative report. The hiring authority failed to timely consult regarding the sufficiency of the investigation, failed to identify the need for additional investigation, and inappropriately deemed the investigation sufficient. The department attorney failed to provide appropriate legal consultation to the hiring authority regarding the sufficiency of the investigation.</p>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>

# CENTRAL REGION

## Assessment Questions

- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?

*The department attorney determined the report and investigation were thorough despite the special agent's failure to interview the inmate upon whom the force was used.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

*The investigative draft report was missing critical information. The involved inmate was not interviewed and potential allegations of retaliation were not investigated.*
- Was the final investigative report thorough and appropriately drafted?

*The final investigative report was missing critical information. The involved inmate was not interviewed and potential allegations of retaliation were not investigated.*
- Was the investigation thorough and appropriately conducted?

*The special agent failed to interview the involved inmate and failed to investigate the possibility that the use of force was in retaliation for an earlier argument between the officer and the inmate.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 9, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until March 20, 2015, 39 days thereafter.*
- Did the HA properly deem the OIA investigation sufficient or insufficient?

*The hiring authority found the investigation sufficient despite the investigation lacking pertinent information to make adequate findings.*
- Did the HA properly determine whether additional investigation was necessary?

*The hiring authority failed to request additional investigation pertaining to interviewing the inmate witness and potential retaliation claims. The hiring authority noted during the consult that such information would have been helpful to his decision; however, there was insufficient time to obtain the information due to the impending deadline for taking disciplinary action.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

*The department attorney failed to provide appropriate legal consultation to the hiring authority regarding the sufficiency of the investigation in light of the fact that the investigation did not include a key witness interview.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely consult on the sufficiency of the investigation and investigative findings.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-28	14-1399-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Failure to Report Use of Force</li> </ol>

### Incident Summary

On April 28, 2014, two officers allegedly slammed an inmate's face into a holding cell wall and failed to report the use of force.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department failed to conduct a timely investigation and witnesses were unable to recall details of the incident because their interviews occurred almost a year after the incident.

# CENTRAL REGION

### Assessment Questions

- Was the investigation thorough and appropriately conducted?  
*The special agent was assigned the case on July 10, 2014, but did not conduct the first interview until November 4, 2014, almost four months later. The remaining interviews were not conducted until March 2015, eight months after the special agent was assigned. Witnesses were unable to recall details of the incident because their interviews occurred almost one year after the incident.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The special agent failed to conduct the interviews in a timely manner. The special agent was assigned on July 10, 2014, but did not conduct the first interview until November 4, 2014, more than four months thereafter. The remaining interviews were not conducted until March 2015, eight months after the special agent was assigned. Witnesses were unable to recall details of the incident because their interviews occurred 10 to 11 months after the incident.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-29	14-1401-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

On April 29, 2014, and April 30, 2014, an officer allegedly called an inmate a "rat" and told several inmates that the inmate was an informant. On April 30, 2014, the officer allegedly gave that inmate's mail to a second inmate. On the same date, the officer also allegedly entered the first inmate's cell, grabbed the inmate by his shirt and slammed him into a wall, then pushed the inmate's cellmate, knocking him to the ground. The officer also allegedly allowed several inmates to confront the first inmate. A second officer allegedly released several inmates onto the tier even though adequate custody staff were not present.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Sufficient</b>

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed 44 days before consulting regarding the sufficiency of the investigation and the investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 26, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 9, 2015, 44 calendar days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely consult regarding the sufficiency of the investigation and the investigative findings.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-30	14-2105-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Failure to Report Use of Force</li> </ol>

### Incident Summary

On April 30, 2014, an officer allegedly deployed pepper spray on an inmate who was lying prone on the ground complying with orders. A sergeant allegedly directed the officer to keep spraying the inmate. A second officer allegedly witnessed the first officer's use of force and failed to report it.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-12	14-1758-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

On May 12, 2014, an officer allegedly pushed his wife and was allegedly dishonest with outside law enforcement when he denied physical contact with his wife. On January 8, 2015, the officer was allegedly dishonest to an Office of Internal Affairs special agent when describing the incident.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to provide continual real-time consultation with the OIG. The hiring authority failed to timely consult concerning the investigative findings and failed to identify and determine multiple dishonesty allegations. The department attorney failed to provide appropriate legal advice regarding the allegations and failed to consult with the OIG.

# CENTRAL REGION

## Assessment Questions

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?  
*The special agent failed to consult with the OIG regarding various investigative activities including the scheduling of interviews.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 13, 2015. The hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until March 10, 2015, 25 days thereafter.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?  
*The department attorney improperly advised the hiring authority that a domestic violence allegation should not be sustained because the district attorney failed to file criminal charges and advised against sustaining two dishonesty allegations.*
- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?  
*The hiring authority failed to identify two dishonesty allegations based on the evidence.*
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?  
*The hiring authority failed to appropriately determine that two dishonesty allegations should be sustained.*
- If an executive review was invoked in the case, did OIG request the executive review?  
*The OIG sought a higher level of review because the hiring authority and the hiring authority's supervisor failed to sustain dishonesty allegations.*
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?  
*The department attorney failed to respond to repeated OIG requests to consult concerning her legal advice and persisted in failing to consult even after being directed to do so by her supervisor.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed in conducting the findings conference. There was a further unreasonable delay caused by the department attorney's failure to consult with the OIG.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-16	14-1586-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Sexual Misconduct</li> <li>2. Unreasonable Use of Force</li> <li>3. Discourteous Treatment</li> </ol>

### Incident Summary

On May 16, 2014, two officers allegedly used unreasonable force on an inmate, sexually battered the inmate, and used profanity towards him.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to conduct the investigation in a timely manner. The hiring authority failed to timely consult regarding the sufficiency of the investigation and the investigative findings and failed to provide the form documenting the investigative findings to the OIG.

# CENTRAL REGION

## Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 22, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until May 13, 2015, 21 days thereafter.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?  
*The hiring authority failed to provide the form documenting the investigative findings to the OIG.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*There was a delay of more than eight months before the special agent began conducting interviews after being assigned the case. The inmate involved in the case was not interviewed until ten months after the incident. The hiring authority delayed 21 days before consulting regarding the sufficiency of the investigation and the investigative findings.*

## Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against both officers. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-16	14-2459-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> <li>3. Neglect of Duty</li> </ol>

## Incident Summary

Between May 16, 2014, and July 7, 2014, a sergeant allegedly failed to follow overtime hiring procedures on three occasions. The sergeant also allegedly failed to provide a memorandum as directed explaining the circumstances for failing to follow overtime hiring procedures and was allegedly dishonest when he denied knowledge of, or involvement in, two of the three occasions.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The department attorney failed to attend a key witness interview.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on May 16, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 16, 2014, four months after the date of discovery.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*Due to a reported family emergency, the assigned department attorney did not attend a key witness interview.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to refer the matter to the Office of Internal Affairs until four months after the date of discovery.*

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-19	14-1875-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Disclosure of Confidential Information</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On May 19, 2014, a captain allegedly became aware of and failed to report violations of the anti-nepotism policy and also allegedly obtained confidential personnel documents regarding other employees without permission. On May 27, 2014, a warden allegedly failed to enforce the anti-nepotism policy by allowing several married employees and others with close relationships to work together.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-29	14-1912-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>

### Incident Summary

On May 29, 2014, an investigative services unit lieutenant allegedly failed to timely obtain permission to place an inmate on contraband surveillance watch.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-01	14-2072-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> <li>3. Threat/Intimidation</li> <li>4. Neglect of Duty</li> <li>5. Misuse of State Equipment or Property</li> </ol>

### Incident Summary

Between June 1, 2014 and June 30, 2014, an officer allegedly solicited an inmate to use a state telephone to make multiple threatening calls to the ex-wife of the officer's boyfriend. The officer also allegedly allowed the inmate to make several personal telephone calls on the same state telephone in exchange for helping her. In July 2014 the officer allegedly destroyed evidence of a note the inmate sent to her. On December 10, 2014, the officer was allegedly dishonest in her Office of Internal Affairs interview.

## CENTRAL REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to expedite the investigation which allowed the officer to successfully complete probation while pending two disciplinary actions, failed to adequately preserve evidence, and failed to follow up on questioning of the officer related to potential dishonesty. The hiring authority did not timely conduct the investigative findings conference.</p>	

<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan?</li> </ul>	<p><i>The department attorney and special agent failed to develop an expedited investigative plan to complete the investigation prior to the end of the officer's one-year probationary period. The officer was able to successfully pass probation and received the benefits of permanent civil service employment due to the delay.</i></p>
<ul style="list-style-type: none"> <li>Were all of the interviews thorough and appropriately conducted?</li> </ul>	<p><i>The special agent failed to identify and follow up on a potentially dishonest statement revealed in the officer's interview with the Office of Internal Affairs.</i></p>
<ul style="list-style-type: none"> <li>Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?</li> </ul>	<p><i>The draft investigative report failed to include relevant telephone record information. The special agent did not act to preserve some of the pertinent telephone record evidence resulting in the loss of that evidence. The draft report also failed to include follow-up regarding a potentially dishonest statement revealed in the officer's interview with the Office of Internal Affairs.</i></p>
<ul style="list-style-type: none"> <li>Was the final investigative report thorough and appropriately drafted?</li> </ul>	<p><i>The final investigative report did not include relevant telephone record evidence or follow-up regarding a potentially dishonest statement revealed in the officer's interview with the Office of Internal Affairs.</i></p>
<ul style="list-style-type: none"> <li>Was the investigation thorough and appropriately conducted?</li> </ul>	<p><i>The special agent did not act to preserve pertinent telephone record evidence.</i></p>
<ul style="list-style-type: none"> <li>Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?</li> </ul>	<p><i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 3, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until May 4, 2015, 62 days later.</i></p>
<ul style="list-style-type: none"> <li>Was the pre-disciplinary/investigative phase conducted with due diligence?</li> </ul>	<p><i>The department failed to conduct an expedited investigation which allowed the officer to successfully complete her probationary period and the hiring authority did not timely conduct the investigative findings conference.</i></p>

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-05	14-1760-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Failure to Report Use of Force</li> <li>Neglect of Duty</li> </ol>

<b>Incident Summary</b>
<p>On June 5, 2014, an officer allegedly struck an inmate on the hand with his baton because the inmate would not close a food port door and then failed to report his use of force. A second officer was allegedly present and failed to report the use of force he observed. Both officers also allegedly failed to notify a sergeant that the inmate would not close a food port door, as required by departmental policy.</p>

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b>
	<b>Substantive Rating: Sufficient</b>
<p>The department sufficiently complied with policies and procedures governing the pre-disciplinary process.</p>	

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-15	14-2261-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> </ol>

### Incident Summary

On June 15, 2014, an officer was allegedly dishonest when he failed to report in a rules violation report that he used force on an inmate.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs. OIA Central Intake failed to add a second officer as a subject after receiving information that the second officer used force without reporting it. The special agent was assigned on September 26, 2014, but did not commence interviews until April 30, 2015, eight months thereafter.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on June 18, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 18, 2014, 61 days after the date of discovery.*
- Did OIA Central Intake make an appropriate initial determination regarding the case?  
*OIA Central Intake failed to add a second officer as a subject after receiving information indicating the second officer used force by grabbing the inmate's lower pant leg and used his weight and arm strength to pin the inmate's leg against a table.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed referring the matter to the Office of Internal Affairs.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-16	14-2259-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> </ol>

### Incident Summary

On June 16, 2014, a sergeant allegedly failed to take action when he was advised that two inmates sharing a cell were no longer compatible. One inmate ultimately battered the other inmate. The sergeant also allegedly failed to sign all log books documenting his tour of the facility and was dishonest when he documented touring the facility during his shift when he had not done so. An officer allegedly failed to activate his personal alarm when he saw one of the inmates sitting on the floor of the cell with his hands bound.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The special agent was assigned October 14, 2014, but did not begin interviews until March 18, 2015, five months thereafter.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on June 16, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 25, 2014, 70 days after the date of discovery.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs.*

# CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-17	14-2260-IR	Administrative Investigation	1. Neglect of Duty

## Incident Summary

On June 17, 2014, three officers allegedly failed to ensure a corridor was clear of general population inmates before allowing a sensitive needs inmate to walk down the corridor without an escort, resulting in the sensitive needs inmate being attacked and stabbed nine times. A fourth officer allegedly failed to maintain the safe and orderly movement of general population inmates in the corridor, resulting in the sensitive needs inmate being attacked.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter for investigation. The department attorney failed to accurately assess relevant dates and did not identify the need to modify the deadline for taking disciplinary action until the OIG made repeated recommendations to do so. The hiring authorities failed to timely conduct the findings conferences. The Office of Internal Affairs special agent was assigned on September 26, 2014; however, he did not start interviews until February 2, 2015, over four months thereafter.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on June 17, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 12, 2014, 56 days after the date of discovery.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney was assigned on October 7, 2014, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 29, 2014, 22 calendar days after assignment. In addition, the date of discovery and the deadline for taking disciplinary action were not accurately assessed.*
- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?

*The department attorney did not appropriately determine that the deadline for taking disciplinary action should be modified until the OIG recommended three times that the discovery date be reviewed and the deadline be re-assessed.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 15, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until May 8, 2015, 23 calendar days thereafter. Additionally, one of the officers transferred to another institution. A different hiring authority conducted the findings conference for that officer on May 22, 2015, 37 calendar days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*One of the hiring authorities failed to timely refer the matter for investigation. Both hiring authorities failed to conduct the findings conferences in a timely manner.*

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-27	14-2125-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Misuse of Authority</li> <li>Disclosure of Confidential Information</li> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

On June 27, 2014, an Office of Internal Affairs special agent allegedly disclosed confidential information to a private citizen regarding an investigation involving an officer, told the private citizen he was "out to get" the officer, and sent text messages with photographs of himself to the private citizen while on duty.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-08	14-2069-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> <li>Misuse of Authority</li> <li>Weapons</li> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

On July 8, 2014, an officer allegedly pointed his personal handgun at neighbors who were participating in a loud party. The officer also allegedly informed them he was a police officer and then lost control of his handgun when he placed it on a fence, allowing one of the party participants to take the handgun.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs did not complete the officer's interview, which was the only interview conducted, until April 21, 2015, over seven months after a special agent was assigned.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-08	14-2449-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> <li>Insubordination</li> <li>Discourteous Treatment</li> <li>Dishonesty</li> </ol>

### Incident Summary

On July 8, 2014, an officer was allegedly dishonest when he claimed a pre-scheduled medical appointment prevented him from working an involuntary overtime shift. The officer also allegedly failed to provide a physician's note for the appointment after being ordered to do so.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely hold the investigative findings conference. The Office of Internal Affairs refused to conduct further investigation regarding the officer's alleged dishonesty.

# CENTRAL REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on July 19, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 8, 2014, 51 days after the date of discovery.*
- If the hiring authority submitted a request for reconsideration to OIA Central Intake or to the Chief of OIA, was an appropriate decision made regarding the request?

*The hiring authority requested additional investigation to explore the officer's claim that he provided a physician's note excusing his absence as ordered but OIA Central Intake denied the request.*
- Was the investigation thorough and appropriately conducted?

*The Office of Internal Affairs refused a request by the hiring authority, department attorney, and the OIG to investigate the officer's claim that he provided his sergeant with a physician's note to excuse his refusal to work an overtime shift.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 5, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until March 9, 2015, 32 calendar days thereafter.*
- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?

*The hiring authority determined that a dishonesty allegation could not be sustained without a further investigation that the Office of Internal Affairs refused to perform. While it was alleged that the officer refused to provide his sergeant with a physician's note to support his claim that he could not work overtime, the officer provided a copy of a physician's note at the time of his investigative interview and claimed that he provided the note to his sergeant.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority delayed referring the matter to the Office of Internal Affairs and delayed conducting the investigative findings conference.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-19	14-2458-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Insubordination/Willful Disobedience</li> <li>4. Neglect of Duty</li> </ol>

## Incident Summary

On August 19, 2014, an officer allegedly refused an order from a sergeant and a lieutenant to document her statements that she observed a second officer engage in overly familiar behavior with an inmate and was allegedly dishonest when she later denied ever making such statements. When the first officer prepared a memorandum, she was allegedly dishonest when she denied observing any overly familiar behavior. The first officer also allegedly failed to report the misconduct of the second officer, failed to appropriately monitor the second officer and the inmate on multiple occasions, and was dishonest during two interviews with the Office of Internal Affairs.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to confirm relevant dates in the case management system. The Office of Internal Affairs special agent failed to provide the officer an opportunity to review the officer's first recorded interview before interviewing her a second time.

# CENTRAL REGION

## Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney did not make any entry into the case management system confirming relevant dates.*

- Were all of the interviews thorough and appropriately conducted?

*The special agent failed to offer the officer an opportunity to review the recording of her first interview before interviewing the officer a second time.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-14	14-2581-IR	Administrative Investigation	1. Neglect of Duty

### Incident Summary

On September 14, 2014, a nurse allegedly failed to monitor an inmate and document his vital signs as ordered by a physician. Additionally, the nurse allegedly failed to place the inmate on a cardiac monitor, conduct an electrocardiogram, administer oxygen, and monitor the inmate every fifteen minutes, as required.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation that the nurse failed to monitor an inmate and document vital signs as ordered. The hiring authority also determined that the nurse did not place the inmate on a cardiac monitor, perform an electrocardiogram, administer oxygen, or monitor the inmate every fifteen minutes; however, the investigation revealed the actions were justified, lawful, and proper, as the nurse was not required to do these tasks under the circumstances and did not breach the standard of care. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-02	15-0505-IR	Direct Action (No Subject Interview)	1. Unreasonable Use of Force 2. Neglect of Duty

### Incident Summary

On October 2, 2014, four officers and a sergeant allegedly attempted to forcibly carry an inmate by his arms and legs out of a shower after he refused to return to his cell. A lieutenant and the sergeant allegedly failed to ensure the inmate was medically evaluated after the incident.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request. The hiring authority failed to timely consult with the OIG and the department attorney regarding the investigative findings.

# CENTRAL REGION

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on October 2, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 30, 2015, almost four months after the date of discovery.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on January 30, 2015, but did not take action until March 4, 2015, 33 days after the receipt of the request.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on March 4, 2015; however, the consultation with the OIG and department attorney regarding the investigative findings did not occur until May 7, 2015, 64 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed in referring the matter to OIA Central Intake. OIA Central Intake delayed in making a determination regarding the hiring authority's request. The hiring authority failed to timely consult with the OIG and the department attorney regarding the investigative findings.*

Incident Date	OIG Case Number	Case Type	Allegations
2015-01-23	15-0778-IR	Direct Action (No Subject Interview)	1. Dishonesty

**Incident Summary**  
On January 23, 2015, a sergeant was allegedly dishonest when she told another sergeant she had been approved for time off from work when the request had previously been denied.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Insufficient</b>

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG. The Office of Internal Affairs failed to make an appropriate determination regarding the hiring authority's request.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on January 23, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 23, 2015, two months after the date of discovery.*
- Did OIA Central Intake make an appropriate initial determination regarding the case?  
*OIA Central Intake failed to approve an interview of the sergeant to determine her version of events.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on April 15, 2015; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until May 15, 2015, 30 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed referring the matter to the Office of Internal Affairs and consulting with the OIG regarding the sufficiency of the investigation and making investigative findings.*

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-07	15-0630-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination/Willful Disobedience</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On February 7, 2015, an officer allegedly found an unsecured drill bit at the institution, but failed to turn it over to a captain, as required by departmental policy. The officer left the institution and later, when questioned by a lieutenant about the contraband, allegedly dishonestly informed him that she had secured the drill bit in her work locker. The lieutenant informed her that they would search her locker to retrieve the drill bit. She returned to the institution and, en route to the locker with the lieutenant, removed the drill bit from her jumpsuit pocket and provided it to the lieutenant. On February 7, 2015, the lieutenant ordered the officer to provide him with a memorandum regarding the incident, but she failed to do so until February 11, 2015.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-08	15-0629-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Driving Under the Influence</li> </ol>

### Incident Summary

On February 8, 2015, an officer allegedly drove while under the influence of alcohol, collided with a parked vehicle, and fled the scene. On February 19, 2015, the officer was allegedly dishonest to the hiring authority when she reported that she had been detained by outside law enforcement at her residence, but failed to disclose that she had actually been arrested, booked, and held at the jail.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed in consulting with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on March 18, 2015; however, the consultation with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until May 1, 2015, 44 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed in consulting with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings.*

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-08	15-0730-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Other Failure of Good Behavior</li> </ol>

### Incident Summary

On March 8, 2015, an officer was arrested after he allegedly grabbed his wife's wrists during an argument and took her mobile phone to prevent her from calling outside law enforcement.

## CENTRAL REGION

### Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely conduct the findings conference.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on April 8, 2015; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until May 29, 2015, 51 calendar days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to conduct the findings conference in a timely manner.*

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-01	14-0784-IR	Administrative Investigation	1. Neglect of Duty

### Incident Summary

Between January 1, 2013, and December 31, 2013, a chief executive officer and a chief psychologist allegedly failed to track the use of alternative housing cells for mental health inmates and failed to ensure that the alternative housing cells were used only when necessary.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-28	14-0419-IR	Administrative Investigation	1. Dishonesty 2. Over-Familiarity 3. Failure to Report 4. Neglect of Duty

### Incident Summary

Between February 28, 2013 and January 16, 2014, a parole agent allegedly engaged in an overly familiar relationship with a parolee and the parolee's family, allowed the parolee to travel out-of-state without prior authorization, and permitted the parolee to live at an unknown residence. The parole agent also allegedly falsified official records and attempted to convince another parole agent to conceal the misconduct.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-01	15-0325-IR	Administrative Investigation	1. Disclosure of Confidential Information

### Incident Summary

Between May 1, 2013, and October 31, 2013, an Office of Internal Affairs special agent allegedly released confidential information regarding multiple internal investigations, including information regarding a pending criminal investigation.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-01	15-0858-IR	Administrative Investigation	1. Confidential Information 2. Dishonesty

### Incident Summary

Between May 1, 2013, and October 31, 2013, an officer allegedly received confidential information from an Office of Internal Affairs special agent pertaining to another department employee's internal investigation and failed to report that he had received the information. On March 18, 2015, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.

## NORTH REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-01	15-0859-IR	Administrative Investigation	1. Dishonesty 2. Disclosure of Confidential Information 3. Insubordination/Willful Disobedience

### Incident Summary

Between May 1, 2013, and October 31, 2013, a labor relations analyst and an office assistant allegedly released confidential information pertaining to the internal investigations of several department employees. On March 11, 2015, the labor relations analyst was allegedly dishonest during an interview with the Office of Internal Affairs and allegedly discussed her interview with another department employee, an Office of Internal Affairs special agent under investigation for a related case, after being ordered not to do so.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-16	13-1980-IR	Administrative Investigation	1. Other Failure of Good Behavior

### Incident Summary

On July 16, 2013, an officer was arrested after he allegedly choked his girlfriend and slammed her head into a cabinet. The officer was later convicted of false imprisonment and bigamy.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b> <b>Substantive Rating: Sufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake failed to make a timely decision.	

### Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on July 26, 2013, but did not take action until September 11, 2013, 47 days after receipt of the request.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*OIA Central Intake failed to make a timely decision.*

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-01	14-1505-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Failure to Report</li> <li>Neglect of Duty</li> </ol>

### Incident Summary

On August 1, 2013, a sergeant and an officer allegedly used unreasonable force on an inmate. On March 9, 2014, two different sergeants and a second officer allegedly used unreasonable force on an inmate and a third officer allegedly failed to accurately report the use of force he observed. The three sergeants, three officers, and three additional officers allegedly failed to report a coordinated effort by custody staff to use unreasonable force. A lieutenant allegedly knew of the allegations, including instigating inmates to assault custody staff in an effort to charge them with battery, and failed to report the misconduct.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination on the case.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on March 9, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 13, 2014, 65 days after the date of discovery.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on May 21, 2014, but did not take action until June 25, 2014, 35 days after the receipt of the request.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination on the case.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-17	14-1633-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> </ol>

### Incident Summary

On August 17, 2013, a sergeant allegedly used unreasonable force by deploying pepper spray on an inmate that climbed on top of the toilet in his cell and put his face up to the air vent. The sergeant was also allegedly too close to the inmate when he sprayed the inmate and allegedly failed to initiate a controlled use of force rather than using immediate force.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG and the department attorney. The department attorney failed to make an entry into the case management system confirming the deadline for taking disciplinary action.

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## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on August 17, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 13, 2014, ten months after the date of discovery.*

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney did not make any entry into the case management system confirming the relevant dates.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on July 10, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until August 6, 2014, 27 calendar days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority did not refer the matter to the Office of Internal Affairs or consult with the OIG and the department attorney in a timely manner.*

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-20	14-2283-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Sexual Misconduct</li> <li>Neglect of Duty</li> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

From September 20, 2013, to August 5, 2014, a parole agent allegedly made sexual advances toward another parole agent and refused to stop despite being told to do so. The parole agents served as employee relations officers for a parole region. On September 20, 2013, a regional parole administrator allegedly invited the two parole agents, whom she supervised, to her home, danced in lingerie, and made a sexually suggestive comment to them. The regional parole administrator also allegedly failed to take appropriate action upon being advised that one of the parole agents was harassing the other parole agent.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-04	14-0193-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Intoxication</li> <li>Discourteous Treatment</li> </ol>

### Incident Summary

On December 4, 2013, a sergeant was arrested after she was allegedly intoxicated in public, punched a security guard and was discourteous to him, was rude to outside law enforcement, and kicked a patrol vehicle.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings.

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### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The criminal case was dismissed on June 12, 2014, but the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 23, 2014, 41 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely consult with the OIG and the department attorney regarding the sufficiency of the investigation.*

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-07	14-0420-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> </ol>

### Incident Summary

On December 7, 2013, a youth counselor was allegedly dishonest when he claimed he had a pre-scheduled physician's appointment and could not work an overtime shift as ordered. Despite being ordered to do so, the youth counselor allegedly failed to provide a physician's note.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-09	14-0779-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Failure to Report Use of Force</li> <li>2. Insubordination</li> <li>3. Neglect of Duty</li> <li>4. Discourteous Treatment</li> <li>5. Code of Silence</li> <li>6. Unreasonable Use of Force</li> </ol>

### Incident Summary

On December 9, 2013, an officer allegedly made profane and discourteous comments toward an inmate and then ordered the inmate to walk down the tier naked after an unclothed body search. On December 27, 2013, the officer allegedly grabbed another inmate by the neck and pushed him out of his wheelchair onto the floor. The officer then allegedly slapped the inmate's cellmate, who tried to catch the falling inmate. On the same date, the officer also allegedly attempted to provoke a third inmate, used profanity toward him, and pushed him in the back. The officer then allegedly failed to report the force he used against all three inmates. On February 7, 2014, the officer, a second officer, and a lieutenant allegedly threatened the wheelchair-bound inmate in an attempt to dissuade him from pursuing a complaint against the first officer. The lieutenant also allegedly failed to follow procedures when conducting the inmate's use-of-force interview. On November 4, 2014, the second officer allegedly attempted to talk with the first officer regarding an upcoming interview with the Office of Internal Affairs despite being instructed not to do so.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to accurately calculate the deadline for taking disciplinary action and failed to provide written feedback regarding the investigative report. The Office of Internal Affairs failed to timely complete the investigation resulting in an insufficient investigation.

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## Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney determined a date of discovery that was inconsistent with documentation. The incorrect discovery date resulted in an incorrect deadline for taking disciplinary action.*
- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?

*On May 14, 2014, the error with the discovery date and deadline for taking disciplinary action was discussed and an appropriate date was agreed upon. However, on May 20, 2014, the department attorney modified the discovery date to a later date, causing an incorrect determination of the deadline for taking disciplinary action.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?

*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the investigation or subject-only interview completed at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

*The report was completed and submitted to the hiring authority six days before the deadline to take disciplinary action.*
- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?

*During the time that the Office of Internal Affairs delayed the investigation, an inmate who was a primary witness was released on parole and could not be located for interview. As a result, there was insufficient evidence to sustain the allegations that the first officer slapped that inmate or that the first officer choked and pushed the inmate's cellmate.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The Office of Internal Affairs failed to timely complete the investigation.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-01	14-1752-IR	Administrative Investigation	1. Disclosure of Confidential Information
<b>Incident Summary</b> Between January 1, 2014 and June 14, 2014, a labor relations specialist allegedly disclosed confidential information about employee disciplinary actions to co-workers.			
<b>Predisciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the pre-disciplinary process.			Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>

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Incident Date	OIG Case Number	Case Type	Allegations
2014-01-16	14-1688-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Other Failure of Good Behavior</li> <li>2. Insubordination</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On January 16, 2014, an investigative services unit sergeant allegedly provided inaccurate information to the Office of Internal Affairs regarding a confidential inmate source. The sergeant subsequently allegedly failed to provide a document regarding the same information to the Office of Internal Affairs after being ordered to do so. An investigative services unit lieutenant also allegedly failed to cooperate with the Office of Internal Affairs and failed to ensure the investigative services unit sergeant complied with requests and orders from the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with the policies and procedures governing the pre-disciplinary process. The hiring authority delayed conducting the conference regarding the sufficiency of the investigation and the investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 9, 2014, but the consultation with the department attorney and the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until January 13, 2015, 35 calendar days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely conduct the consultation regarding the sufficiency of the investigation and the investigative findings.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-19	14-0724-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>

### Incident Summary

On January 19, 2014, a registered nurse allegedly failed to properly maintain constant visual observation of a suicidal inmate. The inmate was later discovered with a rope around his neck. The inmate survived the suicide attempt.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to consult with the OIG and the department attorney in a timely manner.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 27, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until March 13, 2015, 45 calendar days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to consult with the OIG and the department attorney in a timely manner.*

## NORTH REGION

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-23	14-0973-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

On January 23, 2014, two officers allegedly failed to report an inmate's acts of indecent exposure and failed to properly document the incident prior to the end of their shift. One of the officers also allegedly failed to determine what happened during the incident, failed to report the incident to his relief officer, and was dishonest in his report and during his interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to OIA Central Intake and the Office of Internal Affairs failed to conduct the investigation in a timely manner. The employee relations officer failed to make an entry into the case management system confirming the deadline to take disciplinary action.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on January 23, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 18, 2014, 54 days after the date of discovery.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The employee relations officer did not make an entry into the case management system that confirmed the deadline for taking disciplinary action.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority did not timely refer the matter to OIA Central Intake. Furthermore, the special agent was assigned to the case on April 18, 2014, but did not begin scheduling interviews until October 31, 2014, more than six months after being assigned, and did not conduct the first interview until eight months after being assigned. One of the witnesses left the department four months after the special agent was assigned and the special agent could not interview this witness. A second witness could not attend an interview at her scheduled time. Because of the previous delays, the interview was not rescheduled due to insufficient time prior to the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-06	14-0782-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> <li>3. Insubordination</li> </ol>

### Incident Summary

On February 6, 2014, and February 11, 2014, an officer was allegedly dishonest when he signed the name of another officer on the signature block of a Fair Labor Standards Act form. On those same dates, the second officer allegedly neglected to sign his name on the Fair Labor Standards Act form and was allegedly dishonest by claiming to a sergeant he forgot he signed in earlier that day. On February 11, 2014, the second officer allegedly failed to adequately document the incident as directed by his supervisor.

## NORTH REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>
<p>The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake failed to make an appropriate initial determination until the OIG and department attorney intervened. The special agent failed to timely begin the investigation. As a result, the agent was unable to complete a thorough investigation.</p>	

<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>• Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention? <i>OIA Central Intake initially only alleged that both officers neglected their duties and added dishonesty only after intervention by the OIG and department attorney.</i></li> <li>• Was the investigation thorough and appropriately conducted? <i>The Office of Internal Affairs approved an investigation on April 2, 2014; however, the special agent did not conduct the first interview until October 9, 2014, six months thereafter. Due to the delay, the agent could not compel one of the officers to interview because that officer resigned from state service in lieu of dismissal on May 23, 2014, in conjunction with another case, over four months before the first interview was conducted.</i></li> <li>• Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The Office of Internal Affairs failed to timely conduct the investigation. As a result, the investigation was not thorough.</i></li> </ul>
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Incident Date	OIG Case Number	Case Type	Allegations
2014-02-08	14-0979-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Neglect of Duty</li> </ol>

<p><b>Incident Summary</b></p> <p>On February 8, 2014, an officer allegedly improperly ordered inmates back to their cells during the evening program and then failed to activate an alarm to call for assistance when the inmates became irate. The officer also allegedly failed to wear his personal alarm device. The officer called for a second officer, who responded. The second officer allegedly deployed pepper spray from a distance of less than six feet at two inmates he claimed lunged toward him from their seats. The second officer also allegedly failed to sign his post orders.</p>
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<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>
<p>The Office of Internal Affairs and the department attorney failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs delayed starting the investigation for eight months, the investigation was not thorough, and the investigative report was not completed until nine days before the deadline to take disciplinary action. The department attorney failed to attend an interview of one of the officers, failed to provide feedback regarding the investigative report, and failed to document feedback in writing.</p>	

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## Assessment Questions

- Were all of the interviews thorough and appropriately conducted?  
*The special agent failed to bring a computer to the initial interview of one of the officers; therefore, the video of the incident could not be viewed and a second interview was required.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*The department attorney failed to attend the second interview of one of the officers.*
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?  
*The department attorney failed to provide any feedback regarding the thoroughness and clarity of the report.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney failed to provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the investigation or subject-only interview completed at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?  
*The investigation was not completed until January 30, 2015, nine days before the deadline to take disciplinary action.*
- Was the investigation thorough and appropriately conducted?  
*Due to the delay in conducting the investigation, one of the officers and one inmate were not interviewed, resulting in an incomplete investigation.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The Office of Internal Affairs failed to start the investigation for eight months after the case was assigned. During the delay, one of the officers resigned and one of the primary inmate witnesses was released on parole and could not be located. The investigative report was not completed until nine days before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-19	15-0810-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination/Willful Disobedience</li> <li>3. Attendance</li> </ol>

### Incident Summary

Between February 19, 2014 and February 18, 2015, an officer was allegedly absent from work 16 times without authorization. On February 8, 2015, and February 14, 2015, the officer allegedly reported late for an overtime shift and failed to follow orders to submit a memorandum explaining his tardiness. On February 14, 2015, the officer was allegedly dishonest to a supervisor regarding the reason for his tardiness. On February 27, 2015, the officer allegedly failed to follow orders to submit proof of training to a supervisor.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

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Incident Date 2014-03-04	OIG Case Number 14-1306-IR	Case Type Administrative Investigation	Allegations 1. Dishonesty
<p><b>Incident Summary</b></p> <p>On March 4, 2014, a sergeant was allegedly dishonest when he told a lieutenant that another sergeant requested that he assist on a transportation of inmates. The sergeant was also allegedly dishonest when he later denied to the lieutenant that he told him about the request.</p>			
<p><b>Predisciplinary Assessment</b></p> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and consult with the OIG and department attorney. The department attorney failed to appropriately advise the hiring authority regarding the investigative findings and the hiring authority failed to sustain allegations of dishonesty despite sufficient evidence to do so.</p>			<p>Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b></p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 4, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 8, 2014, 65 days after the date of discovery.</i></li> <li>Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 24, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 21, 2015, 58 days thereafter.</i></li> <li>If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared? <i>The hiring authority failed to listen to any interviews before the findings conference.</i></li> <li>Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney failed to recommend that the hiring authority sustain allegations of dishonesty that the record sufficiently supported.</i></li> <li>Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation? <i>The hiring authority failed to sustain allegations of dishonesty that the record sufficiently supported.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and timely consult regarding the sufficiency of the investigation and investigative findings.</i></li> </ul>			
<p><b>Disposition</b></p> <p>The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG did not concur but did not seek a higher level of review because the sergeant was not currently working due to a medical condition and his return to the institution in any capacity was questionable.</p>			

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-21	14-2148-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Failure to Report Use of Force</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On April 21, 2014, two officers allegedly failed to summon assistance regarding a disruptive inmate, shoved the inmate against a wall, and threw him inside the wrong cell. Additionally, each officer allegedly failed to report their own force and the force used by the other officer. The control booth officer allegedly failed to report the use of force by the other two officers, failed to summon assistance for the officers, and opened the wrong cell door.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on May 21, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 4, 2014, 75 days after the date of discovery.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority did not timely refer the matter to the Office of Internal Affairs.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. However, the hiring authority determined that the control booth officer needed training regarding control booth procedures. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-29	14-1730-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

On April 29, 2014, an officer was allegedly dishonest when he authored a rules violation report representing that he found a mobile phone and charger in an inmate's cell. The officer also allegedly failed to properly establish the chain of custody for the mobile phone that was found by a second officer. The second officer allegedly failed to document his discovery of the mobile phone and charger. A sergeant allegedly ordered the first officer to author the rules violation report indicating that the officer personally found the mobile phone and charger. The sergeant also allegedly failed to review the rules violation report.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-05-05	14-2054-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Failure to Report Use of Force</li> <li>2. Unreasonable Use of Force</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On May 5, 2014, an officer allegedly used unreasonable force when he attempted to forcefully close a food port kept open by an inmate, resulting in the inmate being struck in the hand. In addition, the officer allegedly failed to back away from the cell and contact a supervisor and failed to report his use of force.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on May 5, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 28, 2014, 84 days after the date of discovery.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to make a timely referral to the Office of Internal Affairs.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-06	14-1549-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Insubordination</li> <li>2. Intoxication</li> </ol>

### Incident Summary

On May 6, 2014, an officer allegedly tested positive for alcohol during a random drug and alcohol test, failed to report to the employee relations office after being ordered to do so, and operated his personal vehicle on and off institutional grounds after he tested positive and was ordered not to drive or perform safety-sensitive duties.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-09	14-1299-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

Between May 9, 2014, and June 4, 2014, two Office of Internal Affairs executives allegedly omitted statements from an official report. The matter was referred to an outside law enforcement agency for investigation. When questioned about the matter, both executives allegedly were evasive and failed to truthfully and completely answer all questions.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The hiring authority and department attorney sufficiently complied with policies and procedures governing the pre-disciplinary process. Outside law enforcement conducted the investigation.

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### Disposition

As to the neglect of duty allegations, the hiring authority determined that the conduct did occur; however, the omission was not from an official report, but rather an internal assessment that was being prepared for the executives' consideration and they were aware of the omitted information. As to the dishonesty allegations, the hiring authority determined that there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-10	14-1807-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> </ol>

### Incident Summary

On May 10, 2014, an officer allegedly failed to step away from a food port and contact a sergeant when an inmate refused to close the food port. The officer also allegedly closed the food port on the inmate's hand, causing injury to the inmate's fingers. A sergeant allegedly failed to take appropriate action after learning the inmate reported being assaulted by the officer.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-13	14-1547-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

On May 13, 2014, an officer was arrested after he allegedly inflicted corporal injury on his wife and threatened her. On May 14, 2014, the officer allegedly violated a restraining order. On November 7, 2014, the officer pled guilty to disturbing the peace.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-15	14-2147-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>

### Incident Summary

On May 15, 2014, a lieutenant allegedly attempted to have several boxes, some of which contained inmate property considered contraband, mailed out of the institution rather than having it disposed of pursuant to departmental policy.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-05-25	14-1548-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Neglect of Duty</li> <li>3. Discourteous Treatment</li> <li>4. Dishonesty</li> </ol>

### Incident Summary

On May 25, 2014, an officer allegedly grabbed a handcuffed inmate and forced him into a fence. The officer also allegedly raised a fist to the inmate, causing another officer to intervene; charged the inmate as he was being escorted away, causing more officers to intervene; and, returned to the yard and kicked the inmate's property. The officer was also allegedly dishonest in his report regarding the incident.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The department failed to sufficiently comply with the policies and procedures governing the pre-disciplinary process. In the OIG's expert opinion, the department attorney erroneously advised the hiring authority that there was insufficient evidence to sustain the dishonesty allegation. The hiring authority failed to sustain a dishonesty allegation and instead added an allegation for neglect of duty for writing an inaccurate report. The hiring authority also failed to add an allegation that the officer was dishonest during the Office of Internal Affairs interview.

### Assessment Questions

- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?  
*In the OIG's expert opinion, the department attorney erroneously advised the hiring authority that there was insufficient evidence to establish the officer was dishonest when he completed his written report and that the officer was dishonest during the Office of Internal Affairs interview.*
- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?  
*Upon advice of the department attorney, the hiring authority did not sustain a dishonesty allegation and instead added an allegation that the officer neglected his duty when he wrote an inaccurate report. The hiring authority also failed to add an allegation that the officer was dishonest during the Office of Internal Affairs interview.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-27	14-2037-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> </ol>

### Incident Summary

On May 27, 2014, a sergeant, an officer, and a registered nurse allegedly failed to adequately assess and provide life-saving measures after discovering an unresponsive inmate in the shower. A physician eventually commenced life-saving measures, but the measures failed and the inmate was pronounced dead at the institution. After the incident, the sergeant and a lieutenant allegedly drafted narrative reports for medical staff and ordered medical staff to sign them. The lieutenant allegedly failed to properly review the incident reports.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-05-27	14-2168-IR	Administrative Investigation	1. Dishonesty

### Incident Summary

On May 27, 2014, an officer was allegedly dishonest to a physician when she exaggerated her disability in order to be awarded a disability retirement. On October 15, 2013, the officer was allegedly dishonest on her disability retirement application.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-28	14-2150-IR	Administrative Investigation	1. Dishonesty 2. Discourteous Treatment

### Incident Summary

On May 28, 2014, an officer allegedly discussed an inmate's case factors while the inmate was in a holding cell in an area where other inmates were present. On July 23, 2014, the officer was allegedly dishonest when he denied discussing the inmate's case factors during the staff complaint investigation. On March 4, 2015, the officer was allegedly dishonest in his interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-29	14-2286-IR	Administrative Investigation	1. Dishonesty

### Incident Summary

On May 29, 2014, a lieutenant allegedly submitted false information to the Office of Internal Affairs in an attempt to secure employment as a special agent.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

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Incident Date 2014-06-04	OIG Case Number 14-2146-IR	Case Type Administrative Investigation	Allegations 1. Insubordination 2. Neglect of Duty 3. Dishonesty
<p><b>Incident Summary</b></p> <p>On June 4, 2014, a sergeant and an officer allegedly engaged in horseplay at an outside hospital and were later dishonest regarding the incident. On June 16, 2014, the sergeant also allegedly attempted to discuss the incident with two other involved officers after a lieutenant instructed him not to do so.</p>			
<p><b>Predisciplinary Assessment</b></p>			<p>Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b></p>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to appropriately draft the investigative draft and final reports and failed to cooperate with the OIG. The department attorney delayed providing feedback on the draft investigative report and failed to make appropriate substantive suggestions regarding the report. The investigation was not timely conducted and, during the delay, the sergeant became incapacitated and therefore was not interviewed. As a result, the hiring authority was forced to make a determination of the allegations without the sergeant's explanation for his actions. The hiring authority failed to timely conduct the investigative findings conference and failed to ensure that additional investigation was conducted after finding the investigation insufficient.</p>			

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## Assessment Questions

- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?

*The department attorney failed to recommend that the sergeant's private medical information be removed from the investigative report. Furthermore, the department attorney received the draft investigative report on March 10, 2015, but did not provide feedback until April 1, 2015, 22 days later.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

*The investigative draft report contained detailed private medical information about the sergeant that was not relevant to the alleged misconduct, as well as exhibits addressing the sergeant's medical condition.*
- Was the final investigative report thorough and appropriately drafted?

*The final investigative report contained detailed private medical information about the sergeant that was not relevant to the alleged misconduct, as well as exhibits addressing the sergeant's medical condition.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent failed to notify the OIG of the location of an interview after the OIG requested the location. The special agent then conducted the interview without the OIG's presence.*
- Was the investigation thorough and appropriately conducted?

*The special agent failed to interview all key witnesses. The special agent failed to conduct any interviews for five months after he was assigned. During the period of the delay, the sergeant reportedly became incapacitated and was unavailable to participate in a meaningful interview.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 3, 2015. The hiring authority did not consult with the department attorney and the OIG regarding the sufficiency of the investigation and the investigative findings until May 20, 2015, 47 days thereafter.*
- If the HA determined additional investigation was necessary, was additional investigation requested?

*The hiring authority requested additional investigation to establish whether the sergeant would be able to participate in an interview with the Office of Internal Affairs. However, after consultation with the Office of Internal Affairs and the department attorney but not the OIG, the hiring authority determined the additional investigation was not necessary and withdrew the request.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The special agent failed to conduct any interviews for five months after he was assigned. The hiring authority failed to timely conduct the investigative findings conference.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-22	14-1748-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Failure to Report Use of Force</li> <li>2. Dishonesty</li> <li>3. Unreasonable Use of Force</li> <li>4. Neglect of Duty</li> </ol>

## Incident Summary

On June 22, 2014, two officers allegedly deployed pepper spray on an inmate as the inmate attempted to prevent officers from removing a mattress from his cell. One of the officers allegedly deployed pepper spray from a distance of less than six feet and then struck the inmate with a baton twice while the inmate had his back turned and was not threatening the officer. The same officer then allegedly pulled the inmate backward onto the ground but failed to report it. The two officers and a third officer were allegedly dishonest when they reported that the inmate physically advanced toward one of the officers.

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<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process. On July 24, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation. However, the special agent did not commence interviews until March 4, 2015, more than seven months thereafter.	

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-23	14-2325-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Failure to Report Use of Force</li> </ol>

### Incident Summary

On June 23, 2014, an officer allegedly used unreasonable force when he lifted an inmate off his feet and took him to the ground. The officer also allegedly failed to report the extent of his use of force.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-27	14-2576-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

On June 27, 2014, a sergeant allegedly choked his girlfriend and twisted her arm during an argument.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to open a full investigation. The employee relations officer failed to make an entry confirming the relevant dates.	

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on June 28, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 8, 2014, 102 days after the date of discovery.*
- Did OIA Central Intake make an appropriate initial determination regarding the case?  
*OIA Central Intake failed to open an administrative investigation even though outside law enforcement did not take the sergeant's statement and the alleged victim later recanted what she told outside law enforcement on the day of the incident.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The employee relations officer failed to make an entry accurately confirming the relevant dates.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs.*

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### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-09	14-2553-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Discourteous Treatment</li> <li>3. Battery</li> </ol>

### Incident Summary

On August 9, 2014, a sergeant allegedly punched his ex-girlfriend and a third person, both of whom are also sergeants with the department. The sergeant also allegedly grabbed a bystander by the throat and threatened to kill him and was dishonest to outside law enforcement regarding the incident. On February 20, 2015, the first sergeant was allegedly dishonest during his interview with the Office of Internal Affairs. The other two sergeants allegedly hit the first sergeant in the face during the altercation.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-09	14-2554-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Driving With a Suspended Driver's License</li> <li>3. Driving Under the Influence</li> </ol>

### Incident Summary

On August 9, 2014, a sergeant allegedly drove his personal vehicle using a suspended driver's license and while under the influence of alcohol, resulting in a collision with another vehicle. The sergeant then was allegedly dishonest to outside law enforcement regarding whether he had been drinking and to the hiring authority in his written memorandum regarding the incident.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the department attorney and the OIG. The form documenting the investigative findings failed to include all allegations.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on October 22, 2014, but the consultation with the department attorney and the OIG regarding the investigative findings did not take place until February 2, 2015, 103 calendar days thereafter.*
- Was the CDCR Form 402 documenting the findings properly completed?  
*The form documenting the investigative findings failed to include a second dishonesty allegation the hiring authority added for the sergeant being dishonest in his written memorandum to the hiring authority.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely consult with the department attorney and the OIG.*

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Incident Date	OIG Case Number	Case Type	Allegations
2014-08-13	14-2503-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Contraband</li> </ol>

### Incident Summary

On August 13, 2014, a sergeant allegedly attempted to bring three computer discs into the secure perimeter in his lunchbox. The sergeant was allegedly dishonest when he told a lieutenant that the computer discs were work-related when, in fact, two of the discs contained books and video games.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority and the department attorney failed to comply with policies and procedures governing the pre-disciplinary process. The investigative findings conference was not conducted timely, due largely to the belated assignment of a department attorney and his limited availability.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on October 22, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until 54 calendar days thereafter. The hiring authority attempted to schedule the consultation on November 13, 2014, but a department attorney was belatedly assigned and was not available until December 15, 2014.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to conduct the investigative findings conference in a timely manner.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-14	15-0231-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Insubordination/Willful Disobedience</li> <li>2. Discourteous Treatment</li> </ol>

### Incident Summary

Between August 14, 2014 and January 17, 2015, a sergeant allegedly violated an order from the hiring authority directing him to refrain from engaging in hostile behavior in his neighborhood after the sergeant allegedly called a neighbor a sexual predator, placed a sign in his garage facing the neighbor's house claiming his neighbor was a sexual predator, waved the sign at the neighbor's family, and yelled at other neighbors.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-28	14-2420-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> <li>1. Other Failure of Good Behavior</li> </ol>

### Incident Summary

On August 28, 2014, an officer was arrested for allegedly violating a domestic violence restraining order.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

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### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-09	14-2888-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Misuse of Authority</li> </ol>

### Incident Summary

On October 9, 2014, a parole agent allegedly called a former parolee's landlord and represented himself as outside law enforcement in an attempt to prevent the former parolee from being evicted.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The Office of Internal Affairs failed to comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake did not make a timely determination regarding the case and the special agent included irrelevant information in the investigative report.

### Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on November 7, 2014, but did not take action until December 24, 2014, 47 days after receipt of the request.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?  
*The draft report contained an irrelevant investigative note.*
- Was the final investigative report thorough and appropriately drafted?  
*The final report contained an irrelevant investigative note.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*OIA Central Intake failed to make a timely determination on the case.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-17	14-2925-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>

### Incident Summary

On October 17, 2014, an officer allegedly failed to obtain prior approval before testifying as an expert on the department's policy regarding firearms at another employee's disciplinary hearing. In addition, the officer allegedly failed to notify the department of his secondary employment as an expert witness.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-11-04	15-0054-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On November 4, 2014, three officers were allegedly dishonest when they documented performing security checks and a unit count and when they told a lieutenant that they performed the security checks and unit count. A fourth officer allegedly observed the other officers' misconduct but failed to report it.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-14	14-2881-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Other Failure of Good Behavior</li> <li>2. Driving Under the Influence</li> </ol>

### Incident Summary

On December 14, 2014, an Office of Internal Affairs special agent allegedly drove his personal vehicle while under the influence of alcohol and caused an accident with another vehicle.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the OIG and the department attorney regarding the investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on December 24, 2014; however, the consultation with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 15, 2015, 112 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority delayed in consulting with the OIG and the department attorney regarding the investigative findings.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-16	15-0473-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Weapons</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

Between December 16, 2014 and December 29, 2014, an officer allegedly failed to notify the hiring authority of his being subject to a restraining order which prohibited him from owning or possessing firearms. During that time, the officer also allegedly reported for duty to an armed post.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-22	15-0249-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> </ol>

### Incident Summary

On December 22, 2014, an officer allegedly failed to report to work at the time specified by a sergeant. The officer was allegedly dishonest when he subsequently told another sergeant that he had not been contacted regarding his work assignment and scheduled time.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-26	15-0297-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Intoxication</li> </ol>

### Incident Summary

On December 26, 2014, an officer allegedly reported to work and assumed an armed post while intoxicated.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-28	15-0269-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>

### Incident Summary

On December 28, 2014, an officer allegedly abandoned her post in the administrative segregation unit and left institutional grounds for over 30 minutes without prior approval from a supervisor, resulting in an all-hands response by the institution to account for the officer's whereabouts and safety.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-13	15-0577-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Driving Under the Influence</li> <li>3. Other Failure of Good Behavior</li> <li>4. Misuse of Authority</li> </ol>

### Incident Summary

On May 7, 2014, and October 31, 2014, an officer allegedly failed to notify the hiring authority that his driver's license had been suspended. On February 13, 2015, the officer allegedly drove under the influence of alcohol, failed to timely report his arrest to the hiring authority, violated court-ordered probation, and misused his authority when he displayed his department identification to outside law enforcement.

## NORTH REGION

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Sufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the OIG.	
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry in the case management system confirming the relevant dates.</i></li> <li>Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The case was returned to the hiring authority on March 18, 2015, and the officer was convicted on May 4, 2015. However, the hiring authority did not consult with the OIG regarding the investigative findings until June 9, 2015, 36 days after the officer was convicted and 83 days after the case was returned to the hiring authority.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The hiring authority did not timely consult with the OIG.</i></li> </ul>	

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-22	15-0656-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>Battery</li> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

On February 22, 2015, a parole agent allegedly refused to let his girlfriend out of his personal vehicle and transported her several miles against her will. After they returned to their apartment, he allegedly assaulted her. He was subsequently arrested and allegedly failed to report the arrest to the hiring authority.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-05	15-1029-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>Failure to Report Use of Force</li> <li>Neglect of Duty</li> </ol>

### Incident Summary

On March 5, 2015, a sergeant allegedly failed to report his use of force. On March 6, 2015, a captain reviewed the visual recording of the incident and allegedly failed to identify that the sergeant had used force.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

## NORTH REGION

Incident Date 2015-03-19	OIG Case Number 15-0807-IR	Case Type Direct Action (No Subject Interview)	Allegations 1. Misuse of Authority 2. Intoxication
<p><b>Incident Summary</b></p> <p>On March 19, 2015, an off-duty officer allegedly visited a local high school in uniform while intoxicated to speak with students who had reportedly bullied his brother.</p>			
<p><b>Predisciplinary Assessment</b></p> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake failed to add a dishonesty allegation.</p>			<p>Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Insufficient</b></p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>Did OIA Central Intake make an appropriate initial determination regarding the case? <i>The OIG recommended adding a dishonesty allegation because the officer denied to outside law enforcement that he was drunk. OIA Central Intake denied the request.</i></li> <li>Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry into the case management system confirming the relevant dates.</i></li> </ul>			

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2003-07-27	14-1736-IR	Administrative Investigation	1. Dishonesty

### Incident Summary

On July 27, 2003, an officer was allegedly dishonest when, during the pre-employment background process, he failed to disclose that he previously visited an inmate at an institution and also when he omitted information about some of his family members. On September 15, 2014, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult regarding the sufficiency of the investigation and investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 2, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until February 6, 2015, 66 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely conduct the investigative findings conference.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-18	13-0916-IR	Administrative Investigation	1. Dishonesty 2. Retaliation 3. Neglect of Duty 4. Misuse of State Equipment or Property

### Incident Summary

On January 18, 2012, an employee relations officer allegedly falsified a state employment application. Between July 2012 and January 2013, the employee relations officer allegedly falsified her attendance records on 25 occasions. A superintendent allegedly retaliated against an executive secretary who reported the employee relations officer's alleged misconduct. The superintendent also allegedly allowed the employee relations officer to drive his assigned state vehicle on her lunch breaks and allowed the employee relations officer to bring her two children to work during business hours and allowed them to utilize state computers.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the case and the hiring authority failed to conduct the investigative findings conference in a timely manner.

# SOUTH REGION

## Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on April 9, 2013, but did not take action until June 5, 2013, 57 days after receipt of the request.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 3, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 31, 2014, nearly five months thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The department failed to make a timely determination regarding the case and failed to conduct the investigative findings in a timely manner.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-03	14-2064-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Contraband</li> <li>3. Misuse of Authority</li> </ol>

## Incident Summary

On May 3, 2012, and May 26, 2013, a lieutenant allegedly falsified departmental documents which authorized the donation of inmate property. Additionally, the lieutenant was allegedly dishonest about whether an inmate appeal took place. On May 16, 2014, the lieutenant allegedly instructed a sergeant to give unauthorized property to an inmate in violation of departmental policy.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings conference.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The date of discovery was May 16, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 28, 2014, 73 days after the date of discovery.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 2, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 6, 2015, 35 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority did not timely refer the matter to the Office of Internal Affairs and did not timely make a determination regarding the sufficiency of the investigation and the investigative findings.*

## Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-08	14-2285-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Insubordination/Willful Disobedience</li> <li>2. Dishonesty</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

Between June 8, 2012, and May 14, 2014, an employee relations officer allegedly failed to serve 48 approved and signed letters of instruction. Between March 12, 2013, and March 21, 2014, the employee relations officer, after being requested to do so, allegedly failed to remove letters of instruction from the official personnel files of several employees. From August 16, 2013 through June 1, 2014, she allegedly failed to act timely on nine employee disciplinary actions, resulting in two cases exceeding the deadline for taking disciplinary action. Between December 5, 2012, and June 9, 2014, the employee relations officer allegedly attempted to hide her failure to act on her cases by filtering the computer listing of cases to conceal the neglected cases and by concealing the physical files in inappropriate filing areas. Between June 16, 2014, and August 14, 2014, the employee relations officer allegedly failed to comply with an order from the warden that she communicate with him and respond to his inquiries.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-28	14-2164-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

Between August 28, 2012 and January 22, 2013, a parole agent allegedly failed to adequately supervise a sex-offender parolee. The parole agent allegedly failed to ensure that the parolee was wearing a global positioning device, failed to track the parolee through the computerized tracking system, and failed to ensure the parolee registered as a sex offender. Additionally, the parole agent allegedly made false statements in official documents.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-04-02	14-1420-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Misuse of Authority</li> <li>3. Neglect of Duty</li> <li>4. Other Failure of Good Behavior</li> <li>5. Over-Familiarity</li> </ol>

### Incident Summary

Between April 2, 2013 and May 13, 2014, an officer allegedly engaged in secondary employment as a notary without obtaining prior approval and was then allegedly overly familiar with the girlfriend of an inmate by communicating with the girlfriend about providing notary services for the inmate. The officer also allegedly presented his badge and identification at another institution in an attempt to meet privately with the inmate. The officer was allegedly dishonest regarding having permission to meet with the inmate and dishonest during his interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-01	14-2674-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

Between May 1, 2013 and September 22, 2014, a parole agent allegedly failed to properly supervise a parolee, failed to appropriately document official forms, and documented on forms that he had been properly supervising the parolee when he had not. The parole agent allegedly indicated he had conducted home visits, obtained drug tests, and contacted the parolee's family members at the parolee's residence, but the parolee did not reside there. The parole agent also allegedly failed to update the parolee's current address on the appropriate documents and in the computer system. On September 22, 2014, the parole agent allegedly completed a discharge review indicating the parolee was attending a day reporting center when the parolee was not. On February 25, 2015, the parole agent was allegedly dishonest to the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-01	15-0096-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Sexual Misconduct</li> <li>3. Over-Familiarity</li> <li>4. Neglect of Duty</li> </ol>

### Incident Summary

From October 1, 2013 through April 20, 2014, an officer allegedly engaged in sexual misconduct with an inmate, disclosed personal information to the inmate, communicated with the inmate on a mobile phone, and brought the inmate food and other contraband. On January 17, 2014, the officer allegedly failed to activate his alarm when he witnessed several inmates fighting, including the inmate with whom he was having a sexual relationship. On September 13, 2014, the officer allegedly misled his supervisor twice regarding a telephone call he received from the inmate and, on March 2, 2015, was allegedly dishonest in an interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-01	15-0706-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Theft</li> <li>2. Misuse of State Equipment or Property</li> <li>3. Dishonesty</li> </ol>

### Incident Summary

From October 1, 2013 through October 16, 2014, a supervising parole agent allegedly drove a state vehicle for personal use and falsified mileage logs and reports. The supervising parole agent allegedly billed approximately \$3,500 in personal gas charges to a state credit card. On March 18, 2015, the supervising parole agent was allegedly dishonest during his investigative interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-22	14-2665-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Failure to Report Use of Force</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On January 22, 2014, an officer allegedly slammed a ward's head into a wall during an escort and failed to report the force he used. A sergeant and a lieutenant allegedly prevented the ward from receiving a medical evaluation for the injuries he sustained.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on January 22, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 23, 2014, 274 days after the date of discovery.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed referring the matter to the Office of Internal Affairs.*

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against the officer and the sergeant. As to the lieutenant, the hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-23	14-1009-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> <li>3. Discourteous Treatment</li> </ol>

### Incident Summary

On February 23, 2014, an officer was allegedly dishonest when claiming that his sergeant did not issue a direct order that he work a control booth position. The officer also allegedly refused a sergeant's order to work the control booth assignment and cursed at the sergeant. The sergeant was allegedly dishonest about ordering the officer to work another position and allegedly attempted to intimidate the officer by redirecting him from his kitchen position to the control booth position in the presence of several lieutenants.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely submit a request for reconsideration to the Office of Internal Affairs. The department attorney failed to submit the hiring authority's request for a full investigation in a timely manner and the Office of Internal Affairs failed to approve the request for a full investigation in a timely manner. The delay resulted in the inability of a witness to recall relevant events.

# SOUTH REGION

## Assessment Questions

- If the hiring authority submitted a request for reconsideration to OIA Central Intake or to the Chief of OIA, was an appropriate decision made regarding the request?  
*The hiring authority decided to request reconsideration to obtain a full investigation on June 12, 2014, but the department attorney delayed until August 12, 2014, to submit the request to OIA Central Intake. OIA Central Intake denied the request. The OIG sought a higher level of review, following which OIA Central Intake approved interviews of the officer and sergeant on September 17, 2014. The special agent, department attorney, and the OIG agreed that additional interviews were needed. OIA Central Intake subsequently approved a full investigation on November 13, 2014, five months after the hiring authority initially requested a full investigation.*
- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?  
*The OIG sought a higher level of review in order to obtain approval for a full investigation.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed in submitting a request for reconsideration to the Office of Internal Affairs. The department attorney failed to timely submit the hiring authority's request for a full investigation to the Office of Internal Affairs and the Office of Internal Affairs failed to timely approve the request for a full investigation. At least one witness said she could not remember relevant events because too much time had passed since the incident.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-08	14-1108-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Other Failure of Good Behavior</li> </ol>

### Incident Summary

On March 8, 2014, an officer allegedly stole and redeemed two meal tickets belonging to a second officer. The first officer allegedly falsely signed the name of the second officer upon redeeming the meal tickets and was dishonest during her interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-24	14-2298-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>

### Incident Summary

On March 24, 2014, a lieutenant allegedly failed to initiate Prison Rape Elimination Act protocols when an inmate claimed someone placed an object in his rectum.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely submit an accurate request for investigation and the Office of Internal Affairs initially denied the request for investigation without submitting the matter to the full OIA Central Intake panel.

# SOUTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The hiring authority failed to discover the alleged misconduct despite available evidence. On June 24, 2014, the OIG identified the alleged misconduct and recommended the hiring authority submit a request for investigation to the Office of Internal Affairs. Although the hiring authority timely submitted a request for investigation thereafter, the request was insufficient because it contained inaccurate information indicating there was no evidence to support the allegation. After the OIG once again intervened, the matter was resubmitted to OIA Central Intake on August 27, 2014, 64 days after the date of discovery.*

- Did OIA Central Intake make an appropriate initial determination regarding the case?

*The initial request for investigation inaccurately stated there was no evidence to support the allegation. Based on this information, OIA Central Intake denied this request for investigation.*

- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?

*After OIA Central Intake denied the initial request for investigation, the OIG elevated the matter to the Office of Internal Affairs deputy director following which an investigation was opened.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely submit a request for investigation to the Office of Internal Affairs.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-25	14-1231-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>

### Incident Summary

On March 25, 2014, an officer allegedly presented false medical documentation to support a hardship transfer request. On April 7, 2014, a second officer allegedly permitted the first officer to use her departmental e-mail account in violation of guidelines prohibiting employees from sharing their e-mail accounts.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined that the investigation conclusively proved false documentation was submitted to support the hardship transfer request, but the officer was not involved. The hiring authority also determined that the first officer used a departmental computer, but his use was justified, lawful, and proper. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-15	14-1289-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Assault</li> <li>Other Failure of Good Behavior</li> </ol>

### Incident Summary

On April 15, 2014, a sergeant was arrested after he allegedly made threats against his daughter. The sergeant also allegedly battered his daughter and was dishonest to outside law enforcement about his actions.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-20	14-2582-IR	Administrative Investigation	1. <b>Discrimination/Harassment</b>

### Incident Summary

Between April 20, 2014 and October 2, 2014, a warden allegedly subjected a counselor to unwanted sexual advances.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's decision.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-21	14-1720-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. <b>Dishonesty</b></li> <li>2. <b>Unreasonable Use of Force</b></li> <li>3. <b>Failure to Report Use of Force</b></li> <li>4. <b>Insubordination/Willful Disobedience</b></li> <li>5. <b>Failure to Report</b></li> </ol>

### Incident Summary

On April 21, 2014, an officer allegedly entered a cell and forced an inmate against a locker, failed to report his own use of force, was dishonest to a supervisor about the force used, and was dishonest to the Office of Internal Affairs during the investigation. Two other officers observed the incident and both allegedly failed to report the force the first officer used. Both officers were ordered to write a memorandum concerning the incident; however, one of the officers allegedly failed to do so. Further, the two officers were allegedly dishonest to a supervisor regarding the incident and dishonest to the Office of Internal Affairs during the investigation.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-21	14-2225-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. <b>Misuse of Authority</b></li> <li>2. <b>Discourteous Treatment</b></li> </ol>

### Incident Summary

Between April 21, 2014 and June 10, 2014, a chief executive officer allegedly attempted to inappropriately cancel a training and development assignment for an associate governmental program analyst and transfer him to a different city. During the same time, the chief executive officer allegedly continued giving assignments to the associate government program analyst after the associate government program analyst was reporting to a different supervisor.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority did not make a timely determination regarding the sufficiency of the investigation and the investigative findings.

## SOUTH REGION

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on March 19, 2015; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 20, 2015, 32 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority delayed in making a determination regarding the sufficiency of the investigation and the investigative findings.*

### Disposition

The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-23	14-2485-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> <li>3. Neglect of Duty</li> <li>4. Contraband</li> </ol>

### Incident Summary

On April 23, 2014, an officer allegedly brought a screwdriver set into the institution for use by inmates. On September 11, 2014, and then again on March 10, 2015, the officer was allegedly dishonest to the Office of Internal Affairs when he denied being aware that a yard crew inmate tortured a rodent and then denied knowing that, once he was made aware of the mistreatment of the animal, he should not have permitted the inmate to work on the yard crew. A second officer allegedly failed to supervise an inmate who was given the screwdriver set.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority did not timely consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 1, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 6, 2014, 36 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority did not timely consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-01	14-2512-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Failure to Report</li> <li>3. Misuse of State Equipment or Property</li> </ol>

### Incident Summary

In May 2014, a sergeant and an officer allegedly maintained secondary employment without proper approval and conducted their business on state time and with state resources. Three officers and an automotive inspector allegedly knew about the misconduct but failed to report it.

## SOUTH REGION

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
<b>Disposition</b>	
The hiring authority determined there was insufficient evidence to sustain the allegations that the officer and the sergeant had secondary employment without proper approval. The hiring authority determined that the investigation conclusively proved that all other misconduct alleged did not occur. The OIG concurred with the hiring authority's determinations.	

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-06	14-1617-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>

**Incident Summary**

On May 6, 2014, an officer allegedly failed to activate his alarm and place an inmate in handcuffs after observing the inmate argue with a materials and store supervisor and angrily push a window towards a laundry staff member. The officer also allegedly falsified his report regarding the incident and signed a false rules violation report for the inmate without reviewing the document for accuracy.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b>
The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed holding the investigative findings conference and failed to sustain any allegation regarding the officer's inaccurate report.	

**Assessment Questions**

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 2, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until January 12, 2015, 41 days thereafter.*
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?  
*The hiring authority failed to sustain any allegation related to the officer's report which was significantly inconsistent with his statement during his interview with the Office of Internal Affairs. Although the OIG agreed there was insufficient evidence of dishonesty, the OIG recommended that a neglect of duty allegation be sustained based on the officer's poorly written report.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed holding the investigative findings conference.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-08	14-2067-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Misuse of Authority</li> <li>Neglect of Duty</li> </ol>

**Incident Summary**

On May 8, 2014, an officer allegedly falsified a report concerning the disposition of an inmate's necklace following a use-of-force incident involving the inmate. A sergeant allegedly attempted to dissuade the inmate from reporting misconduct and a nurse allegedly failed to record comments the inmate made regarding the incident.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Sufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs.	

# SOUTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The date of discovery was May 27, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until August 4, 2014, 69 days after the date of discovery.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority delayed referring the matter to the Office of Internal Affairs.*

## Disposition

The hiring authorities for the officer, sergeant, and the licensed vocational nurse determined there was insufficient evidence to sustain any of the allegations. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-10	14-1492-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Other Failure of Good Behavior</li> </ol>

## Incident Summary

On May 10, 2014, an officer was arrested after he allegedly hit his girlfriend in the back of her head multiple times. On August 7, 2014, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

## Predisciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Insufficient**

The Office of Internal Affairs failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs repeatedly denied the hiring authority's request for a full investigation until the OIG elevated the matter. The Office of Internal Affairs did not conduct a thorough investigation as the special agent refused to re-interview the officer after obtaining new evidence.

## Assessment Questions

- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?

*After the initial findings conference, the hiring authority submitted a request for a full investigation. The Office of Internal Affairs, both at the regional level and the headquarters level, denied the request multiple times until the matter was elevated by the OIG. Ultimately, the Office of Internal Affairs approved a full investigation.*

- Were all of the interviews thorough and appropriately conducted?

*The special agent initially failed to collect all available evidence, including the 9-1-1 recording, before interviewing the officer. The 9-1-1 recording contained new evidence. After finally obtaining the recording of the 9-1-1 telephone call, the Office of Internal Affairs refused to re-interview the officer regarding the contents of the call.*

- Was the final investigative report thorough and appropriately drafted?

*The final investigative report did not contain all appropriate interviews because, after obtaining the recording of the 9-1-1 telephone call, the Office of Internal Affairs refused to re-interview the officer regarding the contents of the call.*

- Was the investigation thorough and appropriately conducted?

*The special agent did not collect all available evidence, including the 9-1-1 recording, before interviewing the officer. The 9-1-1 recording contained new evidence. After obtaining the recording of the 9-1-1 telephone call, the Office of Internal Affairs refused to re-interview the officer regarding the contents of the call.*

## Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-12	14-1491-IR	Administrative Investigation	1. Over-Familiarity

### Incident Summary

On May 12, 2014, a sergeant was allegedly overly familiar with an inmate when a package intended for the inmate, which contained mobile phones and cigarettes, was received at the institution and addressed to the sergeant.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined that the investigation conclusively proved the alleged misconduct did not occur. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-22	14-2068-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

### Incident Summary

On May 22, 2014, an officer was allegedly dishonest about the need to attend a Workers' Compensation Appeals Board hearing and failed to attend the hearing when granted time off from work to do so.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined that the investigation conclusively proved the alleged misconduct did not occur. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-11	14-2557-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

### Incident Summary

On June 11, 2014, an officer allegedly failed to intervene when an inmate attacked a nursing assistant and was also allegedly dishonest when he wrote in his report that he did physically intervene. On May 15, 2015, the officer was allegedly dishonest to Office of Internal Affairs special agents when he claimed that he did physically intervene to assist the nursing assistant and again when he denied speaking to a witness about the ongoing investigation.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The Office of Internal Affairs failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely conduct the investigation, resulting in the inability to interview a percipient witness.

# SOUTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on June 11, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 30, 2014, 111 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority delayed in referring the matter. On September 30, 2014, the hiring authority referred the matter to the Office of Internal Affairs, but the investigative report was not completed until May 26, 2015, 16 days before the June 11, 2015, deadline for taking disciplinary action. On November 12, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation. However, interviews did not begin until May 8, 2015, and, in the meantime, a critical witness changed employment and refused to participate in an interview. The hiring authority was required to hurriedly listen to the recorded interviews to be prepared prior to the deadline for taking disciplinary action and had little to no time to have additional investigation performed, including the interview of a percipient witness.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-12	14-1734-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Attendance</li> </ol>

### Incident Summary

On June 12, 2014, an officer was allegedly dishonest when he told a supervisor that he had contacted the personnel office concerning his available leave time. On June 13, 2014, the officer was allegedly absent from work without receiving prior authorization.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-12	14-2622-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Discrimination/Harassment</li> <li>Misuse of Authority</li> <li>Disclosure of Confidential Information</li> </ol>

### Incident Summary

Between June 12, 2014 and July 8, 2014, an investigative services unit lieutenant allegedly shared information regarding ongoing employee disciplinary investigations, ongoing disciplinary matters, and confidential employee telephone numbers with a parole agent. On June 26, 2014, the lieutenant allegedly asked a captain to meet him for drinks after work so that he could advise her about confidential allegations that had been made against the captain but had not yet been investigated. On September 4, 2014, the lieutenant was allegedly dishonest when he submitted a memorandum to the warden denying that he went out with the captain on June 26, 2014.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG and the department attorney regarding the investigative findings.

# SOUTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on July 24, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 15, 2014, 83 days after the date of discovery.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 12, 2015. The hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until April 21, 2015, 40 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG and the department attorney regarding the investigative findings.*

## Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-14	14-2300-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>

## Incident Summary

On July 14, 2014, a youth counselor allegedly released a ward from his cell to allow him to fight another ward, failed to timely stop the fight, and failed to report his use of force on one of the wards when he eventually did act to stop the fight. The youth counselor was also allegedly dishonest in his interview with the Office of Internal Affairs. A second youth counselor allegedly directed the first youth counselor to allow the wards to fight, failed to timely stop the fight, and was dishonest in her written report when she stated that she ordered the wards to stop fighting.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

## Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 5, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until February 25, 2015, 51 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.*

## Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-31	14-2330-IR	Administrative Investigation	1. Dishonesty

### Incident Summary

On July 31, 2014, an officer allegedly falsified an official medical note when she marked a box that stated she was allowed to return to work when in fact the doctor had placed her on total disability status.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to timely consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on February 9, 2015; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 16, 2015, 66 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely consult regarding the sufficiency of the investigation and the investigative findings.*

### Disposition

The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-04	14-2558-IR	Administrative Investigation	1. Dishonesty 2. Unreasonable Use of Force

### Incident Summary

On September 4, 2014, a sergeant allegedly pushed an inmate and was allegedly dishonest regarding why he used force and in preparing a rules violation report regarding the matter.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with the policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-10	14-2813-IR	Administrative Investigation	1. Neglect of Duty 2. Dishonesty 3. Misuse of Authority

### Incident Summary

On September 10, 2014, a sergeant allegedly prepared a report for an officer by using another officer's report as a template. The sergeant also allegedly misused his authority when he told the officer to "stick to his guns" if questioned about the report. The officer allegedly signed the report the sergeant prepared without thoroughly reviewing the report for accuracy. Both the sergeant and officer allegedly submitted the report to a lieutenant knowing that the officer had not prepared the report.

## SOUTH REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b> <b>Substantive Rating: Sufficient</b>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake failed to make a timely determination and the hiring authority failed to conduct the investigative findings conference in a timely manner.</p>	
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the request for investigation on November 5, 2014, but did not take action until December 10, 2014, 35 days after the receipt of the request.</i></li> <li>Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 21, 2015. The hiring authority did not consult with the department attorney and the OIG regarding the sufficiency of the investigation and the investigative findings until May 22, 2015, 31 days thereafter.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>OIA Central Intake did not timely make a determination and the hiring authority did not timely conduct the investigative findings conference.</i></li> </ul>	

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-18	15-0144-IR	Administrative Investigation	1. Dishonesty

**Incident Summary**  
 On October 18, 2014, an officer was allegedly dishonest when she failed to include pertinent details in her report regarding a use-of-force incident.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b> <b>Substantive Rating: Sufficient</b>
<p>The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the department attorney failed to provide feedback regarding the investigative report.</p>	
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The incident was discovered on October 18, 2014, but was not referred to the Office of Internal Affairs until December 10, 2014, 53 days later.</i></li> <li>Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The department attorney did not provide feedback to the special agent concerning the thoroughness and clarity of the report.</i></li> <li>Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney did not provide the OIG with written confirmation of discussions with the special agent.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The hiring authority did not timely refer the matter to the Office of Internal Affairs.</i></li> </ul>	
<b>Disposition</b> <p>The hiring authority determined there was insufficient evidence to sustain the allegation. However, the hiring authority issued a letter of instruction to the officer concerning correctional awareness during incidents and appropriate report writing. The OIG concurred.</p>	

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-11-17	15-0651-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> </ol>

### Incident Summary

On November 17, 2014, an officer was allegedly overly familiar with an inmate and falsely testified at the inmate's rules violation hearing, resulting in an inappropriate "not guilty" finding.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the case. The department attorney delayed making an entry into the case management system regarding the deadline for taking disciplinary action.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The date of discovery was December 4, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until February 25, 2015, 83 days thereafter.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on February 25, 2015, but did not take action until April 1, 2015, 35 days after the receipt of the request.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney was assigned April 14, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until May 18, 2015, 34 calendar days after assignment.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely decision. The department attorney delayed in making an entry regarding the deadline for taking disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-14	15-0302-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> <li>1. Other Failure of Good Behavior</li> </ol>

### Incident Summary

On December 14, 2014, while in another state, an officer allegedly committed a misdemeanor by carrying a concealed weapon while under the influence of alcohol.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely conduct the findings conference and the employee relations officer failed to enter relevant dates into the case management system.

# SOUTH REGION

## Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The employee relations officer did not make an entry into the case management system confirming the relevant dates.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on February 4, 2015; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until June 4, 2015, four months thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority did not timely conduct the findings conference.*

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-03	15-0897-IR	Direct Action (No Subject Interview)	1. Neglect of Duty

## Incident Summary

On February 3, 2015, inmates left receptacles containing urine in a classroom and, when alerted as to the unsanitary conditions, a lieutenant and a sergeant allegedly directed officers not to clean the classroom. The lieutenant also witnessed the sergeant directing officers not to clean the classroom, but allegedly failed to intervene and prevent the sergeant from committing misconduct.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed in referring the matter to the Office of Internal Affairs.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The hiring authority discovered the misconduct on February 4, 2015, but did not refer the matter to the Office of Internal Affairs until April 9, 2015, 64 days later.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority did not timely refer the matter to the Office of Internal Affairs.*

# APPENDIX A2 INVESTIGATIVE PHASE CASES

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2007-07-19	14-1902-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between July 19, 2007 and April 1, 2014, an officer allegedly provided marijuana, heroin, and mobile phones to inmates. The officer also allegedly exchanged information with an inmate over a social networking site. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG did not accept for monitoring.

### Investigative Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-01	13-0980-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On March 1, 2012, and December 1, 2012, an officer allegedly introduced tobacco into the institution and provided it to inmates. On September 1, 2012, and December 1, 2012, the officer allegedly introduced mobile phones into the institution and provided them to inmates. On May 7, 2014, the officer allegedly possessed illegal steroids and syringes. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-01	13-1381-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between January 1, 2013 to February 11, 2015, an officer allegedly smuggled marijuana, tobacco, and mobile phones into an institution and engaged in sexual activities with inmates. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The Office of Internal Affairs failed to comply with policies and procedures governing the investigative process. The special agent failed to conduct an initial case conference prior to finalizing the investigative plan, failed to make timely entries in the case management system, and failed to timely conduct the investigation.

# CENTRAL REGION

### Assessment Questions

- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?  
*Despite multiple attempts by the OIG, the special agent did not conduct an initial case conference prior to finalizing the investigative plan.*
- Did the special agent appropriately enter case activity in the case management system?  
*The special agent did not make any entries for over two months prior to completing the investigation.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The special agent was assigned to the case on August 23, 2013, but did not complete the investigation until January 15, 2015, 17 months later. After initially advising the OIG of a plan to delay the investigation due to the officer resigning from state service, the special agent eventually conducted witness interviews nearly three months after case assignment and completed these interviews seven months after case assignment. The special agent failed to diligently attempt to locate the officer.*

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-01	14-2621-IR	Criminal Investigation	1. Criminal Act

**Incident Summary**  
 Between December 1, 2013 and September 24, 2014, an officer allegedly conspired with inmates and inmate family members to smuggle mobile phones, alcohol, and other electronic equipment into an institution. On November 19, 2014, the officer allegedly brought a firearm, alcohol, and a mobile phone onto institution grounds. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The officer resigned before the investigation was completed. Therefore, the Office of Internal Affairs did not open an administrative investigation. A letter was placed in the officer's official personnel file indicating that the officer resigned under adverse circumstances.

<b>Investigative Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the investigative process.	

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-01	14-1754-IR	Criminal Investigation	1. Criminal Act

**Incident Summary**  
 Between March 1, 2014 and May 4, 2014, an officer allegedly introduced illegal prescription medications, mobile phones, and tobacco into an institution for inmates. On April 29, 2014, a second officer allegedly assisted in introducing the contraband into the secure perimeter of the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

<b>Investigative Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the investigative process.	

# CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-23	14-2001-IR	Criminal Investigation	1. Criminal Act

## Incident Summary

On April 23, 2014, an officer allegedly conspired with an inmate to have a second inmate attacked. The officer allegedly disclosed confidential information obtained from a department computer database about the second inmate's sex offense conviction to the first inmate, causing the first inmate to order other inmates to attack the second inmate. The second inmate eventually died as a result of the injuries he sustained from the attack. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

## Investigative Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter for investigation. The special agent failed to adequately consult with the OIG before starting the investigation, failed to thoroughly and appropriately interview a sergeant, and interviewed several employees as witnesses instead of suspects.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on May 14, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 29, 2014, 76 days after the date of discovery.*
- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?

*The special agent failed to confer with the OIG about the investigative plan until after already conducting surveillance on the officer and submitting a search warrant for the officer's residence to the district attorney's office for review. The OIG was not timely provided with a copy of the draft search warrant for review.*
- Were all of the interviews thorough and appropriately conducted?

*Several employees who accessed information about the second inmate on the computer system shortly before the inmate was attacked were not advised of their Miranda rights when interviewed.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent failed to consult with the OIG before commencing the investigation.*
- Was the investigation thorough and appropriately conducted?

*Other officers and a counselor were not advised of their Miranda rights before being interviewed even though they accessed confidential information about the second inmate's sex offense conviction and the officer under investigation never accessed the information himself but allegedly provided the information to an inmate who ordered an attack on the second inmate. A sergeant was never thoroughly and appropriately interviewed although his first interview was stopped because the special agent thought the sergeant would implicate himself.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority delayed 76 days before referring the matter for investigation.*

## CENTRAL REGION

Incident Date 2014-05-14	OIG Case Number 14-1502-IR	Case Type Criminal Investigation	Allegations 1. Criminal Act
<p><b>Incident Summary</b></p> <p>Between December 1, 2013, and June 30, 2014, an officer allegedly transported mobile phones from one inmate and delivered them to another inmate in a different cell. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. However, the OIG did not concur with the Office of Internal Affairs' initial determination not to open an administrative investigation and elevated the matter to a higher level of review. The Office of Internal Affairs finally opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p><b>Investigative Assessment</b></p> <p>The department failed to comply with policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to confer with the OIG about the investigative plan, failed to notify the OIG of several interviews, and failed to conduct a timely investigation. Further, the Office of Internal Affairs completed its investigation after the deadline to file misdemeanor charges and compromised the department's ability to take disciplinary action.</p>			<p>Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b></p>

# CENTRAL REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on February 19, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 16, 2014, almost four months after the date of discovery.*
- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?

*The special agent failed to confer with the OIG about the investigative plan and conducted several interviews without notifying the OIG.*
- Did the special agent adequately prepare for all aspects of the investigation?

*The special agent scheduled interviews of the officer's alleged inmate accomplices but failed to confirm his work schedule. On the day of the interviews, the officer was working in the same building as the inmates causing the interviews to be postponed out of concern the officer would be alerted to the ongoing criminal investigation. In addition, two inmate witnesses transferred to another institution three months and seven months after the case was opened, causing additional delay and travel cost.*
- Were all of the interviews thorough and appropriately conducted?

*The special agent made an unauthorized and false representation to an inmate that the inmate's name would remain out of the investigative report.*
- Was the investigation or subject-only interview completed at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

*The investigation was completed on April 23, 2015, ten days after the deadline for a prosecuting agency to file misdemeanor charges.*
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?

*The department conducted its investigation using a three-year deadline to file felony charges. The investigation was completed ten days after the more conservative one-year deadline to file misdemeanor charges.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent conducted several interviews without consulting the OIG.*
- Was the investigation thorough and appropriately conducted?

*The Office of Internal Affairs declined to interview the officer, the special agent made an unauthorized and false representation to an inmate that the inmate's name would remain out of the investigative report, inmates were not interviewed prior to being transferred to another institution, and inmate interviews had to be rescheduled because the agent scheduled the interviews on the same day the officer was working with or near the inmates.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely complete the investigation.*

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-02	14-2660-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between June 2, 2014 and June 30, 2014, a sergeant allegedly forged several employees' signatures on survivor benefit forms, allowing the monetary value of donated work hours to go to surviving family members of a deceased officer. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

## CENTRAL REGION

### Investigative Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the investigative process. The special agent failed to adequately consult with the OIG prior to scheduling some of the interviews. The special agent was assigned on November 19, 2014; however, interviews were not started until March 16, 2015, almost four months thereafter.

### Assessment Questions

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent failed to consult with the OIG before scheduling the interview of an officer whose signature may have been forged and the interview of the sergeant who allegedly forged employee signatures.*

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-15	14-1309-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between May 15, 2013 and April 17, 2014, an officer allegedly conspired to smuggle mobile phones into the institution, unlawfully communicated with inmates and inmate associates, and received bribes. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-01	14-0418-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

In December 2013, an officer allegedly conspired with an inmate and a private citizen to introduce heroin, mobile phones, and tobacco into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-04	14-0723-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On March 4, 2014, an inmate was found with a mobile phone. Examination of the phone revealed multiple text messages from a telephone number an officer previously provided to the department as a contact number. Some of the text messages from the officer's phone appeared to solicit a transfer of money to an account. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer resigned from state service on April 20, 2014. A letter was placed in the officer's official personnel file indicating the officer resigned under adverse circumstances.

### Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The Office of Internal Affairs failed to conduct the investigation in a timely manner.

### Assessment Questions

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The officer was interviewed on April 20, 2014. Minimal investigative work was completed between April 22, 2014, and January 22, 2015, thereby delaying the referral of the case to the district attorney for nine months. This delay unnecessarily reduced the time the district attorney had to review the case, make a filing determination, and file charges. The case referral occurred with only 15 days left before the deadline to file charges.*

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-20	14-1811-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On May 20, 2014, a counselor allegedly released confidential departmental documents to her attorneys and the State Personnel Board without permission or legal authority. The counselor also allegedly removed various documents containing confidential inmate information and operational procedures from institutional grounds without prior permission or legal authority. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-17	14-1634-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On June 17, 2014, the department learned that an officer allegedly attempted to acquire firearms for the purpose of transferring them to other persons with the intent to avoid using a licensed firearms dealer to complete the transaction. The officer also allegedly unlawfully accessed confidential information on a computer database. The Office of Internal Affairs conducted a preliminary investigation, following which outside law enforcement assumed responsibility. As a result of the investigation, the officer was arrested for marijuana cultivation. Subsequently, the officer was convicted of felony possession of marijuana for sale and child endangerment. He received a 32-month suspended prison term, five years probation, and 364 days jail. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The Office of Internal Affairs failed to comply with policies and procedures governing the investigative process. Although the officer was arrested and charged with multiple crimes, the Office of Internal Affairs failed to submit an investigative report to either the outside law enforcement agency or the district attorney and declined to inquire whether either agency wanted a report.

### Assessment Questions

- Did OIA appropriately determine whether there was probable cause to believe a crime was committed and, if probable cause existed, was the investigation referred to the appropriate agency for prosecution?

*The Office of Internal Affairs conducted a preliminary investigation and drafted a report; however, the Office of Internal Affairs did not submit the report to either the outside law enforcement agency that took over the investigation or the district attorney. Despite the finding of probable cause by outside law enforcement and the district attorney, and the OIG's recommendation, the Office of Internal Affairs failed to even inquire whether either agency wanted a report.*

- Was the investigation thorough and appropriately conducted?

*Although the officer was arrested and charged with multiple crimes, the Office of Internal Affairs did not submit a report to either the outside law enforcement agency or the prosecuting agency and failed to inquire whether either agency wanted a report.*

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-02	14-2056-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between July 2, 2014 and August 15, 2014, an officer allegedly engaged in unlawful communication with an inmate by calling the inmate, who was in possession of a mobile phone, and sending the inmate sexually explicit photographs of herself. The officer also allegedly conspired with the inmate's family to engage in unlawful communication with the inmate and accepted calls from the inmate on the department's inmate telephone system. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer resigned during the course of the investigation. A letter indicating the officer resigned under adverse circumstances was placed in her official personnel file.

### Investigative Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-18	14-2728-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On October 18, 2014, an inmate reportedly committed suicide in his cell by wrapping a plastic bag over his head. Due to unexplained injuries noted in a preliminary autopsy report, the department opened a criminal investigation into the inmate's death. At the conclusion of the investigation, the department submitted its preliminary report to the coroner's office. Thereafter, the pathologist determined the cause of death was asphyxia due to smothering and the coroner's detective concluded the death was due to suicide. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. However, the department submitted the report to the district attorney's office for review. The OIG concurred. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-11-04	15-0679-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between November 4, 2014 and November 12, 2014, an officer allegedly engaged in a sexual relationship with an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2010-06-01	14-2664-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

From June 1, 2010 to February 14, 2014, an officer allegedly maintained a sexual relationship with an inmate. On February 14, 2014, after the inmate was released on parole, the officer was allegedly in possession of and smoked methamphetamine with the parolee. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer resigned from state employment during the criminal investigation.

### Investigative Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The Office of Internal Affairs failed to comply with policies and procedures governing the investigative process. The special agent failed to provide a draft investigative report to the OIG and failed to consult with the OIG prior to submitting the case to the district attorney for review.

### Assessment Questions

- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?  
*The special agent did not provide the draft investigative report prior to submitting the report to the district attorney for review.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?  
*The special agent failed to consult with the OIG prior to submitting the investigative report to the district attorney for review.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-01	14-1626-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

From January 1, 2012 to June 30, 2012, an officer allegedly falsified information in documents he submitted to the Employment Development Department when he applied for and collected unemployment benefits while he was fully employed by the department. The Office of Internal Affairs conducted an investigation in conjunction with the Employment Development Department, which found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the investigative process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on September 21, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 27, 2014, more than one year and eight months after the date of discovery.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed referring the matter to the Office of Internal Affairs.*

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-01	14-2856-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

From October 1, 2013 through October 16, 2014, a supervising parole agent allegedly drove a state vehicle for personal use and billed approximately \$3,500 in personal gas charges to the state credit card. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-01	14-2066-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

From January 2014 to July 2014, an officer allegedly illegally communicated with an inmate via telephone over 200 times. The officer also allegedly smuggled mobile phones and tobacco into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer resigned before the criminal investigation was completed. A letter indicating the officer resigned under adverse circumstances was placed in her official personnel file.

### Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-28	14-2226-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On August 28, 2014, an officer was allegedly involved in a sexual relationship with an inmate, communicated by mobile phone with the inmate, and provided the inmate methamphetamine and mobile phones. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer immediately resigned.

### Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

# APPENDIX B DISCIPLINARY PHASE CASES

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-09-08	13-2453-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> <li>3. Misuse of Authority</li> <li>4. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> </ol>	Suspension	Suspension

### Incident Summary

On September 8, 2009, an officer allegedly failed to process a urinalysis test for an inmate in order to avoid a positive test. On September 10, 2012, a warden, an associate warden, and a sergeant allegedly granted a request to withdraw the inmate's rules violation report for possession of controlled substances for sale even though there was overwhelming evidence for a finding of guilt. The associate warden, two lieutenants, and the sergeant also allegedly failed to forward the criminal case to the district attorney's office for filing consideration. On September 26, 2012, the sergeant was allegedly dishonest regarding the matter during his testimony to the Board of Parole Hearings.

### Disposition

The hiring authority sustained the allegation that the warden inappropriately withdrew the inmate's rules violation report, but did not sustain an added allegation that he misused his authority, and imposed a letter of reprimand. The hiring authority sustained an added allegation that the associate warden failed to provide the warden with all relevant information regarding the inmate's rules violation report, but did not sustain the allegation that the associate warden inappropriately withdrew the rules violation report, and imposed a ten-working-day suspension. The hiring authority sustained the allegation against the first lieutenant and served her with a ten-working-day suspension. The hiring authority sustained an added allegation that the second lieutenant failed to provide the warden with all relevant information regarding the inmate's rules violation report, but did not sustain the allegation that the lieutenant failed to refer the inmate's case to the district attorney's office, and imposed a 5 percent salary reduction for six months. The hiring authority did not find sufficient evidence to sustain the allegation that the officer failed to process the urinalysis test, but sustained added allegations that the officer granted a request to void the inmate's rules violation report and that he failed to provide the warden with all relevant information regarding the inmate's rules violation report, and imposed a 12-working-day suspension. The hiring authority determined there was insufficient evidence to sustain the allegation against the sergeant. The OIG concurred with the hiring authority's determinations. The warden did not file an appeal with the State Personnel Board. The officer retired before the disciplinary action was imposed and a letter indicating he retired under adverse circumstances was placed in his official personnel file. The associate warden and the two lieutenants filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with the associate warden and the first lieutenant wherein the penalties were reduced to letters of reprimand and removed early from the official personnel files due to evidentiary problems with witness testimony. The associate warden and the lieutenant agreed to withdraw their appeals. The OIG concurred due to the evidentiary problems. At the *Skelly* hearing, the second lieutenant presented new exculpatory information and, therefore, the hiring authority withdrew the disciplinary action. The OIG concurred based on the factors learned at the *Skelly* hearing.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-06-18	12-1038-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Neglect of Duty</li> <li>4. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Dismissal	Modified Salary Reduction

### Incident Summary

On June 18, 2011, an off-duty officer allegedly engaged in a fight with another off-duty officer and seriously injured the second officer. The first officer then fled the scene and allegedly failed to report the incident. He also later allegedly provided false information concerning the incident to outside law enforcement. A third officer witnessed the altercation, but allegedly failed to intervene and stop the attack, fled the scene, and failed to report the incident.

### Disposition

The hiring authority sustained the allegations and dismissed the first officer and imposed a 5 percent salary reduction for 24 months on the other officer. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. Before the evidentiary hearing, the department entered into a settlement agreement whereby the first officer agreed to resign, waive back pay, withdraw his appeal, and never seek future employment with the department. The OIG concurred because the settlement achieved the ultimate goal of terminating the officer's employment with the department. After the other officer's *Skelly* hearing, a video confirmed he had attempted to intervene and stop the fight, but a third party prevented him. Due to this mitigating information, the hiring authority reduced the penalty from a 5 percent salary reduction for 24 months to a 5 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The employee relations officer failed to adequately consult with the OIG to schedule the findings and penalty conference and failed to provide the OIG a final settlement agreement. The department failed to provide a CDC Form 3021 to the OIG.

### Assessment Questions

- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?  
*The department failed to provide the OIG with a CDCR Form 3021.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The employee relations officer failed to adequately consult with the OIG to schedule the findings and penalty conference, requiring another OIG representative to monitor the conference at the last minute. The employee relations officer also failed to provide the OIG with a final settlement agreement.*

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-24	12-1546-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Transmittal of Confidential Information</li> <li>Failure to Report</li> <li>Neglect of Duty</li> <li>Failure to Report</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> <li>No Finding</li> </ol>	Suspension	Suspension

### Incident Summary

On September 24, 2011, two officers allegedly knowingly and maliciously shared confidential information over the public address system in the housing unit that incited an assault by five inmates on another inmate. The same officers, a third officer, and a sergeant allegedly participated in a coordinated effort to conceal the assault, and failed to report their involvement in the assault. One of the officers was also allegedly overly familiar with another inmate.

### Disposition

The hiring authority sustained a neglect of duty allegation against the sergeant and imposed a 5 percent salary reduction for nine months. The hiring authority sustained allegations against the first officer for engaging in overly familiar conduct with an inmate, neglecting his duty, and failing to report misconduct, and imposed a 48-working-day suspension. The hiring authority sustained allegations against the second and third officers for sharing confidential inmate information and neglecting their duties and imposed a 60-working-day suspension on each. The hiring authority found insufficient evidence to sustain any allegations for participating in a coordinated effort to conceal the assault. The OIG concurred. The sergeant and three officers filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into settlement agreements with the sergeant and the officers. The department reduced the sergeant's penalty to a 5 percent salary reduction for seven months and the sergeant withdrew the appeal. The first officer agreed to withdraw his appeal and the department agreed to restore his post and bid privileges. The second officer agreed to withdraw her appeal and the department agreed to strike a cause of action. The OIG concurred with the settlements because the penalty reductions were not significant and were consistent with the principles of progressive discipline. The third officer withdrew his appeal prior to hearing with no change to the 60-working-day suspension.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-15	13-0313-IR	<ol style="list-style-type: none"> <li>Failure to Secure Potential Crime Scene</li> <li>Endangering Other Employees</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Salary Reduction	Salary Reduction

### Incident Summary

On November 15, 2012, a control booth officer allegedly failed to secure a potential crime scene when he saw an inmate with blood on his shirt on the dayroom floor and instead conducted a recall of the dayroom. The control booth officer also allegedly endangered floor officers when he allowed the inmate with blood on his shirt into the rotunda area without notifying the floor staff and without the presence of additional response staff.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for nine months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction. The officer filed a petition for rehearing with the State Personnel Board, which denied the petition for rehearing.

## CENTRAL REGION

<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-08	13-0314-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Neglect of Duty</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On December 8, 2012, an officer allegedly failed to properly supervise an inmate, which resulted in almost two hours during which the inmate was unaccounted. Three officers allegedly allowed a vehicle containing the inmate, hidden under the vehicle in an attempt to escape, to enter and exit several sally ports at the institution without a security officer searching the vehicle and without identifying the driver of the vehicle. Two other officers allegedly failed to properly search the vehicle. A materials and stores supervisor allegedly failed to ensure that the vehicle was properly searched as it entered and exited the sally ports and failed to report that the vehicle had not been properly searched by the officers.

### Disposition

The hiring authority sustained the allegations against five of the officers and the materials and stores supervisor. The hiring authority determined there was insufficient evidence to sustain the allegation against one of the two officers who allegedly failed to properly search the vehicle. The hiring authority imposed 5 percent salary reductions for 24 months against the materials and stores supervisor and the officer who failed to properly supervise the inmate. The hiring authority imposed 5 percent salary reductions for 36 months against the three officers who allowed the vehicle to enter and exit their assigned sally ports. The officer who failed to properly search the vehicle was served with a salary reduction of 5 percent for 12 months. The OIG concurred. The five officers and the materials and stores supervisor all filed appeals with the State Personnel Board. At a pre-hearing settlement conference, the department entered into settlement agreements with four of the officers and the materials and stores supervisor. The hiring authority entered into the settlement agreements based upon the advice of the department attorney who indicated he believed the administrative law judge would not sustain the penalties as currently drafted. The penalties for the materials and stores supervisor and the officer who failed to properly supervise the inmate were reduced to 5 percent salary reductions for 12 months. The penalty for the officer who failed to properly search the vehicle was reduced to a 5 percent salary reduction for six months. The penalties for two of the officers who allowed the vehicle to enter and exit their assigned sally ports were reduced to 5 percent salary reductions for 18 months. The OIG did not concur with the settlements but did not seek a higher level of review. The third officer who allowed the vehicle to enter and exit his assigned sally port declined to settle and proceeded to hearing. Following the hearing, the State Personnel Board revoked the discipline.

<b>Disciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Insufficient</b>
The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority agreed to modify the penalties without a change of circumstances that would support a modification of penalties. The department attorney delayed six months preparing draft settlement reports, and delayed eight months providing copies of the settlement agreements to the OIG, despite repeated requests to obtain the agreements.	

# CENTRAL REGION

### Assessment Questions

- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?  
*The department attorney delayed six months in preparing draft case settlement reports and failed to sign them.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The OIG did not concur with the settlements because there were no changed circumstances or new evidence that would support a modification of the penalties.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The department attorney failed to provide copies of the settlement agreements to the OIG once signed, when approved by the State Personnel Board, or in response to five written requests.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department attorney delayed six months in preparing draft settlement reports, never signed them, and delayed eight months providing copies of the settlement agreements.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-25	13-1288-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Contraband</li> <li>3. Neglect of Duty</li> <li>4. Dishonesty</li> <li>5. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> <li>5. Not Sustained</li> </ol>	Dismissal	Dismissal

### Incident Summary

On February 25, 2013, an officer was allegedly asleep in a storage room and in possession of a mobile phone. On March 13, 2013, the officer allegedly provided false information in a memorandum she wrote regarding the incident. A second officer, who was allegedly aware the first officer was asleep, allegedly neglected her duty by failing to report this information to the sergeant and to check on the other officer, who was absent from her post, and later wrote a false memorandum regarding the incident.

### Disposition

The hiring authority sustained the allegations against the first officer and dismissed her. The hiring authority sustained the allegation against the second officer that she failed to check on the first officer, but not the remaining allegations, and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. Both officers filed appeals with the State Personnel Board. At a pre-hearing settlement conference, the department entered into a settlement agreement with the second officer reducing the salary reduction to 5 percent for three months because the officer had allegedly expressed remorse. In exchange, the officer agreed to withdraw her appeal. The OIG did not concur as there were no changed circumstances to justify the settlement, but was not consulted and was therefore prevented from taking any action. Following a hearing, the State Personnel Board upheld the dismissal against the first officer.

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority and department attorney failed to consult with the OIG before entering into a settlement agreement with the second officer.

### Assessment Questions

- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*The hiring authority and department attorney entered into a settlement agreement with the second officer without consulting the OIG.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The department attorney entered into a settlement agreement with the second officer without consulting the OIG.*

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-27	13-1347-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

### Incident Summary

On February 27, 2013, an officer allegedly falsely documented an inmate's activities on a rules violation report. During an encounter with the inmate, the officer also allegedly directed several expletives at the inmate. On September 17, 2013, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.

### Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Sufficient**

The department attorney failed to comply with the policies and procedures governing the disciplinary process by failing to file a pre-hearing settlement conference statement that complied with State Personnel Board rules.

### Assessment Questions

- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

*While the department filed a pre-hearing settlement conference statement that identified each witness and the subject matter on which the witness was expected to present evidence, the statement failed to provide a summary of each witness's expected testimony as required by State Personnel Board rules. At the time of the pre-hearing settlement conference, the administrative law judge noted that the description of testimony to be provided by a witness was overly broad and too general.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-12	14-0275-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On August 12, 2013, a psychiatric technician allegedly refused to enter a cell to render aid to an unresponsive inmate.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 20 months. The OIG concurred. The psychiatric technician filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the psychiatric technician wherein the penalty was reduced to a 10 percent salary reduction for 15 months and the psychiatric technician agreed to withdraw her appeal. The OIG concurred because the psychiatric technician accepted responsibility, the penalty reduction was not significant, and the penalty remained consistent with the principles of progressive discipline to prevent future misconduct.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Sufficient**

The department sufficiently complied with the policies and procedures governing the disciplinary process.

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-29	13-2357-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Insubordination</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Suspension

### Incident Summary

On August 29, 2013, an officer was allegedly dishonest to his supervisor when he claimed to have a medical appointment and refused to work an involuntary overtime shift. The officer also allegedly attempted to submit a fraudulent family medical leave form that included the date he refused to work the overtime shift and requested a fraudulent medical note excusing his absence. On December 9, 2013, the officer was allegedly dishonest with the hiring authority when he claimed that he could not attend a scheduled investigative interview because he had a union meeting.

### Disposition

The hiring authority sustained the insubordination and a dishonesty allegation for the officer claiming he had a medical appointment and refusing to work an overtime shift but found insufficient evidence to sustain the other dishonesty allegations. Based on evidence discovered during the course of investigation, the hiring authority added and sustained three additional dishonesty allegations for dishonesty to a supervisor and during the investigative interview. The hiring authority dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the department agreed to remove the dishonesty allegations, add and sustain discourteous treatment and neglect of duty allegations, and reduce the penalty to a six-month suspension because a witness for the department was uncertain about the officer's misrepresentations. In exchange, the officer agreed to withdraw his appeal. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because of the evidentiary issues.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to provide the OIG a draft of the settlement prior to signature. Further, the department inappropriately agreed to remove the dishonesty allegation from the disciplinary action.

### Assessment Questions

- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The department agreed to reduce the penalty from dismissal to suspension and withdraw a dishonesty allegation. The OIG concurred with the suspension, but did not concur with withdrawing the dishonesty allegation.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The department attorney failed to provide the OIG a copy of the draft settlement agreement.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-28	14-0278-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Suspension	Suspension

### Incident Summary

On September 28, 2013, instead of initiating a controlled use of force, a sergeant allegedly ordered an officer to enter the cell of an inmate who had already refused orders to exit the cell, was resistive, and appeared ready to throw an object at officers. The sergeant also allegedly conspired with other officers when writing his report and failed to ensure that two officers independently wrote their own reports. Additionally, two officers allegedly conspired in writing their reports and were dishonest in their interviews with the Office of Internal Affairs.

## CENTRAL REGION

### Disposition

The hiring authority sustained the allegation that the sergeant failed to ensure the officers independently wrote their reports, but not the remaining allegations, and issued a letter of reprimand. The OIG did not concur with the penalty but did not seek a higher level of review because the sergeant eventually acknowledged responsibility. The hiring authority sustained the dishonesty allegations for both officers, but not the allegations that they conspired in writing their reports, and determined that dismissal should not be imposed because the officers admitted their dishonesty before their interviews concluded. One officer received a 49-working-day suspension and the other officer received a 54-working-day suspension. The hiring authority imposed a longer suspension for the second officer as he was less forthright during his investigative interview. The OIG concurred because both officers took responsibility for their actions. The sergeant and the officers filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department settled with the sergeant by agreeing to an early removal of the letter of reprimand from his official personnel file. The OIG concurred because the penalty remained the same and the letter of reprimand could still be used for progressive discipline. The officers did not pursue their appeals which were subsequently dismissed by the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-03	14-0175-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On November 3, 2013, two officers assigned to contraband surveillance watch duties allegedly failed to adequately observe and supervise two inmates who were suspected of secreting weapons in their rectal cavities. Additionally, on November 4, 2013, three other officers assigned to contraband surveillance watch allegedly failed to adequately observe and supervise the same two inmates and also allegedly failed to search the inmates' cells. Both inmates were able to retrieve weapons secreted within their bodies while they were on contraband surveillance watch. The weapons were later discovered hidden in each inmate's cell.

### Disposition

The hiring authority sustained the allegations against two of the officers and imposed a 5 percent salary reduction for three months on each. The hiring authority found insufficient evidence to sustain the allegations against the remaining officers. The OIG concurred with the hiring authority's determinations. After a *Skelly* hearing, the department entered into a settlement agreement with one of the officers wherein his penalty was modified to a 5 percent salary reduction for two months because the officer was remorseful and accepted responsibility. The OIG concurred given the minor reduction in penalty and the officer's acceptance of responsibility. The second officer filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board upheld the penalty.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-20	14-2447-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Dismissal	Salary Reduction

### Incident Summary

On December 20, 2013, an officer was arrested and allegedly dishonest to outside law enforcement when the officer claimed he was unaware his modified vehicle exhaust system was illegal and when he claimed he was never referred to a state smog referee. Less than one month earlier, outside law enforcement stopped the officer and allegedly advised him that his exhaust system was illegal and referred the officer to a state smog referee.

## CENTRAL REGION

### Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. At the officer's *Skelly* hearing, the officer explained he was previously stopped because of his vehicle's intake system, not the exhaust system. He was issued a ticket at the time and was never told about contacting the state smog referee. However, the officer admitted he completely failed to read the ticket and never realized until his arrest that the prior ticket actually referred him to a state smog referee. Due to this new information, the hiring authority modified the penalty to a 10 percent salary reduction for 15 months. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-04	14-0859-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Reprimand	No Penalty Imposed

### Incident Summary

On February 4, 2014, an officer allegedly deployed pepper spray on an inmate who did not pose an imminent threat.

### Disposition

The hiring authority sustained the allegation and served the officer with an official letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. The administrative law judge found the officer credible, revoked the disciplinary action, and found that the officer's use of force was within departmental policy.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-13	14-1544-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Salary Reduction

### Incident Summary

On March 13, 2014, an officer allegedly threatened to kill his wife and himself during an argument.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to a hearing, the officer withdrew his appeal.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-10	14-1394-IR	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Salary Reduction

### Incident Summary

On May 10, 2014, an off-duty officer allegedly became intoxicated and urinated outside a public business. Outside law enforcement arrested the officer for public intoxication. The officer was also allegedly carrying a loaded, concealed personal handgun in his pants pocket. During his arrest, the officer was allegedly discourteous and uncooperative with outside law enforcement.

### Disposition

The hiring authority sustained the allegations relating to failure of good behavior and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The hiring authority determined there was insufficient evidence to sustain the discourteous treatment allegation. The OIG did not concur but did not seek a higher level of review because the penalty outcome was not significantly impacted by the decision. The officer filed an appeal with the State Personnel Board. However, the officer failed to appear at the pre-hearing settlement conference and the State Personnel Board dismissed the appeal.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with the policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-23	14-1759-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Controlled Substances</li> <li>Contraband</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

### Incident Summary

On May 23, 2014, an officer was allegedly under the influence of prescription medication while on duty. At the time, the officer also allegedly possessed prescription medication and a bottle filled with synthetic urine. During a subsequent interview, the officer was allegedly dishonest about the reason he was in possession of a straw, synthetic urine, and prescription medication.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. However, the officer failed to appear for the proceedings and the State Personnel Board dismissed the appeal.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the penalty conference in a timely manner.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 30, 2014. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 12, 2014, 43 calendar days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority did not timely consult with the OIG and department attorney regarding the disciplinary determinations.*

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-07-01	14-2098-IR	1. Neglect of Duty	1. Sustained		

### Incident Summary

On July 1, 2014, an officer allegedly failed to conduct inmate welfare checks twice every hour within the required time intervals.

### Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the disciplinary action would be removed from the officer's personnel file after six months. The OIG concurred with the settlement because there was no reduction in the penalty and the record of discipline could be used for purposes of progressive discipline.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the penalty conference for 61 calendar days.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on August 27, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until October 27, 2014, 61 calendar days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority delayed 61 days in making disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-07-06	14-2104-IR	1. Dishonesty 2. Insubordination 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained		

### Incident Summary

On July 6, 2014, an officer was allegedly dishonest when he told a sergeant he had already reported he lost his duty badge. The officer then allegedly failed to obtain a temporary duty badge as directed by the sergeant. On July 24, 2014, the officer still had not obtained a replacement duty badge and allegedly reported for work without a valid duty badge.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred because the salary reduction was within the appropriate penalty range for the allegations sustained and the factual circumstances of the case. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed consulting with the OIG and the department attorney regarding disciplinary determinations.

# CENTRAL REGION

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on September 3, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until October 27, 2014, 54 days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely conduct the penalty conference.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-09-30	14-2536-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

### Incident Summary

On September 30, 2014, an officer allegedly drove under the influence of alcohol with a minor in the vehicle and caused a traffic accident. The officer allegedly attempted to pay the driver of the second vehicle to not call outside law enforcement. The officer allegedly attempted to destroy evidence by having his girlfriend dispose of an open bottle of alcohol before outside law enforcement arrived. The bottle of alcohol was located in a nearby trash can. Outside law enforcement arrested the officer.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Insufficient</b>

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed 48 days before consulting with the OIG and department attorney regarding the disciplinary determinations and the department attorney failed to properly advise the hiring authority regarding disciplinary determinations.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on October 22, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until December 9, 2014, 48 calendar days thereafter.*
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?  
*The department attorney failed to provide the hiring authority with advice concerning the discipline that should be imposed and, instead, recommended that the officer be interviewed.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely conduct the penalty conference.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL No Penalty Imposed
2010-01-04	10-3727-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>		

### Incident Summary

On January 4, 2010, two lieutenants allegedly failed to enforce a program restriction order and allowed officers to release inmate workers in violation of the order.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the first lieutenant and imposed a 10 percent salary reduction for 18 months. The hiring authority determined there was insufficient evidence to sustain the allegation against the second lieutenant. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Prior to the hearing, the lieutenant filed a motion to dismiss on the grounds that the disciplinary action was untimely. The State Personnel Board agreed and granted the motion. The department filed a petition for rehearing with the State Personnel Board, which denied the petition. Over one year later, the department attorney filed a writ with Superior Court but took no action on the writ for 14 months. The department ultimately withdrew the writ.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to make timely decisions, take action in a timely manner, and failed to provide written confirmation of penalty discussions to the hiring authority and the OIG.

### Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.*
- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?

*The State Personnel Board determined the deadline for taking disciplinary action expired before the department served the disciplinary action.*
- Did the SPB impose any sanction or penalty on the department for failure to comply with the SPB regulations or deem any filing by the department untimely?

*The State Personnel Board granted the lieutenant's motion to dismiss on the grounds that the disciplinary action was untimely.*
- Did the department attorney appropriately represent the department in writ proceedings?

*The department attorney filed the writ more than 15 months after the State Personnel Board denied the department's petition for rehearing. After the writ was filed, the department attorney took no action for 14 months.*
- Was the disciplinary phase conducted with due diligence by the department?

*The department attorney did not handle the writ proceedings with due diligence.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-06-29	12-0679-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Code of Silence</li> <li>3. Unreasonable Use of Force</li> <li>4. Failure to Report Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Dismissal	No Penalty Imposed

### Incident Summary

It was alleged on June 29, 2011, an officer used unnecessary force on an inmate by kicking and kneeling the inmate along the side of his body, while the inmate was handcuffed and laying on the ground. It was further alleged the officer failed to accurately report his use of force. A sergeant and four other officers allegedly witnessed the force and also failed to accurately report it. The sergeant and all five officers allegedly were dishonest in the subsequent administrative investigation.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the sergeant and four of the officers. The OIG concurred with the hiring authority's determinations. The fifth officer retired prior to completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the officer retired under adverse circumstances was placed in his official personnel file. The sergeant and four officers filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissals of the sergeant and four officers. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the sergeant's and officers' credible denials.

### Disciplinary Assessment

The department's disciplinary process sufficiently complied with policies and procedures.

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-22	12-0570-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> </ol>	Dismissal	Dismissal

### Incident Summary

On February 22, 2012, an officer allegedly neglected his duties when he failed to protect an inmate after he was informed the inmate was the target of a planned assault. The inmate subsequently was the victim of homicide. It was further alleged the officer was dishonest during the investigatory process.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The officer filed a writ of mandamus, which was denied.

### Disciplinary Assessment

The department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide the hiring authority written confirmation of penalty discussions and a final memorandum and failed to provide the OIG with copies of the draft disciplinary action and pre-hearing settlement conference statement.

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

# NORTH REGION

## Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.*
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?  
*The department attorney did not provide the OIG with a copy of the draft disciplinary action nor consult with the OIG.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.*
- Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?  
*The department attorney failed to prepare a final memorandum to the hiring authority.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-03	12-1929-IR	<ol style="list-style-type: none"> <li>1. Insubordination</li> <li>2. Failure to Provide Adequate Medical Care</li> <li>3. Dishonesty</li> <li>4. Failure to Provide Adequate Medical Care</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> </ol>	Dismissal	Suspension

## Incident Summary

On June 3, 2012, a registered nurse allegedly failed to provide adequate medical care and conduct timely medical assessments on an inmate, as directed by a physician. The registered nurse also allegedly failed to follow the physician's orders and falsified medical records to reflect that he had made the medical assessments, in an attempt to cover his negligence. A physician and a second registered nurse also allegedly failed to provide adequate medical care to the same inmate. The inmate died due to a stroke on June 11, 2012, at an outside hospital. The first registered nurse also allegedly failed to provide adequate medical care to a second inmate on June 17, 2012, and a third inmate on June 18, 2012.

## Disposition

The hiring authority found sufficient evidence to sustain the allegations against the first registered nurse, except the allegation that the first registered nurse falsified medical records, and dismissed him. The hiring authority also found sufficient evidence to sustain the allegation against the second registered nurse and imposed a 30-working-day suspension. The hiring authority found insufficient evidence to sustain the allegation against the physician. The OIG concurred with the hiring authority's determinations. Both registered nurses filed appeals. Prior to the State Personnel Board hearing for the first registered nurse, a settlement agreement was reached wherein the hiring authority agreed to remove the disciplinary action from the first registered nurse's official personnel file and the first registered nurse agreed to withdraw his appeal, resign in lieu of termination, and to never seek employment with the department again. The OIG concurred because the goal of permanently separating the first registered nurse from employment was achieved. The second registered nurse resigned from state employment and, prior to the State Personnel Board hearing, a settlement agreement was reached wherein the department removed the disciplinary action from her official personnel file one year from the effective date and she agreed to withdraw her appeal and to never seek employment with the department again. The OIG concurred because the penalty was unchanged and the permanent separation of the second registered nurse from employment was achieved.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-28	12-2458-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Neglect of Duty</li> <li>4. Neglect of Duty</li> <li>5. Neglect of Duty</li> <li>6. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> <li>5. Exonerated</li> <li>6. Unfounded</li> </ol>	Dismissal	Dismissal

### Incident Summary

On July 28, 2012, an inmate that was housed in administrative segregation was found in his cell hanging from a light fixture by a sheet. The inmate was later pronounced dead. It was alleged that an officer fell asleep on duty, failed to perform security checks and complete logs as required, entered false information into a database, opened a cell door without adequate staff being present, failed to activate his personal alarm device in an emergency, failed to sign his post orders, and made false statements in an official report. It was alleged that a second officer failed to intervene and wake up the officer who was asleep, violated policy when she gave equipment to another officer without supervisor approval, violated policy when she opened a cell door without sufficient custody staff being present, failed to activate a personal alarm during an emergency, failed to report the misconduct of the other officer, discouraged the officer from speaking about his misconduct, and made false statements in an investigative interview. It was alleged that a lieutenant and a sergeant failed to ensure that the inmate was initially placed in an intake cell upon arriving in administrative segregation. It was also alleged that a second sergeant failed to ensure that officers completed all mandatory logs and documentation, that he improperly handled photographs, and that he failed to report the misconduct of another officer. It was alleged that a second lieutenant failed to properly document the incident.

### Disposition

The hiring authority sustained the allegations against the two officers and dismissed both. The OIG concurred. Both officers appealed. One of the officers entered into a settlement prior to the pre-hearing settlement conference wherein she resigned from state service in lieu of termination in exchange for withdrawing the appeal. The OIG concurred because the officer agreed to resign and never work for the department again. The other officer proceeded to hearing and the State Personnel Board upheld the dismissal. The hiring authority sustained the allegations that the second sergeant failed to ensure that the officers completed all of the mandatory logs and that he failed to report the misconduct of another officer, but found insufficient evidence to sustain the remaining allegations, and imposed a 35-working-day suspension. The sergeant did not appeal. The hiring authority sustained an allegation that the second lieutenant failed to properly document the incident and provided him training. The hiring authority determined that the first sergeant's conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper. The hiring authority determined that the investigation conclusively proved that the first lieutenant's alleged misconduct did not occur. The OIG concurred with these determinations.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to timely serve the disciplinary action on one of the officers. The department attorney failed to provide the OIG a draft pre-hearing settlement conference statement and failed to list the special agent as a witness in the pre-hearing settlement conference statement thereby limiting the use of the special agent as a witness. The department failed to provide the OIG with a case settlement report.

# NORTH REGION

## Assessment Questions

- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

*The department attorney failed to list the special agent as a witness in the pre-hearing settlement conference statement. The administrative law judge allowed the department to call the special agent as a witness at the hearing, but only for impeachment purposes.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

*The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.*
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?

*The OIG did not receive a case settlement report.*
- Did the SPB impose any sanction or penalty on the department for failure to comply with the SPB regulations or deem any filing by the department untimely?

*The department attorney failed to list the special agent as a witness in the pre-hearing settlement conference statement. The administrative law judge allowed the department to call the special agent as a witness at the hearing, but only for impeachment purposes.*
- Was the disciplinary phase conducted with due diligence by the department?

*The department failed to serve the disciplinary action on one of the officers within 30 days of the decision to take disciplinary action. The findings and penalty conference was held on May 13, 2013; however, the disciplinary action was not served until June 18, 2013, 36 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2012-11-01	13-0545-IR	1. Discourteous Treatment	1. Sustained		

## Incident Summary

Between November 2012 and January 2013, an off-duty sergeant allegedly stalked, verbally harassed, and repeatedly made discourteous comments to his neighbor, an outside law enforcement officer, stating the officer was a sexual predator in front of the officer's family and in public settings.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. The State Personnel Board sustained all allegations and upheld the imposed salary reduction.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-19	13-0306-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Sexual Misconduct</li> <li>3. Insubordination</li> <li>4. Neglect of Duty</li> <li>5. Other Failure of Good Behavior</li> <li>6. Misuse of State Equipment or Property</li> <li>7. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Sustained</li> <li>6. Sustained</li> <li>7. Unfounded</li> </ol>	Dismissal	Dismissal

### Incident Summary

Beginning on December 19, 2012, a supervising counselor and a subordinate correctional case records supervisor allegedly engaged in an inappropriate sexual relationship in violation of the department's policy against fraternization. The supervising counselor was allegedly dishonest when he denied that he was engaged in a sexual relationship with the correctional case records supervisor to his supervisor. Despite being ordered to refrain from discussing their cases during the investigation, the supervising counselor and correctional case records supervisor allegedly discussed the details of their interviews with each other. The supervising counselor and the correctional case records supervisor allegedly utilized their state computers to access their personal e-mail accounts to communicate with each other while on duty, and the supervising counselor allegedly utilized his state computer to receive pornographic images. The correctional case records supervisor also allegedly provided the supervising counselor with her confidential password to access her state computer, and the supervising counselor allegedly utilized the correctional case records supervisor's password to access her state computer. On May 29, 2013, the supervising counselor and the correctional case records supervisor were allegedly dishonest during their respective interviews with the Office of Internal Affairs when they denied the allegations. On June 10, 2013, the supervising counselor allegedly attempted to destroy evidence related to the investigation when he moved the correctional case records supervisor's computer to a conference room and logged on in an attempt to remove incriminating images.

### Disposition

The hiring authority sustained the allegations against the supervising counselor and dismissed him. The hiring authority sustained the allegations against the case records supervisor and imposed a 10 percent salary reduction for 30 months. The OIG concurred with the hiring authority's determinations. The supervising counselor and case records supervisor filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the supervising counselor's dismissal. Prior to the State Personnel Board proceedings for the case records supervisor, the department entered into a settlement agreement wherein the penalty was reduced to a 10 percent salary reduction for 20 months because the case records supervisor was honest in her testimony against the supervising counselor, expressed remorse, and sought counseling for her behavior. In exchange, the case records supervisor agreed to withdraw her appeal. The OIG concurred.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney regarding penalty determinations. Without consulting with the OIG, the department attorney agreed to remove the disciplinary action, the settlement, and all supporting documents from the case records supervisor's official personnel file. The department attorney delayed in drafting the disciplinary action, causing delayed service of the disciplinary action on the case records supervisor.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs completed its investigation and returned the case to the hiring authority on October 29, 2013. The department and the OIG agreed to postpone the disciplinary conference regarding the case records supervisor until after she testified at the supervising counselor's State Personnel Board hearing. The hearing ended April 24, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until July 15, 2014, 82 days thereafter.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

*In addition to modifying the terms of the salary reduction, the department agreed to withdraw the disciplinary action, the settlement, and all supporting documents from the case records supervisor's official personnel file. The OIG did not concur with this settlement term.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

*The department attorney did not consult with the OIG regarding one of the terms of the settlement agreement, namely that all documents, including the settlement, would be removed from the case records supervisor's official personnel file. In addition, the department attorney failed to inform the OIG of the results of the pre-hearing settlement conference. Thereafter, the department attorney failed to provide the OIG with copies of the settlement documents and a case settlement report until almost two months after the pre-hearing settlement conference and only after the OIG requested the documents.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely consult regarding the disciplinary determinations. In addition, the department attorney delayed in drafting the disciplinary action and the department delayed in serving the action on the case records supervisor. The findings and penalty conference was held on July 15, 2014; however, the disciplinary action was not served until December 8, 2014, almost five months thereafter.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	14-1305-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Controlled Substances</li> <li>Neglect of Duty</li> <li>Attendance</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

## Incident Summary

Between 2013 and 2014, an officer allegedly illegally used prescription medication, was addicted to controlled substances, and subsequently tested positive for a controlled substance for which he did not have a prescription. On February 10, 2014, the officer allegedly reported late for work and the next day, allegedly failed to attend a training session. On March 18, 2014, the officer allegedly abandoned his post and left the institution without permission, and was allegedly dishonest with two supervisors regarding the incident. On May 19, 2014, the officer allegedly reported late for work again and then abandoned his post without supervisor approval.

## Disposition

The hiring authority found sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-07	14-0665-IR	1. Failure to Report Use of Force	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On January 7, 2013, an officer allegedly failed to report the force he witnessed another officer use.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for five months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the penalty was reduced to a 5 percent salary reduction for five months and the officer agreed to withdraw the appeal. The OIG concurred because the officer expressed remorse and because of a potential legal issue the officer identified after disciplinary action was taken.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and the department attorney regarding disciplinary determinations.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 26, 2014. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 29, 2014, 33 calendar days thereafter.*

- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely consult with the department attorney and the OIG regarding the disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-18	13-0712-IR	1. Traffic Related Incident While on Duty 2. Neglect of Duty	1. Sustained 2. Sustained	Suspension	Suspension

### Incident Summary

On March 18, 2013, a business services officer allegedly struck an inmate pedestrian on his arm with her personal car while driving on institutional grounds, intentionally left the scene, and failed to report the incident to her supervisors. It was also alleged that a sergeant was advised of the incident but failed to ensure the inmate received timely medical attention.

### Disposition

The hiring authority sustained the allegation against the business services officer and imposed a 60-working-day suspension. The hiring authority also sustained the allegation against the sergeant and imposed a letter of reprimand. The OIG concurred with the hiring authority's determinations. The business services officer filed an appeal with the State Personnel Board and resigned three months prior to the hearing. The State Personnel Board sustained the allegation and upheld the penalty. The sergeant did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-05-11	14-2230-IR	1. Other Failure of Good Behavior	1. Sustained		

### Incident Summary

On May 11, 2013, an officer was arrested after he allegedly engaged in a verbal argument with his ex-girlfriend, kicked in the front door of her residence, tackled her to the ground, and then left the scene before outside law enforcement arrived.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 12 months. The OIG concurred. At the *Skelly* hearing, the officer took responsibility for his actions and apologized to the department. Due to this mitigating information, the hiring authority entered into a settlement agreement wherein the penalty was modified to a 5 percent salary reduction for 12 months. The OIG concurred because the officer accepted responsibility and expressed remorse.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the disciplinary findings conference.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on September 17, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 10, 2014, 54 calendar days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority delayed in conducting the disciplinary findings conference.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-05-18	13-2634-IR	1. Failure to Report Use of Force 2. Neglect of Duty	1. Sustained 2. Sustained		

### Incident Summary

On May 18, 2013, an officer allegedly failed to take action to subdue a large-scale riot while working in a tower. The riot took place directly beneath his tower for 90 seconds, and he failed to use any force options. After the incident, he allegedly failed to submit a written report as required by departmental policy until ordered to do so six days later.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for five months. In exchange, the officer agreed to withdraw his appeal. The OIG concurred because the officer took responsibility and it was not a significant penalty reduction.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-06-18	13-2038-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> <li>3. Neglect of Duty</li> <li>4. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On June 18, 2013, an officer allegedly falsified and provided to an inmate a Notice of Conditions and Post Release Community Supervision Form that changed the inmate's release date to two and one-half years earlier than his actual release date. The officer allegedly did this in retaliation against the inmate.

### Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months. The OIG did not concur with the penalty but did not seek a higher level of review due to the impending deadline for taking disciplinary action. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 18 months because the department concluded the officer had been previously counseled for the misconduct. In exchange, the officer agreed to withdraw his appeal. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the penalty remained within the same range of the disciplinary matrix for the misconduct.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to impose the presumptive penalty in the employee disciplinary matrix without sufficient justification. The department attorney failed to provide the OIG with a draft pre-hearing settlement conference statement and draft settlement agreement for review.

### Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate penalty?  
*The hiring authority sustained a dishonesty allegation but selected a penalty of a 10 percent salary reduction for 24 months instead of dismissal. The OIG did not seek a higher level of review because of the impending deadline for taking disciplinary action.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The department attorney failed to send a draft of the pre-hearing settlement conference statement to the OIG prior to filing.*
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*The department attorney failed to provide the OIG a draft copy of the settlement agreement prior to signature.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The department entered into a settlement agreement reducing the penalty from a salary reduction of 10 percent for 24 months to a salary reduction of 10 percent for 18 months without sufficient justification. The department believed the officer had a legal basis for a defense by showing the department had previously taken corrective action. The OIG did not concur.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The department attorney failed to send the OIG the draft pre-hearing settlement conference statement and the draft settlement agreement prior to signature.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-25	13-2358-IR	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Failure to Report Use of Force</li> <li>3. Failure to Report Use of Force</li> <li>4. Failure to Report Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> <li>4. Unfounded</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On June 25, 2013, a youth counselor allegedly used unreasonable force when he sprayed numerous wards with pepper spray while they were lying on their stomachs on the ground, not posing an immediate threat. The youth counselor also allegedly failed to report his use of force. A senior youth counselor, a sergeant, two officers, a case work specialist, and five other youth counselors all allegedly failed to report the use of force they witnessed.

### Disposition

The hiring authority sustained the allegations against the youth counselor who used unreasonable force and failed to report it and imposed a 5 percent salary reduction for 24 months. The hiring authority also sustained the allegations against a second youth counselor who observed the unreasonable use of force and failed to report it and imposed a 5 percent salary reduction for 18 months. The hiring authority determined that the investigation conclusively proved that the sergeant, two officers, case work specialist, senior youth counselor, and three youth counselors did not engage in misconduct. The hiring authority determined there was insufficient evidence to sustain the allegation against the remaining youth counselor. The OIG concurred with the hiring authority's determinations. Both youth counselors filed appeals with the State Personnel Board. After a hearing, the administrative law judge determined that the department failed to prove that the first youth counselor used unreasonable force but did prove that he failed to report the force he used. The administrative law judge modified the penalty to a 5 percent salary reduction for three months. The administrative law judge determined the department failed to prove the allegations against the second youth counselor and dismissed the disciplinary action.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to offer evidence necessary to prove the factual allegations at hearing, failed to call an expert witness to testify about the application of the department's use-of-force policy, and failed to object to the admission of irrelevant character evidence opposing counsel offered.

### Assessment Questions

- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?  
*The department attorney failed to call an expert to testify about the use-of-force policy and its meaning and application.*
- Did the department's advocate appropriately object to evidence presented by appellant(s) at the hearing?  
*The department attorney made no objections to the admission of irrelevant character evidence opposing counsel offered.*
- If the SPB's decision did not uphold all of the factual allegations sustained by the HA, did the OIG concur with the SPB's decision?  
*The OIG concurred with the SPB decision because the department failed to offer evidence that was readily available and necessary to prove the factual allegations at hearing.*
- If the penalty modification was the result of an SPB decision, did the OIG concur with the modification?  
*Because the department failed to prove the factual allegations, the OIG concurred with the SPB decision to reduce the penalty.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Reprimand
2013-07-17	13-2550-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Threat/Intimidation-Toward Inmate</li> <li>3. Retaliation</li> <li>4. Failure to Report</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> </ol>		

### Incident Summary

On July 17, 2013, two officers allegedly conducted a retaliatory cell search of an inmate, failed to log the cell search, and failed to provide the inmate with a receipt for his property. One of the two officers and a third officer allegedly threatened the inmate when they told him he would be assaulted if he filed an inmate complaint regarding the cell search.

### Disposition

The hiring authority sustained the allegations that the first two officers failed to log the cell search and failed to provide a receipt for the inmate's property and imposed a 5 percent salary reduction for two months against each officer. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The OIG concurred. After the *Skelly* hearings for the two officers, the hiring authority reduced the penalty for the first officer to a letter of reprimand without sufficient justification. The OIG was not consulted on the reduction and did not concur. The first officer did not file an appeal with the State Personnel Board. The second officer filed an appeal with the State Personnel Board and a motion to dismiss the disciplinary action due to lack of timely notification. Following a hearing on the disciplinary action and motion to dismiss, the State Personnel Board dismissed the disciplinary action against the second officer. Without ruling on the merits of the disciplinary action, the State Personnel Board granted the officer's motion to dismiss finding there was lack of timely personal notification of the intent to take disciplinary action.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to consult with the OIG before reducing the penalty, failed to timely consult with the OIG regarding appellant's motion to dismiss, and agreed to facts which disadvantaged its position on the motion.

### Assessment Questions

- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*After the Skelly hearing for one officer, the hiring authority reduced the penalty from a 5 percent salary reduction for two months to a letter of reprimand. The OIG was not consulted on this reduction.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*After the Skelly hearing for one officer, the hiring authority reduced the penalty from a 5 percent salary reduction for two months to a letter of reprimand. The OIG was not consulted and did not concur as there was no change in circumstances to justify the reduction.*
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?  
*The department attorney stipulated to a discovery date that put its notice of disciplinary action beyond the deadline to take disciplinary action.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The department attorney did not consult with the OIG before the hiring authority reduced the penalty for one officer after the Skelly hearing. The department attorney did not provide the OIG a draft of its response to appellant's motion to dismiss.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The hiring authority did not consult with the OIG before reducing the penalty for one officer after the Skelly hearing.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to timely consult with the OIG before modifying the penalty. The department did not consult with the OIG on its response to the appellant's motion to dismiss and agreed its notice to take disciplinary action exceeded the deadline for taking disciplinary action.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-19	14-0283-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Letter of Reprimand	No Penalty Imposed

### Incident Summary

On August 19, 2013, an officer allegedly failed to maintain observation of an inmate who was on suicide watch. The officer also allegedly failed to take immediate and appropriate action to prevent the inmate from tearing a piece of fabric and wrapping it around his neck. The officer also allegedly failed to sound an alarm.

### Disposition

The hiring authority sustained the allegation that the officer failed to continuously observe the inmate on suicide watch and issued a letter of reprimand. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the letter of reprimand. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officer's credible denial. The department filed a petition for rehearing, which the State Personnel Board denied.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-06	13-2243-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> <li>Dishonesty</li> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> <li>Unfounded</li> </ol>	Dismissal	Suspension

### Incident Summary

On September 6, 2013, an officer allegedly deployed pepper spray on a mentally-ill inmate with a tracheostomy, even though the inmate did not pose a threat, and then the officer failed to mitigate the effects of pepper spray after its application. The officer was also allegedly dishonest when he failed to accurately report the distance from which he discharged the pepper spray. Another officer, a sergeant, and a lieutenant also allegedly participated in the unreasonable force on the inmate and failed to take appropriate action to mitigate the effects of pepper spray. The officer and the sergeant also allegedly were dishonest in their reports regarding the incident. Another sergeant allegedly failed to take appropriate action to mitigate the effects of pepper spray and denied health care staff access into the cell of the inmate. On September 7, 2013, another lieutenant, who was acting as the watch commander, and a captain, who was acting as the administrative officer of the day, allegedly denied health care staff access into the cell and failed to contact medical staff to clarify doctors' orders regarding the inmate. On September 6, 2013, a registered nurse, upon being denied access to the inmate's cell, allegedly failed to elevate the issue to a supervisor or manager and then fraudulently created a nursing progress note. The nurse also allegedly violated the Health Insurance Portability and Accountability Act when she took part of the inmate's health record home and sent a facsimile of the record to her union representative. On February 5, 2014, the nurse was allegedly dishonest to the Office of Internal Affairs. Two other registered nurses and a licensed vocational nurse, upon being denied access to the inmate's cell, allegedly failed to elevate the issue to a supervisor or manager. Two supervising registered nurses allegedly failed to ensure the inmate received appropriate medical treatment. A physician allegedly failed to ensure the inmate received appropriate medical treatment and, upon learning that custody staff had denied health care staff access to the inmate's cell, failed to elevate the issue to a supervisor or manager. A receiver's medical executive allegedly failed to ensure the inmate received appropriate medical treatment.

## NORTH REGION

### Disposition

The hiring authority found that the officer did not use unreasonable force and that he was not dishonest. However, the hiring authority found that the officer failed to accurately report the incident and imposed a 5 percent salary reduction for 18 months. The OIG concurred except in the finding that the officer was not dishonest. However, the OIG did not seek a higher level of review because there was conflicting evidence on the issue. The hiring authority did not sustain the allegations against the other officer, the two sergeants, or the lieutenant who was allegedly involved in the use-of-force incident. The hiring authority did not sustain the allegations that the lieutenant who was the watch commander and the captain who acted as the administrative officer of the day denied health care staff access to the inmate's cell, but did sustain the allegations the lieutenant and captain failed to exercise proper judgment when they failed to engage medical staff to clarify physicians' orders regarding the inmate. The hiring authority issued a letter of instruction to the lieutenant and suspended the captain for five working days. The hiring authority did not sustain the allegations against one of the supervising registered nurses, one of the registered nurses, and the licensed vocational nurse. The hiring authority determined that the investigation conclusively proved the misconduct alleged against the other supervising registered nurse and against the receiver's medical executive did not occur. The hiring authority sustained the allegation that a physician and surgeon, upon being notified of the medical staff being denied access to the inmate's cell, failed to elevate the issue to a supervisor and issued a 5 percent salary reduction for 12 months. The hiring authority also sustained the allegation that one of the registered nurses, upon being denied access to the inmate's cell, failed to elevate the issue to a supervisor or manager and decided that the appropriate penalty was a 5 percent salary reduction for 12 months. However, the registered nurse retired before the disciplinary action could be served. A letter indicating the registered nurse retired pending disciplinary action was placed in her official personnel file. The hiring authority also sustained allegations against the other registered nurse that she, upon being denied access to the inmate's cell, failed to elevate the issue to a supervisor or manager, that she fraudulently created a nursing progress note, and that she violated the Health Insurance Portability and Accountability Act. The hiring authority decided to dismiss the registered nurse. However, the registered nurse resigned before the penalty became effective. A letter indicating the registered nurse resigned pending disciplinary action was placed in her official personnel file. The OIG concurred with the hiring authority's determinations. The captain, the physician and surgeon, and the officer filed appeals with the State Personnel Board. After State Personnel Board hearings, the penalties against the captain and the physician and surgeon were upheld. The officer withdrew his appeal before the evidentiary hearing.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-09-12	13-2635-IR	1. Neglect of Duty	1. Sustained		

### Incident Summary

On September 12, 2013, an officer allegedly failed to remove an inmate from the cell while doing a cell search and only completed a visual cell search. The officer also allegedly failed to lock the cell door after completing his shift.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the penalty was reduced to a 5 percent salary reduction for nine months and the disciplinary action could be removed from the officer's official personnel file after two years. The OIG concurred because the officer accepted responsibility for his actions and the penalty modification was not significant.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs returned the matter to the hiring authority on December 12, 2013. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 20, 2014, 251 days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-20	13-2458-IR	<ol style="list-style-type: none"> <li>1. Insubordination</li> <li>2. Improper Access to Confidential Information</li> <li>3. Failure to Report</li> <li>4. Misuse of State Equipment or Property</li> <li>5. Dishonesty</li> <li>6. Improper Transmittal of Confidential Information</li> <li>7. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Not Sustained</li> <li>6. Not Sustained</li> <li>7. Not Sustained</li> </ol>	Suspension	Suspension

## Incident Summary

On September 20, 2013, an officer allegedly released the identity of inmate sex offenders to other inmates resulting in the need for four inmates to go into protective custody. A lieutenant allegedly failed to take action once she learned of the officer's potential misconduct and allegedly provided false information during the Office of Internal Affairs' investigation. On July 16, 2014, a second lieutenant was allegedly insubordinate for failing to report to an Office of Internal Affairs' investigative interview. The second lieutenant also allegedly provided false information during the investigation.

## Disposition

The hiring authority sustained allegations against the officer that he improperly accessed confidential information and misused state equipment and determined that a 48-working-day suspension was the appropriate penalty, but did not sustain the remaining allegations against the officer. Before disciplinary action could be imposed, the officer resigned. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file. The hiring authority sustained the allegation that the first lieutenant neglected her duties and imposed a 10 percent salary reduction for 24 months, but found insufficient evidence that the lieutenant provided false information during the investigation. The hiring authority also sustained an allegation against the second lieutenant for failing to report to an investigative interview and determined a 5 percent salary reduction for 36 months was the appropriate penalty, but found insufficient evidence to sustain the allegation that the second lieutenant provided false information during the investigation. Before disciplinary action could be imposed, the second lieutenant retired from state service. A letter indicating the second lieutenant retired under unfavorable circumstances was placed in his official personnel file. The OIG concurred with the hiring authority's determinations. The first lieutenant filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement whereby the penalty was reduced to a 10 percent salary reduction for 18 months. The OIG did not concur with the settlement because there were no changed circumstances; however, the terms of the settlement did not merit a higher level of review because they were within the department's guidelines for the misconduct.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney did not provide the OIG written confirmation of penalty discussions nor did she timely provide a copy of the draft pre-hearing settlement conference statement to the OIG for review. The department also entered into a settlement agreement when there were no changed circumstances to justify the settlement.

# NORTH REGION

## Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney did not provide the OIG with written confirmation of penalty discussions.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The department attorney provided the OIG with a draft of the pre-hearing settlement conference statement less than two hours before it had to be filed with the State Personnel Board. As a result, the OIG was unable to review it and provide substantive feedback.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The OIG did not concur with the settlement because there was no change in circumstances to justify a penalty reduction. However, the OIG did not seek a higher level of review because the penalty remained within departmental guidelines.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The department attorney failed to timely provide the OIG a draft of the pre-hearing settlement conference statement.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-02	14-0338-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> </ol>	Suspension	Suspension

## Incident Summary

On October 2, 2013, an officer allegedly placed a loaded firearm and ammunition in a transportation bag, placed the bag in an outside hospital armory, and failed to log the weapon. Three sergeants allegedly neglected to ensure the bag, weapon, and ammunition were properly secured in the institution's armory. A fourth sergeant allegedly neglected to properly conduct an account and inventory of the bag, weapon, and ammunition, later resulting in the discovery of the weapon and ammunition within the institution's central control and not in the armory as required. On October 4, 2013, a fifth sergeant allegedly failed to properly conduct an account and inventory of the bag, weapon, and ammunition, later resulting in the discovery of the weapon and ammunition within the institution's central control rather than in the armory.

## Disposition

The hiring authority sustained the allegations against the two sergeants who failed to secure the firearm, ammunition, and bag, except for an allegation against the second sergeant that improperly specified the wrong date. The first sergeant received a 5 percent salary reduction for 12 months and the second sergeant received a 5 percent salary reduction for three months. The second sergeant received a lesser penalty because she immediately reported the misconduct and had fewer aggravating factors than the first sergeant. The hiring authority sustained the allegation against the fourth sergeant and imposed a one-working-day suspension. The hiring authority determined there was insufficient evidence to sustain the allegation against the officer and the third and fifth sergeants. The OIG concurred with the hiring authority's determinations. After the first sergeant's *Skelly* hearing, the department entered into a settlement agreement in which the penalty was reduced to a 5 percent salary reduction for six months. The OIG concurred because the sergeant expressed remorse and gained insight into her misconduct. The second sergeant filed an appeal with the State Personal Board. Prior to the hearing, the department entered into a settlement agreement in which the penalty was reduced to a 5 percent salary reduction for two months. The OIG did not concur with the settlement because there were no changed circumstances; however, the terms of the settlement did not merit a higher level of review because the reduction was not significant. The fourth sergeant did not file an appeal.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-18	14-1134-IR	1. Unreasonable Use of Force	1. Sustained	Suspension	Suspension

### Incident Summary

On October 18, 2013, an officer allegedly used unreasonable force when he sprayed an inmate in the face with pepper spray when the inmate reportedly failed to follow orders to leave an area and return to his housing unit.

### Disposition

The hiring authority sustained the allegation and imposed a two-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the department entered into an agreement with the officer wherein upon written notice, the disciplinary action could be removed from her personnel file after two years. The OIG concurred because the modification was not substantive and the discipline remained unchanged.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions to the OIG and the hiring authority. The department attorney also failed to provide a draft of the settlement agreement to the OIG before forwarding it to opposing counsel. The draft and final settlement agreements failed to include key terms required by departmental policy.

### Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney failed to provide written confirmation of penalty discussions to the hiring authority or the OIG.*
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?  
*The draft and final settlement agreements failed to include a key term regarding the officer's awareness of the department's right to use the disciplinary action for purposes of progressive discipline if he receives future discipline.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The department attorney failed to provide the OIG meaningful opportunity to review the draft settlement agreement before forwarding it to opposing counsel.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-19	13-2553-IR	1. Contraband 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On October 19, 2013, an officer allegedly was in possession of numerous contraband items inside the secure perimeter, including reading materials, razor blades, a mirror, a bottle of cologne, a small knife, scissors, ear buds, mobile phone chargers, a fake cigarette, and two fake mobile phones. The officer also allegedly had additional contraband items in his vehicle, including a canister of pepper spray that was not state-issued and five knives. The officer was allegedly dishonest when he said that he had these contraband items to lure inmates who might solicit the trafficking of contraband.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations regarding the possession of contraband, but not the dishonesty allegation, and imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the officer accepted responsibility for his actions. On the first day of hearing, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 12 months. In exchange, the officer agreed to withdraw his appeal. The OIG concurred because the officer took responsibility and it was not a significant penalty reduction.

## NORTH REGION

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-28	14-0259-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Unauthorized Absence</li> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Demotion

### Incident Summary

From October 28, 2013, to November 4, 2013, two sergeants allegedly improperly swapped work shifts. One sergeant was allegedly absent without leave and the other sergeant allegedly covered up the absences. Both sergeants allegedly failed to submit the proper attendance records.

### Disposition

The hiring authority sustained allegations against the first sergeant and served a notice of dismissal. The hiring authority sustained allegations against the second sergeant for improperly swapping shifts and dishonesty, but not that the sergeant failed to submit his time sheet. The hiring authority demoted the second sergeant. The hiring authority determined that the second sergeant self-reported both sergeants' misconduct, cooperated during the investigation, accepted responsibility for his actions, showed sincere remorse, took timely steps to mitigate any harm caused, and was less culpable than the first sergeant. The OIG concurred with the hiring authority's determinations. Both sergeants filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement with the first sergeant where the sergeant resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the goal of ensuring the sergeant did not work for the department was achieved. The second sergeant withdrew his appeal prior to the State Personnel Board proceedings.

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-01	14-1207-IR	<ol style="list-style-type: none"> <li>Misuse of State Equipment or Property</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Letter of Reprimand	Letter of Reprimand

### Incident Summary

From November 1, 2013, through May 31, 2014, a special agent from the Office of Correctional Safety allegedly claimed overtime hours that he did not work. From November 1, 2013, through August 11, 2014, the special agent allegedly transported his children to and from school in a state law enforcement vehicle.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the special agent had misused his state vehicle and issued him a letter of reprimand. The hiring authority determined there was insufficient evidence to sustain the allegation that the special agent falsified his timecards. The OIG concurred with the hiring authority's determinations. The special agent did not file an appeal with the State Personnel Board.

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-15	14-0342-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On December 15, 2013, an officer was arrested after he allegedly pushed his wife and caused her to fall to the ground resulting in an abrasion and bleeding to her elbow. The officer also allegedly grabbed his son's shoulder in an effort to retrieve a mobile phone.

### Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Due to evidentiary problems that developed after service of the disciplinary action involving witness cooperation, the department entered into a settlement agreement with the officer. The department agreed to reduce the penalty to a 10 percent salary reduction for 13 months in exchange for the officer withdrawing his appeal. The OIG concurred with the terms of the settlement agreement because of the evidentiary problems.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the disciplinary findings conference.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on February 5, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until April 22, 2014, more than two months later.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to conduct the disciplinary findings conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-17	14-0299-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	Letter of Reprimand

### Incident Summary

On December 17, 2013, a department attorney allegedly failed to timely prepare an opposition to a motion to strike.

### Disposition

The hiring authority sustained the allegation and served the department attorney with a letter of reprimand. The OIG concurred. The department attorney filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the department attorney wherein the letter of reprimand would be removed from the department attorney's official personnel file after one year instead of three years. The department attorney agreed to withdraw her appeal. The OIG concurred because the penalty remained the same and could still be used for progressive discipline.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary findings conference and the employee relations officer failed to prepare an appropriate draft disciplinary action.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 23, 2014. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 16, 2014, 54 calendar days thereafter.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?  
*The employee relations officer failed to include key regulations pertaining to the filing of oppositions to motions and the rights to appeal the disciplinary action and failed to list several important supporting materials.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to conduct the disciplinary findings conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2013-12-28	14-0431-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained		

## Incident Summary

On December 28, 2013, six officers assigned to the minimum support facility allegedly failed to conduct proper inmate counts and detect that an inmate escaped from the facility.

## Disposition

The hiring authority sustained the allegations against three of the officers and the OIG concurred. The hiring authority imposed a 5 percent salary reduction for six months against one officer but issued letters of instruction to the other two officers. The OIG concurred with the salary reduction but did not concur with the letter of instruction for one officer because the misconduct warranted discipline, the officer admitted wrongdoing, and was a 24-year employee at the time of the incident. The OIG did not seek a higher level of review due to the impending deadline to impose disciplinary action. The OIG concurred with the letter of instruction for the other officer because he had been on the job for only two days at the time of the incident. The hiring authority determined there was insufficient evidence to sustain allegations against the three remaining officers and the OIG concurred. The officer who received the salary reduction did not file an appeal with the State Personnel Board.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney inappropriately advised the hiring authority not to impose discipline against one officer even though the evidence established that the misconduct warranted discipline. The hiring authority failed to impose discipline against that officer.

## Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?  
*The department attorney inappropriately advised the hiring authority not to impose discipline against one officer even though the misconduct warranted discipline.*
- Did the HA who participated in the disciplinary conference select the appropriate penalty?  
*The hiring authority failed to impose discipline against one officer even though the misconduct warranted discipline.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-09	14-0969-IR	1. Neglect of Duty	1. Sustained	Suspension	Suspension

### Incident Summary

On January 9, 2014, five officers allegedly failed to obtain a psychiatric consultation for an inmate who claimed to be hearing voices. The inmate ultimately broke his eyeglasses and attempted to cut his wrist with a lens.

### Disposition

The hiring authority sustained the allegations and the OIG concurred. The hiring authority issued one officer a two-working-day suspension and the remaining four officers letters of instruction. The OIG did not concur; however, the corrective action and penalty did not merit a higher level of review because they were consistent with the principles of progressive discipline. The first officer retired before the disciplinary action took effect. A letter indicating the officer retired pending disciplinary action was placed in her official personnel file.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority issued a lower penalty and letters of instruction rather than the appropriate disciplinary action.

### Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate penalty?

*The hiring authority issued a two-working-day suspension for one officer and issued letters of instruction for the other officers. The suspension and letters of instruction fell below the appropriate penalty for the misconduct.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-19	14-0666-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Reprimand	Letter of Reprimand

### Incident Summary

On January 19, 2014, an officer allegedly used unreasonable force when he used pepper spray on an inmate in a mental health crisis bed unit.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and issued the officer an official letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney regarding the disciplinary determinations.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on March 19, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until December 29, 2014, 285 calendar days thereafter.*

- Was the disciplinary phase conducted with due diligence by the department?

*The department failed to conduct the disciplinary findings conference in a timely manner.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-29	14-0978-IR	<ol style="list-style-type: none"> <li>1. Failure to Report Use of Force</li> <li>2. Unreasonable Use of Force</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> </ol>	Letter of Reprimand	Letter of Reprimand

### Incident Summary

On January 29, 2014, an officer allegedly used unreasonable physical force on an inmate. A second officer allegedly observed the unreasonable use of force and did not timely submit a report. Once the inmate became resistive, the second officer allegedly failed to assist the first officer.

### Disposition

The hiring authority sustained the allegation against the second officer for failing to write a report but did not sustain the allegation that the officer failed to assist the first officer and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board. The hiring authority determined there was insufficient evidence to sustain the allegation against the first officer and the OIG concurred.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-01	14-0722-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> </ol>	Salary Reduction	Salary Reduction

### Incident Summary

On February 1, 2014, an officer in the security housing unit allegedly allowed an inmate out of his cell while another inmate was out of his cell, in violation of departmental policy. The inmates began fighting, necessitating the use of force. Further, the officer allegedly switched posts with a second officer without authorization. Finally, both officers and a third officer allegedly allowed one of the inmates to have fingernail clippers in violation of departmental policy.

### Disposition

The hiring authority found sufficient evidence to sustain all of the allegations except the allegation that the second officer allowed the inmates to have fingernail clippers in violation of departmental policy. The hiring authority imposed a salary reduction of 5 percent for six months on the first officer and issued the other two officers letters of instruction. The OIG concurred with the hiring authority's determinations. The officers did not file appeals with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-08	14-0980-IR	<ol style="list-style-type: none"> <li>1. Failure to Report Use of Force</li> <li>2. Failure to Report</li> <li>3. Unreasonable Use of Force</li> <li>4. Failure to Report Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On February 8, 2014, two officers allegedly used unreasonable force by pushing an inmate into a cell when the inmate placed his body between the open cell door and door frame. The officers also allegedly failed to report the force used and failed to report the inmate's assault against one of the officers. One of the officers also allegedly failed to report witnessing the force the other officer used.

### Disposition

The hiring authority found sufficient evidence to sustain all allegations against the first officer except the allegation that the officer used unreasonable force. The hiring authority imposed a salary reduction of 5 percent for six months on the first officer. The hiring authority found sufficient evidence to sustain the allegations that the second officer failed to report the inmate's assault against one of the officers and failed to report witnessing the force the other officer used. The hiring authority found insufficient evidence to sustain the allegation that the second officer had used any force at all, and therefore, did not sustain the allegation that the officer failed to report her use of force. The hiring authority imposed a salary reduction of 5 percent for six months on the second officer. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. Prior to a hearing, the department entered into a settlement agreement with the officer wherein he agreed to withdraw his appeal and accept a salary reduction of 5 percent for five months and the department agreed to remove the disciplinary action from the officer's personnel file in one year. The OIG concurred because the reduction in penalty was not significant. The second officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-19	14-0919-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> </ol>	Salary Reduction	Salary Reduction

### Incident Summary

Between February 19, 2014, and February 20, 2014, two officers allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch. The inmate was able to remove the waist restraints and hand isolation devices. Additionally, on February 20, 2014, one of the officers allegedly failed to sign his post orders.

### Disposition

The hiring authority sustained the allegation that the first officer failed to maintain constant visual observation of the inmate and imposed a 5 percent salary reduction for two months. The hiring authority determined there was insufficient evidence to sustain the allegations against the second officer. The OIG concurred with the hiring authority's determinations. The first officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 18, 2014. The hiring authority did not consult with the OIG regarding the disciplinary determination until December 19, 2014, four months thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely consult with the OIG regarding disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-19	14-1228-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> <li>3. Neglect of Duty</li> <li>4. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Salary Reduction	Letter of Instruction

## Incident Summary

On February 19, 2014, and February 20, 2014, an officer allegedly abandoned his post before the shift ended without obtaining prior approval from a sergeant. On those same dates, the officer was allegedly dishonest when he told a sergeant that he was going to meet the warden. The officer was also allegedly discourteous to a sergeant after being ordered not to leave early.

## Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the action was withdrawn and the officer was issued a letter of instruction because the department learned new information that two of its witnesses were not credible. The officer agreed to withdraw his appeal. The OIG concurred with the settlement because of the evidentiary problems.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG regarding disciplinary determinations. The employee relations officer served the disciplinary action without providing a draft to the OIG and failed to provide a CDC Form 3021.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on May 28, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until November 19, 2014, 175 calendar days thereafter.*
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?  
*The employee relations officer did not provide the OIG with a copy of the draft disciplinary action prior to service.*
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?  
*The employee relations officer did not complete the CDC Form 3021.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority did not timely consult with the OIG regarding disciplinary determinations.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-11	14-1745-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Threat/Intimidation</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

### Incident Summary

Between March 11, 2014, and March 25, 2014, a youth counselor was allegedly dishonest on five occasions when he documented that he conducted group sessions when he did not. The youth counselor was also allegedly dishonest when he told his supervisor he had conducted the group sessions. In addition, the youth counselor allegedly directed wards to falsify official documents by stating that counseling group sessions had occurred and threatened to reprimand wards who refused to comply with his directives.

### Disposition

The hiring authority sustained the allegations and dismissed the youth counselor. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the youth counselor resigned in lieu of dismissal. The OIG concurred with the settlement because the ultimate goal of separating the officer was achieved.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney regarding disciplinary determinations. The settlement agreement failed to include a key provision.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 23, 2014. The hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until October 29, 2014, 36 days thereafter.*
- If there was a settlement agreement, was the settlement consistent with the DOM factors?  
*The department and the youth counselor verbally entered into a settlement agreement which included a provision that the youth counselor would never apply or accept employment with the department in the future. The written settlement agreement prepared by the administrative law judge failed to include that provision. The OIG recommended to the department attorney that the settlement agreement be corrected to accurately reflect the terms of the settlement, including the omitted provision, but the department attorney and his supervisor failed to follow the OIG's recommendation.*
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?  
*The OIG requested a copy of the completed CDC Form 3021 but no copy was provided.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely consult with the OIG and the department attorney regarding disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-15	14-1078-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Letter of Reprimand	Letter of Reprimand

### Incident Summary

On March 15, 2014, three officers allegedly failed to notice an unresponsive inmate who was killed in his cell by his cellmate. In addition, two of the officers allegedly failed to issue the inmate an outpatient dietary meal.

## NORTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation that one officer failed to discover the unresponsive inmate during count and issued a letter of reprimand. The officer did not file an appeal with the State Personnel Board. The hiring authority determined there was insufficient evidence to sustain allegations that the other officers failed to discover the inmate or provide an outpatient meal. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-05	14-1503-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Reprimand

### Incident Summary

On April 5, 2014, a lieutenant allegedly failed to record an inmate's refusal to be interviewed regarding a use-of-force incident. The lieutenant was ordered to interview the inmate again. The inmate cooperated, but the lieutenant allegedly failed to preserve the confidentiality of the interview when he left the door open during the interview and conducted the interview where other inmates could see and hear it. The inmate was later threatened by some inmates he claimed were witnesses, placed in administrative segregation for safety concerns, and eventually transferred to another institution. The lieutenant also allegedly failed to videotape and document the inmate's injuries.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the lieutenant wherein the penalty was reduced to a letter of reprimand because the lieutenant took responsibility for his actions and admitted his misconduct. In exchange, the lieutenant agreed to withdraw his appeal. The OIG did not concur with the settlement; however, the OIG was prevented from seeking a higher level of review because the department failed to notify the OIG until after finalizing the settlement.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to notify the OIG of the date of the officer's *Skelly* hearing, failed to send a draft pre-hearing settlement conference statement to the OIG, and failed to consult with the OIG before modifying the penalty and agreeing to a settlement.

# NORTH REGION

## Assessment Questions

- If there was a Skelly hearing, was it conducted pursuant to DOM?  
*The Skelly hearing was held on September 30, 2014. The department failed to notify the OIG of the hearing date and time. Therefore, the OIG could not attend.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The employee relations officer did not send a draft pre-hearing settlement conference statement as requested.*
- If there was a settlement agreement, was the settlement consistent with the DOM factors?  
*The settlement agreement did not reflect the gravity of the misconduct.*
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*The hiring authority failed to consult with the OIG before agreeing to a settlement.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The hiring authority reduced the penalty without sufficient justification and without consulting with the OIG. The OIG would not have concurred with the reduced penalty had it been consulted.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?  
*The employee relations officer failed to notify the OIG of the Skelly hearing, failed to provide a draft pre-hearing settlement conference statement, and failed to notify the OIG that the State Personnel Board cancelled the pre-hearing settlement conference because the hiring authority had agreed to a settlement.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The hiring authority failed to notify and consult with the OIG before reducing the penalty and entering into a settlement agreement.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-16	14-1310-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On April 16, 2014, two officers allegedly failed to ensure that the Mini-14 rifle assigned to a transportation detail was secured in the armory upon completion of a transport.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 24 months against each officer. The OIG concurred. The officers filed appeals with the State Personnel Board. Prior to the hearing, the department entered into settlement agreements with the officers whereby the penalties were reduced to 5 percent salary reductions for 15 months and the department agreed to remove the disciplinary actions from the officers' official personnel files in 24 months. The OIG concurred because one officer worked a double shift on the day of the incident and the other officer worked close to a double shift. In addition, both officers accepted responsibility for their actions, and the penalty was not significantly reduced.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-05-01	14-1700-IR	<ol style="list-style-type: none"> <li>1. Contraband</li> <li>2. Misuse of State Equipment or Property</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> </ol>		

### Incident Summary

On May 1, 2014, an officer allegedly brought a mobile phone and USB cord into the secure perimeter of an institution and plugged the USB cord into a state computer. When confronted by a lieutenant, the officer allegedly initially denied bringing the phone into the institution and claimed he plugged the USB cord into the computer because he was testing it. After being confronted again, the officer eventually admitted to bringing the phone into the institution.

### Disposition

The hiring authority found sufficient evidence to sustain the allegation that the officer brought the phone and USB cord into the institution, but not that he plugged the phone into a state computer. The hiring authority imposed a 10 percent salary reduction for 12 months. The hiring authority failed to add and sustain an appropriate allegation of dishonesty. The OIG did not concur and did not agree that the penalty imposed was sufficient for all of the alleged misconduct. The matter did not merit a higher level of review because although the officer was initially dishonest to his supervisor regarding possession of the phone and USB cord, he admitted during the same conversation that he brought the items into the institution. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The hiring authority and the department attorney failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the penalty conference and failed to select an appropriate penalty. The department attorney failed to make appropriate recommendations to the hiring authority regarding discipline and failed to properly draft the disciplinary action.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was originally returned to the hiring authority on July 16, 2014. Thereafter, the hiring authority submitted a request for reconsideration to interview the officer, which OIA Central Intake rejected on October 20, 2014. The consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until November 17, 2014, 28 days thereafter.*
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

*The department attorney failed to recommend that the hiring authority add and sustain a dishonesty allegation and, therefore, did not recommend that the hiring authority consider the disciplinary matrix charge pertaining to dishonesty to a supervisor.*
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

*The hiring authority failed to add and sustain a dishonesty allegation and, therefore, did not select the disciplinary matrix charge pertaining to dishonesty to a supervisor.*
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

*Although the penalty selected by the hiring authority was sufficient for the sustained allegation of bringing contraband into the institution for personal use, it was not sufficient to address the officer's dishonesty to a supervisor.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

*The draft disciplinary action did not include a critical departmental policy and relevant criminal statute.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely consult with the OIG and department attorney regarding the disciplinary determinations.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-19	14-1499-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Salary Reduction

### Incident Summary

On May 19, 2014, an officer allegedly falsely documented that he observed an inmate during a standing count when, in fact, the inmate was away from the institution at the time of the count.

### Disposition

The hiring authority determined there was sufficient evidence to sustain an added allegation that the officer failed to conduct a proper standing count. The hiring authority did not sustain the allegation that the officer was dishonest when he performed the improper standing count. The hiring authority imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-29	14-1632-IR	<ol style="list-style-type: none"> <li>Controlled Substance</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

### Incident Summary

On May 29, 2014, an officer allegedly tested positive for marijuana.

### Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. The day before the matter was scheduled for hearing, the department entered into a settlement agreement with the officer wherein the department agreed to withdraw the disciplinary action in exchange for the officer agreeing to resign, withdraw the appeal, and never seek employment with the department in the future. The OIG concurred with the settlement because it accomplished the goal of ending the officer's employment with the department.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney was not timely prepared to discuss the case thereby preventing timely consultation with the OIG and hiring authority regarding the disciplinary determinations.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on July 10, 2014, but the department attorney was not prepared to discuss the disciplinary determinations until September 9, 2014, 61 days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the penalty conference in a timely manner.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-05-30	14-1891-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> <li>3. Unreasonable Use of Force</li> <li>4. Neglect of Duty</li> <li>5. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> <li>5. Not Sustained</li> </ol>		

### Incident Summary

On May 30, 2014, an officer allegedly used unreasonable force when he placed his baton through a food port and poked an inmate in the abdomen four times in an effort to remove an object covering the food port. The officer was also allegedly dishonest when he reported that he put his hand through the food port to remove a window covering. A second officer allegedly failed to report the use of force by the first officer and was allegedly dishonest when she also reported that the first officer placed his hand through the food port. A sergeant allegedly failed to recognize that a controlled use of force was necessary when the inmate covered his windows and allegedly made discourteous comments towards the inmate when he responded to the scene. The sergeant also allegedly placed the inmate on "confined to quarters" status without proper authorization.

### Disposition

The hiring authority sustained the allegation against the sergeant for placing the inmates on "confined to quarters" status but did not sustain the allegations that he was discourteous or that he failed to recognize a controlled use-of-force situation. The hiring authority imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the allegations against the two officers. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. However, the sergeant withdrew his appeal prior to the pre-hearing settlement conference.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2014-06-03	14-1701-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> </ol>		

### Incident Summary

On June 3, 2014, a sergeant and an officer allegedly failed to accurately conduct an inventory of central control keys and failed to notice that one key was missing. On June 4, 2014, the sergeant allegedly again failed to notice the key was missing and was allegedly dishonest when he informed a lieutenant that all of the keys were accounted for when the key was still missing.

### Disposition

The hiring authority sustained the allegations that the sergeant failed to properly account for the key on two separate occasions but found insufficient evidence to sustain the allegation that the sergeant was dishonest or the allegation against the officer. The hiring authority imposed a salary reduction of 5 percent for 12 months against the sergeant. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement whereby the sergeant agreed to withdraw his appeal and the department agreed to reduce the penalty to a salary reduction of 5 percent for six months. The OIG concurred because at the *Skelly* hearing, the sergeant took responsibility for his actions, showed remorse, and explained that he had relied upon the key inventory conducted by the officer. In addition, the penalty was still within the appropriate range under the department's disciplinary matrix.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the penalty conference in a timely manner.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on July 16, 2014, but the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until September 25, 2014, 71 days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to conduct the penalty conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-16	14-2393-IR	1. Over-Familiarity 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Letter of Reprimand

### Incident Summary

On June 16, 2014, an officer allegedly received a bag containing canteen items from an inmate on an exercise yard and attempted to deliver it to an inmate housed in an administrative segregation housing unit.

### Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation of overfamiliarity and imposed a 5 percent salary reduction for 13 months. The OIG concurred. At the *Skelly* hearing, the officer expressed remorse and provided new mitigating information including past pattern and practices and lack of training. The hiring authority entered into a settlement agreement wherein the term overfamiliarity was changed to neglect of duty and the penalty was modified to a letter of reprimand. The OIG concurred with the change to the allegation but not the penalty modification. The OIG did not seek a higher level of review because of the past practices and the letter of reprimand provided notice to the officer that the practice is not acceptable, thereby reducing the likelihood of recurrence.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-29	14-2174-IR	1. Weapons 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction

### Incident Summary

On June 29, 2014, an officer was arrested after he allegedly left several firearms and ammunition scattered throughout his home in places accessible to his three minor children, including a loaded firearm in a toy box, while he was intoxicated. Outside law enforcement responded to the house after receiving a phone call from the officer's ten-year-old son saying his parents were fighting and he was scared.

### Disposition

The hiring authority found sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-24	14-2421-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Other Failure of Good Behavior</li> <li>3. Misuse of Authority</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>	Salary Reduction	Salary Reduction

### Incident Summary

On July 24, 2014, while off duty, an officer allegedly slapped his girlfriend. Outside law enforcement responded and the officer was arrested. The officer allegedly misused his authority when he identified himself as a correctional officer to responding outside law enforcement officers. The officer also allegedly failed to notify the hiring authority of his arrest.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officer was arrested for slapping his girlfriend and failed to report the arrest to the hiring authority, but not the allegation that the officer misused his authority. The hiring authority imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-29	14-2419-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> </ol>	Salary Reduction	Letter of Instruction

### Incident Summary

On July 29, 2014, an officer observed a use-of-force incident shortly before he was scheduled to leave his shift. The officer allegedly failed to submit his report regarding the incident until ordered to do so the next day. On August 3, 2014, the officer was allegedly dishonest when he claimed that despite 11 years in the department, he was unaware that he was required to submit a report before leaving his shift.

### Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months. The hiring authority determined that dismissal was an unduly harsh penalty and unlikely to be upheld on appeal. The OIG concurred. At the *Skelly* hearing, the officer provided information that he believed he timely completed the incident report. The hiring authority determined that based on the new information, there was insufficient evidence that the officer committed any misconduct and withdrew the disciplinary action. The hiring authority issued a letter of instruction to review the regulations relating to reporting requirements. The OIG did not concur with the hiring authority's determination but did not seek a higher level of review because of the low likelihood of recurrence.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-01	14-2170-IR	<ol style="list-style-type: none"> <li>1. Controlled Substance</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> </ol>	Dismissal	Dismissal

### Incident Summary

On August 1, 2014, an officer allegedly tested positive for methamphetamine during a random drug test.

## NORTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-03	14-2392-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Letter of Reprimand

### Incident Summary

On August 3, 2014, an officer allegedly received a bag containing canteen items from an inmate on an exercise yard and attempted to deliver it to another inmate housed in administrative segregation.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of overfamiliarity and imposed a 5 percent salary reduction for 13 months. The OIG concurred. At the *Skelly* hearing, the officer provided new information concerning past practice and lack of training. Based on this information, the hiring authority entered into a settlement agreement wherein the term overfamiliarity was stricken from the disciplinary action and the penalty was modified to a letter of reprimand. The OIG did not concur but did not seek a higher level of review because of the past practice and the letter of reprimand provided notice to the officer that it is not acceptable practice, thereby reducing the likelihood of reoccurrence.

### Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-08	14-2172-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Suspension	Suspension

### Incident Summary

On August 8, 2014, an officer allegedly took a loaded revolver into a location where inmates were present and left his assigned post without prior approval from a sergeant. Another officer allegedly allowed the first officer to take a loaded revolver into a location where inmates were present and also left his assigned post without prior approval from a sergeant.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officers and decided that a 48-working-day suspension would be the appropriate penalty for the officer that brought the loaded revolver into an area occupied by inmates. However, the same officer was dismissed in another case and the allegations from this case were combined with the allegations in the other case into one disciplinary action. The hiring authority imposed a 16-working-day suspension on the officer who allowed the first officer to enter that area without retrieving the revolver. The OIG concurred with the hiring authority's determinations. Neither officer filed an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs Central Intake Panel approved the hiring authority's request on September 10, 2014. However, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until October 24, 2014, 44 calendar days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to conduct the disciplinary findings conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-08-10	14-2339-IR	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Failure to Report Use of Force</li> <li>3. Neglect of Duty</li> <li>4. Failure to Report Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>		

## Incident Summary

On August 10, 2014, an officer allegedly grabbed and twisted an inmate's arm when the inmate refused to relinquish the food port to his cell. The officer also allegedly failed to back away from the food port and contact the supervisor, and failed to report his use of force in a timely manner.

## Disposition

The hiring authority sustained all of the allegations except an allegation that the officer failed to timely report his use of force because that allegation was improperly worded. The hiring authority added and sustained an allegation for failure to timely report his use of force and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to hearing, the department entered into a settlement agreement with the officer whereby the department agreed to remove the disciplinary action from the officer's official personnel file in 18 months upon the officer's written request and the officer agreed to withdraw his appeal. The OIG concurred because the penalty was not reduced and remained within the department's guidelines.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-06-07	12-1857-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Misuse of Authority</li> <li>3. Neglect of Duty</li> <li>4. Other Failure of Good Behavior</li> <li>5. Misuse of State Equipment or Property</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Sustained</li> </ol>	Dismissal	Demotion

### Incident Summary

On June 7, 2011, November 16, 2011, and March 12, 2012, a senior laboratory technician allegedly directed staff to draw his blood and have it sent to a laboratory for testing as a laboratory quality control without authorization. The tests cost the institution approximately \$2,032. The senior laboratory technician was also allegedly dishonest on each date when he falsely documented that the tests were authorized, and he was allegedly dishonest on January 31, 2013, and January 24, 2014, during interviews with the Office of Internal Affairs.

### Disposition

The hiring authority sustained the allegations and dismissed the senior laboratory technician. The OIG concurred. The senior laboratory technician filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the senior laboratory technician wherein the penalty was reduced to a demotion because the department attorney failed to list critical witnesses in the pre-hearing settlement conference statement, making it difficult to prove all of the allegations without the witnesses. In exchange for the demotion, the senior laboratory technician agreed to withdraw the appeal. The OIG concurred because of the evidentiary problems.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The hiring authority and department attorney failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner. The department attorney failed to provide the hiring authority and the OIG written confirmation of the penalty discussions, failed to adequately and timely draft the disciplinary action, failed to list critical witnesses in the pre-hearing settlement conference statement, and failed to adequately cooperate and consult with the OIG.

# SOUTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on February 5, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until March 12, 2014, 35 days thereafter.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The department attorney failed to provide written confirmation of penalty discussions.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

*The draft disciplinary action failed to accurately and clearly allege dishonesty and the job duty violations. The OIG identified the deficiencies, following which an assistant chief counsel made substantial revisions. The OIG sought the assistance of both the assistant chief counsel and the chief counsel for drafting the disciplinary action.*
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

*The pre-hearing settlement conference statement filed with the State Personnel Board failed to identify two special agents as witnesses, although the disciplinary action alleged the senior laboratory technician was dishonest with those agents during his interview.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

*The OIG was not provided with a draft of the pre-hearing settlement conference statement to review before it was filed.*
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?

*The department attorney failed to properly list necessary witnesses in the pre-hearing settlement conference statement and, therefore, could not subpoena them.*
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

*The department attorney failed to consult with the OIG regarding the pre-hearing settlement conference statement. Due to this failure, necessary witnesses were not included in the statement.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely consult with the OIG and the department attorney regarding the disciplinary findings. After the penalty conference was held, the department attorney took 12 weeks to draft the disciplinary action. The disciplinary action was not served until two days before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-23	12-2000-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Code of Silence</li> <li>Failure to Report</li> <li>Other Failure of Good Behavior</li> <li>Insubordination/Willful Disobedience</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Modified Salary Reduction

## Incident Summary

On March 23, 2012, a sergeant allegedly attempted to watch his 15-year old stepdaughter, who was nude and bathing, by lying on the floor outside her bathroom door. That same day, the sergeant's brother, also a sergeant, allegedly failed to report the incident and also tried to dissuade the mother of the alleged victim, an officer, from reporting the incident to outside law enforcement. The first sergeant was arrested on March 25, 2012. On October 24, 2012, the officer was allegedly dishonest to the Office of Internal Affairs when she denied that the second sergeant attempted to dissuade her from reporting the incident to outside law enforcement. On January 16, 2013, and January 30, 2013, the first sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

# SOUTH REGION

## Disposition

The hiring authority sustained the allegations against the first sergeant and dismissed him. The hiring authority also sustained the allegations against the second sergeant and imposed a 5 percent salary reduction for 16 months. The OIG concurred with those determinations. With regard to the officer, the initial hiring authority mischaracterized the officer's statements as dishonesty to a supervisor instead of dishonesty during an investigation and decided on a 10 percent salary reduction for six months. The OIG did not concur and sought a higher level of review. At the higher level of review, the hiring authority's supervisor made the same incorrect decision. The OIG and a supervising department attorney sought a second higher level of review at which the deputy director of the Division of Adult Institutions found that the officer made misleading statements during an investigation, not to a supervisor, and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The sergeants and the officer filed appeals with the State Personnel Board. The department entered into a settlement agreement with the first sergeant in which he resigned in lieu of termination. The department entered into a settlement agreement with the officer in which the disciplinary action will be removed from her official personnel file after two years. The OIG concurred with both settlements because the penalties did not change. The department also entered into a settlement agreement with the second sergeant in which the department modified the penalty to a 5 percent salary reduction for 14 months. The OIG did not concur because there was no change in circumstances to justify the reduction. However, the OIG did not seek a higher level of review because the reduction was not significant. In exchange for the settlements, the sergeants and the officer withdrew their appeals.

## Disciplinary Assessment

**Procedural Rating: Insufficient**  
**Substantive Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The initial hiring authority failed to make proper findings regarding the allegations and penalty for the officer, resulting in several levels of higher review. The hiring authority also settled a case without a change in circumstances. The department attorney provided incorrect legal advice to the hiring authority regarding the allegations and penalty for the officer and also failed to provide written confirmation of penalty discussions.

## Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?  
*The department attorney incorrectly advised the hiring authority to characterize the officer's misconduct as dishonesty to a supervisor rather than dishonesty during an investigation.*
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?  
*The initial hiring authority incorrectly characterized the officer's misconduct as dishonesty to a supervisor rather than dishonesty during an investigation.*
- Did the HA who participated in the disciplinary conference select the appropriate penalty?  
*The initial hiring authority incorrectly selected a 10 percent salary reduction for six months for the officer who was dishonest during an investigation.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney failed to provide written confirmation of penalty discussions regarding the officer.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The OIG did not concur with the settlement involving one of the sergeants because there was no change in circumstances justifying the settlement.*
- Was an executive review invoked to raise an issue to a higher level of management in this case?  
*The OIG sought a higher level of review regarding the initial hiring authority's decision to incorrectly characterize the officer's dishonesty as statements to a supervisor rather than statements during an investigation, leading to the decision to impose a 10 percent salary reduction for six months. At the higher level of review, the hiring authority's supervisor made the same incorrect decision. The OIG and a supervising department attorney sought a second higher level of review. At the second higher level of review, the deputy director of the Division of Adult Institutions agreed with the OIG that the officer made the statements during an investigation, not to a supervisor, and imposed an appropriate penalty of a 10 percent salary reduction for 24 months.*
- If an executive review was invoked in the case, did OIG request the executive review?  
*The OIG sought a higher level of review regarding the initial hiring authority's decision to incorrectly characterize the officer's dishonesty as statements to a supervisor rather than statements during an investigation, leading to an inappropriate penalty.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2012-10-01	13-0190-IR	<ol style="list-style-type: none"> <li>1. Insubordination</li> <li>2. Neglect of Duty</li> <li>3. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>		

### Incident Summary

On October 1, 2012, a parole agent assigned to a global positioning system caseload allegedly announced to his supervisors that he would not answer his work phone after hours and would not respond to calls after his shift, contrary to his job requirements. On November 6, 2012, when the parole agent received an after-hours phone call, he allegedly referred the matter to his supervisor and did not complete the necessary tasks associated with his position.

### Disposition

The hiring authority sustained the allegations and imposed a salary reduction of 10 percent for six months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board did not sustain the allegations concerning the after-hours phone call citing a failure of the department to prove the parole agent had a known duty to respond after hours. However, the State Personnel Board determined the parole agent violated policy when he refused to respond to a related phone call received during work hours. The penalty was upheld.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions to the hiring authority or the OIG. The department attorney also failed to subpoena any witnesses for the State Personnel Board hearing. Although two department witnesses did appear at the hearing, the two witnesses were not properly prepared for examination by the department attorney. The department attorney failed to present additional necessary witnesses and the department attorney did not present a controlling policy for consideration by the State Personnel Board.

### Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney failed to provide written confirmation of penalty discussions to the hiring authority or the OIG.*
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?  
*The department attorney failed to subpoena any witnesses for the hearing. One witness appeared after being ordered to do so by the hiring authority. The witness was not prepared by the department attorney prior to her testimony. A second witness appeared based on his verbal agreement with the department attorney to do so. There were several other witnesses who likely would have been helpful to the department's case; however, the department attorney neither contacted them prior to hearing nor subpoenaed them.*
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?  
*The department attorney failed to present a controlling policy memorandum. The department attorney did not present all relevant witnesses.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-15	13-1543-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> <li>3. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	Dismissal

### Incident Summary

On November 15, 2012, an associate warden allegedly directed a captain to change contraband surveillance watch documentation to falsely state that an inmate had a bowel movement that produced tobacco while the inmate was on contraband surveillance watch. The captain allegedly submitted the false documentation, although he had previously correctly documented that the inmate did not have a bowel movement while on contraband surveillance watch. After being released from contraband surveillance watch, the inmate had a bowel movement that produced several bindles of tobacco. On December 3, 2012, the same associate warden and captain allegedly each submitted memoranda to the warden falsely describing the conflicting documents as a misunderstanding. The warden allegedly learned of the misconduct on November 27, 2012, but failed to take appropriate action. The associate warden was also allegedly dishonest in his interview with the Office of Internal Affairs.

### Disposition

The separate hiring authorities for the warden, associate warden, and captain each sustained all allegations. The hiring authority for the warden determined a salary reduction of 5 percent for three months was the appropriate penalty; however, the warden retired before discipline could be imposed. The hiring authority for the associate warden determined that dismissal was the appropriate penalty; however, the associate warden resigned before the dismissal took effect. Letters indicating that the warden and the associate warden resigned under unfavorable circumstances were placed in their respective office personnel files. The hiring authority for the captain imposed a penalty of dismissal. The OIG concurred with all of the determinations. The captain filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal of the captain. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the captain's credible denials.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney violated departmental policy related to the *Skelly* process and failed to obtain a transcript of the State Personnel Board hearing before filing a petition for rehearing.

### Assessment Questions

- If there was a *Skelly* hearing, was it conducted pursuant to DOM?  
*The department attorney provided the Skelly Officer's recommendation to the associate warden's attorney in violation of departmental policy.*
- Did the department's advocate appropriately represent the department in petition for rehearing proceedings before the SPB?  
*The department attorney failed to obtain a transcript of the State Personnel Board hearing before filing a petition for rehearing, resulting in an inability to cite to the record in pleadings filed with the court.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-17	13-0451-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Contraband</li> <li>3. Failure to Report</li> <li>4. Neglect of Duty</li> <li>5. Dishonesty</li> <li>6. Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Not Sustained</li> <li>6. Unfounded</li> </ol>	Dismissal	Dismissal

### Incident Summary

On January 17, 2013, a chaplain allegedly brought unauthorized handgun ammunition onto institution grounds and failed to properly secure it in a locker at the designated tower location as instructed by a captain and his immediate supervisor, a community resource manager. The chaplain was also allegedly dishonest in his written memorandum about the incident. A lieutenant allegedly took possession of the ammunition and temporarily placed it in his personal vehicle before giving it to an officer. The lieutenant was also allegedly dishonest in his written memorandum about the incident and when questioned about the incident. The officer allegedly took possession of the ammunition from the lieutenant, took it home, and then returned it to the lieutenant, who transported it into Mexico. The officer allegedly failed to report the misconduct of the lieutenant and was also allegedly dishonest when questioned about the incident. A captain and the community resource manager allegedly failed to take appropriate steps to safeguard the ammunition after each learned about its unauthorized introduction. The captain was also allegedly dishonest in his written memorandum about the incident. The community resource manager was also allegedly dishonest in his written memorandum about the incident and when questioned about the incident.

### Disposition

The hiring authority sustained the neglect of duty allegations against the community resource manager, the chaplain, and the captain. The hiring authority found insufficient evidence to sustain dishonesty allegations against the chaplain and the captain. For the community resource manager, the hiring authority determined the investigation conclusively proved the alleged dishonesty did not occur. The hiring authority imposed a two-working-day suspension on the community resource manager, a 10 percent salary reduction for 24 months on the chaplain, and a 5 percent salary reduction for six months on the captain. The hiring authority also sustained the allegations against the lieutenant and the officer and dismissed both. The OIG concurred with the hiring authority's determinations. The chaplain, the captain, the lieutenant, and the officer filed appeals with the State Personnel Board. The chaplain's appeal was dismissed when he failed to appear at a settlement conference. Prior to the State Personnel Board hearing, the lieutenant entered into a settlement agreement with the department wherein the lieutenant resigned, agreed to dismiss his appeal, and agreed never to return to work for the department. The OIG concurred because the ultimate goal of ensuring the lieutenant did not work for the department was achieved. Following a State Personnel Board hearing, the captain's salary reduction and the officer's dismissal were upheld. The community resource manager did not file an appeal.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Sufficient**

The department complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-20	13-2138-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Dishonesty</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> </ol>	Demotion	Demotion

### Incident Summary

On April 20, 2013, a sergeant allegedly asked a lieutenant to report that the sergeant had been injured in an auto accident when, in fact, the sergeant had been injured in a bar fight. On April 22, 2013, the lieutenant allegedly reported to the warden that the sergeant was injured in an auto accident and allowed the sergeant to use furlough time to cover his absence from work.

### Disposition

The hiring authority sustained the allegation of dishonesty, but not the neglect of duty allegation, against the lieutenant and demoted him to an officer. The hiring authority determined there was not sufficient evidence to sustain any allegations against the sergeant. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the demotion from lieutenant to officer.

## SOUTH REGION

Disciplinary Assessment	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with the policies and procedures governing the disciplinary process	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-05	13-2043-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> <li>Dishonesty</li> <li>Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Resignation in Lieu of Termination

### Incident Summary

On May 5, 2013, an officer allegedly deployed pepper spray on an inmate's face from only three feet away, punched the inmate three times in the head and face, violated departmental policy when he approached the inmate to take physical control without waiting for officers to respond. The officer was also allegedly dishonest during his interview with the Office of Internal Affairs.

### Disposition

The hiring authority sustained the allegations relating to discourteous treatment and neglect of duty but did not sustain the dishonesty or unreasonable use-of-force allegations. The hiring authority imposed a penalty of a 10 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the officer regarding this case and another case in which the officer was dismissed. The department allowed the officer to resign in lieu of dismissal and the officer withdrew both of his appeals. The OIG concurred with the settlement agreement since the ultimate goal of terminating the officer's employment was achieved.

Disciplinary Assessment	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department failed to comply with the policies and procedures governing the disciplinary process. The hiring authority failed to notify the OIG and the department attorney of the <i>Skelly</i> hearing.	

### Assessment Questions

- If there was a *Skelly* hearing, was it conducted pursuant to DOM?  
*The hiring authority failed to notify the OIG and the department attorney of the Skelly hearing thereby preventing both from attending.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The hiring authority failed to notify the OIG of the Skelly hearing.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-08	13-1541-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Letter of Instruction

### Incident Summary

On May 8, 2013, an officer allegedly failed to assist an inmate on contraband surveillance watch who fell on the floor of the cell. The inmate defecated and urinated on himself and allegedly continued to lie in the feces on the floor for hours. The officer allegedly failed to notify a supervisor, failed to search the feces for contraband, and left his assigned post at the end of his shift without properly briefing the relieving officer regarding the inmate's actions during the first officer's shift. The officer was allegedly dishonest during his Office of Internal Affairs interview concerning his actions toward the inmate. A sergeant allegedly failed to conduct the two required checks on the inmate during his shift.

# SOUTH REGION

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and dismissed him from state service. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal of the officer. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officer's claim that he followed policy. The hiring authority also sustained the allegation against the sergeant and served him with a letter of instruction. The OIG concurred with the hiring authority's decision to impose corrective action because the document that the sergeant should have signed to show he checked on the inmate was missing and, therefore, it could not be verified that the sergeant, in fact, did not sign it.

## Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department attorney failed to present necessary evidence at the State Personnel Board hearing.

## Assessment Questions

- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?

*The department attorney failed to present any evidence regarding the dishonesty allegation. In its decision, the State Personnel Board specifically noted the absence of evidence on this issue. In addition, the department attorney did not present evidence regarding how the officer could have summoned a supervisor for assistance.*

- If the SPB's decision did not uphold all of the factual allegations sustained by the HA, did the OIG concur with the SPB's decision?

*The OIG concurred with the State Personnel Board's decision not to sustain the dishonesty allegation in as much as the department attorney presented no evidence of dishonesty.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-03	13-1794-IR	1. Neglect of Duty	1. Sustained	Suspension	Suspension

## Incident Summary

On June 3, 2013, an officer allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch and failed to conduct an end-of-watch search. A search by officers on the next shift revealed a fecal-stained jumpsuit, cocaine, and heroin.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a ten-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty.

## Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations and the department attorney failed to properly prepare for the hearing before the State Personnel Board.

# SOUTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on August 27, 2013; however, the hiring authority did not consult with the OIG regarding the disciplinary determinations until November 22, 2013, almost three months thereafter.*
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?  
*The department attorney learned for the first time during the hearing that the department could not prove the officer received training on one of the policies he was accused of violating. Appropriate preparation would have discovered this information before the hearing.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-05	13-1801-IR	1. Neglect of Duty	1. Sustained	Suspension	Letter of Instruction

## Incident Summary

On June 5, 2013, an officer allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch, failed to sign his post orders, and failed, together with his sergeant, to conduct an end-of-shift search. During the next shift, a second officer and a second sergeant allegedly failed to conduct a start-of-shift search and the same officer also allegedly failed to maintain constant visual observation of the inmate. The inmate retrieved and ingested narcotics and was taken to an outside medical facility for treatment.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the sergeants and the officers and imposed a ten-working-day suspension on each. The OIG concurred. All filed appeals with the State Personnel Board. During the State Personnel Board hearing, new evidence was discovered that undermined the allegations against the first officer and first sergeant. Based on this new evidence, the department entered into settlement agreements with the first officer and first sergeant wherein the disciplinary actions were withdrawn, each was given a letter of instruction, and they withdrew their appeals. The OIG concurred based on the newly discovered evidence. Following the hearing for the second officer and second sergeant, the State Personnel Board revoked the actions against both based on contradictory testimony regarding departmental policy and reasonable explanations by the officer and sergeant for their failure to act.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner. The department attorney failed to adequately prepare for hearing resulting in the need for settlement with one officer and one sergeant. The department also failed to complete a required departmental form.

# SOUTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*OIA Central Intake returned the matter to the hiring authority on August 27, 2013, but the hiring authority did not consult with the OIG regarding the disciplinary determinations until November 22, 2013, almost three months thereafter.*
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?  
*Neither the department attorney nor the employee relations officer prepared a CDC Form 3021.*
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?  
*The department attorney learned for the first time during the hearing that the department could not prove the officer received training on one of the policies he was accused of violating. Appropriate preparation would have discovered this information before the hearing. Due to the inadequate preparation, the department settled the cases with one officer and one sergeant.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to conduct the disciplinary findings conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-01	14-1064-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> <li>3. Dishonesty</li> <li>4. Insubordination</li> <li>5. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> <li>5. Not Sustained</li> </ol>	Dismissal	Dismissal

## Incident Summary

Between October 1, 2013, and January 30, 2014, a parole agent allegedly falsified documents to make it appear that he was monitoring parolees on his caseload, failed to properly maintain a field book, and violated an order from his supervisor to not be out in the field after being restricted to office duty.

## Disposition

The hiring authority found sufficient evidence to sustain the allegation that the parole agent entered false information in official documents and failed to properly maintain his field book, but not the allegation that the parole agent conducted field work despite being instructed not to do so. The hiring authority determined dismissal was the appropriate penalty. The OIG concurred. However, the parole agent resigned before disciplinary action could be imposed. A letter indicating the parole agent resigned under adverse circumstances was placed in his official personnel file.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-29	14-1622-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Unreasonable Use of Force</li> <li>3. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> </ol>	Salary Reduction	Counseling

## Incident Summary

On November 29, 2013, an officer allegedly challenged an inmate to a fight in his cell. The inmate allegedly received serious injuries and was knocked unconscious as a result of the fight. The officer also allegedly failed to properly conduct cell searches.

## SOUTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the officer failed to conduct cell searches and imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The OIG concurred. At the *Skelly* hearing, the officer stated that although the searches were not recorded in the log book, the searches were conducted and reported in a daily report. Based on this information, the hiring authority withdrew the action and provided the officer with counseling. The OIG concurred.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-11	14-0597-IR	1. Controlled Substance	1. Sustained	Salary Reduction	Letter of Reprimand

### Incident Summary

On December 11, 2013, an officer allegedly tested positive for benzodiazepine and oxazepam, for which she had no valid medical prescriptions.

### Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for three months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein language in the disciplinary action was modified to reflect that the positive test resulted from the officer taking Mexican diet pills and the penalty was reduced to a letter of reprimand to be removed from her official personnel file after two years. In exchange, the officer withdrew her appeal and waived back pay for the full amount of the original salary reduction. The OIG did not concur but did not seek a higher level of review because the financial penalty remained the same.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The hiring authority failed to comply with departmental policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner and settled the matter contrary to the department's disciplinary matrix.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on March 6, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until May 12, 2014, 67 days thereafter.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The penalty reduction to a letter of reprimand was not consistent with the department's disciplinary matrix given the misconduct.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the disciplinary findings conference in a timely manner.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-13	14-0517-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Other Failure of Good Behavior</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>	Salary Reduction	Salary Reduction

### Incident Summary

On December 13, 2013, a parole agent allegedly failed to document and report that a parolee under his supervision had engaged in illegal activity by having pornographic photographs of a minor on his mobile phone. Further, on January 14, 2014, the parole agent allegedly told the parolee to delete the evidence of child pornography from his mobile phone. The parole agent also allegedly failed to submit a timely parole violation report as instructed by his supervisor.

### Disposition

The hiring authority sustained the allegations that the parole agent did not timely complete a violation report and inappropriately instructed the parolee to delete the pornographic photographs and imposed a 10 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the allegation that the parole agent failed to document that the parolee was in possession of pornographic photographs. The OIG concurred with the hiring authority's determinations. The parole agent did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-04	14-0914-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Contraband</li> <li>3. Controlled Substance</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

### Incident Summary

On March 4, 2014, an off-duty sergeant stopped his vehicle at a border patrol check point. During the stop, the sergeant was allegedly in possession of a glass smoking pipe and marijuana. The sergeant was also allegedly dishonest to outside law enforcement when he initially denied being in possession of a controlled substance. The sergeant was arrested for possession of a controlled substance.

### Disposition

The hiring authority sustained the allegations and served the sergeant with a notice of dismissal. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the hearing, the sergeant resigned in lieu of termination with the condition that he not seek employment with the department in the future. The OIG concurred because the settlement achieved the goal of ensuring the sergeant no longer worked for the department.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-09	14-1490-IR	<ol style="list-style-type: none"> <li>1. Contraband</li> <li>2. Neglect of Duty</li> <li>3. Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On March 9, 2014, an officer allegedly introduced an unauthorized book into the institution and was allegedly distracted by the book while on duty. On March 16, 2014, the officer was allegedly dishonest when describing the incident to his supervisors.

## SOUTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations pertaining to contraband and distraction of duty and imposed a 10 percent salary reduction for 12 months. The hiring authority determined there was insufficient evidence to sustain the allegation of dishonesty. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for 12 months because of evidentiary concerns regarding custom and practice at the institution which would have excused some of his behavior. Additionally, the department learned of character concerns with one of its key witnesses. Due to these factors, the OIG concurred with the settlement.

### Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-16	14-1166-IR	1. Neglect of Duty	1. Sustained	Suspension	Modified Suspension

### Incident Summary

On March 16, 2014, an officer allegedly failed to place an inmate in the correct housing unit. Subsequently, two other officers allegedly failed to complete a proper count of the inmate and the inmate was later discovered in the wrong cell.

### Disposition

The hiring authority sustained all of the allegations and imposed three-working-day suspensions on the first officer and one of the other two officers. For the third officer, the hiring authority imposed a five-working-day suspension due to his lack of remorse and prior history of discipline. The OIG concurred with the hiring authority's determinations. Following a *Skelly* hearing, the officer who failed to properly house the inmate demonstrated remorse. Based on this information, the hiring authority entered into a settlement agreement in which the penalty was reduced from a three-working-day suspension to a one-working-day suspension and the officer waived his right to appeal. The OIG did not concur because there was no change in circumstances justifying a settlement. However, the OIG did not seek a higher level of review because the difference in penalty was not significant. The remaining two officers did not file appeals with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-05	14-2297-IR	1. Dishonesty	1. Sustained	Suspension	Salary Reduction

### Incident Summary

On August 5, 2014, an officer allegedly failed to conduct a count and entered his count into the department's computer system before verifying the count.

### Disposition

The hiring authority sustained the allegation and imposed a 60-working-day suspension. The OIG concurred. After a *Skelly* hearing, the hiring authority entered into a settlement agreement with the officer and modified the penalty to a 10 percent salary reduction for 30 months and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred because the settlement did not alter the total amount of the monetary penalty imposed.

### Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

## SOUTH REGION

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on September 24, 2014; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until November 4, 2014, 41 calendar days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to conduct the disciplinary findings conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2014-08-07	14-2294-IR	1. Intoxication	1. Sustained		

### Incident Summary

On August 7, 2014, an officer allegedly reported to work while under the influence of alcohol.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 20 months. The OIG concurred. During the *Skelly* hearing, the officer was extremely remorseful for his actions and reported that he had self-initiated counseling for his alcohol dependency. Due to these mitigating factors, the hiring authority entered into a settlement agreement with the officer whereby the penalty was reduced to a 10 percent salary reduction for 13 months and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred based on the factors learned at *Skelly* hearing.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the penalty conference in a timely manner and the employee relations officer failed to complete the settlement form.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on September 24, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 14, 2014, 51 days thereafter.*
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?  
*The employee relations officer did not complete a case settlement report.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely conduct the penalty conference.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-08-14	14-2296-IR	1. Misuse of Authority	1. Sustained		

### Incident Summary

On August 14, 2014, an officer allegedly misused his authority when he contacted a private citizen regarding a personal matter, told her he was a police officer, and showed her his departmental badge. The officer also allegedly identified himself as an officer with the department when contacted by outside law enforcement regarding the same matter.

## SOUTH REGION

### Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer filed an appeal with the State Personnel Board but withdrew the appeal prior to any proceedings.

### Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on September 24, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 4, 2014, 41 calendar days thereafter.*

- Was the disciplinary phase conducted with due diligence by the department?

*The department failed to conduct the disciplinary findings conference in a timely manner.*

# APPENDIX C COMBINED PHASE CASES

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## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	14-2580-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Controlled Substance</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

From January 2013 to March 20, 2014, an officer allegedly conspired with inmates to bring illegal prescription medication, tobacco, and mobile phones into the institution. On May 7, 2014, the officer was allegedly in possession of steroids and syringes without a valid prescription. On May 20, 2014, an officer was allegedly overly familiar when an inmate tattooed the officer's arm.

<b>Predisciplinary Assessment</b>  The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to correctly identify the dates of misconduct.	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Insufficient</b>

### Assessment Questions

- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?  
*The department attorney failed to identify the correct range of dates the officer allegedly conspired with inmates to bring illegal prescription medication, tobacco, and mobile phones into the institution.*

### Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer was non-punitively terminated in an unrelated matter prior to completion of this investigation; therefore, disciplinary action was not imposed.

<b>Disciplinary Assessment</b>  The department sufficiently complied with policies and procedures governing the disciplinary process.	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-01	14-2663-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

### Incident Summary

On August 1, 2013, and September 3, 2014, an officer allegedly unlawfully killed multiple deer with a crossbow. The officer allegedly concealed evidence of his illegal hunting activity and was dishonest to outside law enforcement.

<b>Predisciplinary Assessment</b>  The department failed to comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake failed to make a timely determination regarding the request for investigation and the hiring authority failed to timely consult with the OIG and the department attorney.	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Sufficient</b>

# CENTRAL REGION

## Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on October 17, 2014, but did not take action until November 19, 2014, 33 days after the receipt of the request.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on November 19, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until January 6, 2015, 48 calendar days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*OIA Central Intake failed to make a timely determination after receiving the request for investigation and the hiring authority failed to timely consult with the OIG and department attorney.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed. A letter indicating the officer retired under adverse circumstances was placed in his official personnel file.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the penalty conference.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on November 19, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until January 6, 2015, 48 calendar days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely conduct the penalty conference.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-18	14-0570-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Failure to Report Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

Case Type: **Administrative Investigation**

## Incident Summary

On August 18, 2013, an officer allegedly failed to report pushing an inmate against a fence after the inmate started to drop to his knees as the officer was counseling him. A second officer responded to assist the first officer and allegedly failed to report using force on the inmate as well. Both officers allegedly failed to report the other's use of force. Three other officers were on the exercise yard at the time of the incident and allegedly failed to report their observations of the use of force. Additionally, a sixth officer allegedly failed to accurately and timely report his observations of the force used.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with the department's policies and procedures governing the pre-disciplinary process by delaying over five months before referring the matter to the Office of Internal Affairs for investigation.

# CENTRAL REGION

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The date of discovery was August 18, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until January 21, 2014, over five months after the date of discovery.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the officer who failed to accurately and timely report his observations of the force used and imposed a 10 percent salary reduction for six months. The OIG concurred. At the *Skelly* hearing, the officer accepted responsibility for his actions and the hiring authority entered into a settlement agreement, modifying the penalty to a 5 percent salary reduction for 12 months and removing the disciplinary action from the officer's official personnel file after 24 months if the officer did not incur any additional disciplinary action. In exchange, the officer agreed to not file an appeal with the State Personnel Board. The OIG did not agree with the settlement as no new information was presented. However, the terms of the settlement did not merit a higher level of review because the penalty was still within the applicable penalty range. The hiring authority determined there was insufficient evidence to sustain any of the allegations against the remaining officers. The OIG concurred with the hiring authority's determinations.

<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-01	14-1753-IR	1. Misuse of Authority	1. Sustained	Suspension	Suspension

**Case Type: Administrative Investigation**

### Incident Summary

Between September 2013 and June 2014, a chief deputy warden allegedly engaged in sexual relationships with two employees whom he supervised.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Sufficient</b>

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to conduct the investigative findings conference in a timely manner.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 24, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until December 30, 2014, 36 calendar days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The department failed to conduct the investigative findings conference in a timely manner.*

### Disposition

The hiring authority sustained the allegation and imposed a 26-working-day suspension. The OIG did not concur with the penalty as the misconduct was of a serious and pervasive nature but did not seek a higher level review because the chief deputy warden was truthful and remorseful during his investigative interview and the penalty fell within the range of the disciplinary matrix. The chief deputy warden did not file an appeal with the State Personnel Board.

## CENTRAL REGION

<b>Disciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Insufficient</b>

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary findings conference and failed to impose the appropriate penalty of dismissal.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 24, 2014. The hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until December 30, 2014, 36 calendar days thereafter.*
- Did the HA who participated in the disciplinary conference select the appropriate penalty?  
*The hiring authority failed to dismiss the chief deputy warden despite the serious and pervasive nature of the misconduct and the future liability to the department.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the disciplinary findings conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-11	14-0572-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Suspension	Suspension

Case Type: **Administrative Investigation**

### Incident Summary

On October 11, 2013, a sergeant and five officers allegedly failed to initiate life-saving measures after discovering an unresponsive inmate in his cell. Three registered nurses and a licensed vocational nurse also allegedly failed to timely initiate life-saving measures and failed to complete appropriate documentation of the incident.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Insufficient</b>

The hiring authorities failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authorities delayed referring the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings conferences. The first hiring authority for the nurses was unprepared to discuss the case during a scheduled meeting and the second hiring authority for the nurses changed the investigative findings without conducting an investigative findings conference and without consulting with the OIG and department attorney. The employee relations officer for the nurses failed to provide a requested form.

# CENTRAL REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on October 11, 2013, but the hiring authorities did not refer the matter to the Office of Internal Affairs until February 6, 2014, almost four months after the date of discovery.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on August 11, 2014. The hiring authority for the officers did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until September 3, 2014, 23 days thereafter. The hiring authority for the nurses did not consult with the OIG and the department attorney until October 8, 2014, 58 days thereafter.*

- If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared?

*During a second consultation with the OIG and department attorney, the initial hiring authority for the nurses was unfamiliar with the facts of the case and left the conference call prior to finalizing the investigative findings.*

- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

*The hiring authority for the nurses failed to sustain allegations that the evidence supported.*

- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?

*After the initial consultation, the hiring authority for the nurses deferred to another hiring authority, who failed to consult with the OIG and department attorney prior to changing the investigative findings. The employee relations officer failed to provide the OIG with the final Form 402 despite requests.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authorities failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings conference.*

## Disposition

The hiring authority for the nurses sustained the allegation that the licensed vocational nurse failed to timely start life-saving measures, but not the allegation that she failed to complete appropriate documentation of the incident, and identified a two-working-day suspension as the appropriate penalty. The OIG concurred. However, the licensed vocational nurse resigned before disciplinary action could be imposed. A letter indicating she resigned under adverse circumstances was placed in her official personnel file. The hiring authority for the nurses also sustained allegations that the three registered nurses had failed to complete appropriate documentation, but not the allegations that the three registered nurses failed to timely initiate life-saving measures, and identified letters of instruction as the appropriate course of action. The OIG concurred. However, prior to the issuance of the letters of instruction, the hiring authority deferred to a second hiring authority, who determined there was insufficient evidence to sustain the allegations against the three registered nurses. The OIG did not concur but did not seek a higher level of review because disciplinary action had not been recommended. The hiring authority for the sergeant and officers determined there was insufficient evidence to sustain the allegations but agreed to provide training. The OIG concurred.

## Disciplinary Assessment

**Procedural Rating: Insufficient**  
**Substantive Rating: Insufficient**

The hiring authority for the nurses failed to comply with policies and procedures governing the disciplinary process. The first hiring authority for the nurses failed to timely conduct the disciplinary findings conference, failed to adhere to the disciplinary determinations, and was unprepared during subsequent disciplinary discussions. The first hiring authority for the nurses also failed to cooperate and consult with the OIG. The second hiring authority for the nurses failed to select the appropriate causes for discipline and the appropriate penalty, and failed to adequately consult or cooperate with the OIG and the department attorney. The department attorney failed to provide written confirmation of penalty discussions.

# CENTRAL REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on August 11, 2014. The hiring authority for the officers did not consult with the OIG and the department attorney regarding the disciplinary determinations until September 3, 2014, 23 days thereafter. The hiring authority for the nurses did not consult with the OIG and the department attorney until October 8, 2014, 58 days thereafter. Furthermore, the hiring authority for the nurses failed to confirm or change the disciplinary findings in a timely manner, eventually deferring to a later hiring authority, who failed to conduct a second disciplinary conference and did not finalize the disciplinary determinations until May 1, 2015, more than eight months after receipt of the report.*
- If the HA consulted with the OIG concerning the disciplinary determinations, was the HA adequately prepared?

*The first hiring authority for the nurses was not familiar with the facts of the case during several consultations regarding the disciplinary determinations.*
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

*The second hiring authority for the nurses failed to sustain allegations the evidence supported and, therefore, failed to identify the appropriate causes for discipline.*
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

*The first hiring authority for the nurses initially determined that corrective action would be imposed on the three nurses. However, without consulting the OIG or department attorney, the hiring authority subsequently determined not to impose corrective or disciplinary action despite finding the three nurses violated departmental policy. The hiring authority deferred to a second hiring authority, who determined not to sustain the allegations or impose corrective action for the three nurses.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The department attorney assigned to handle the discipline of the nurses failed to provide to the hiring authority and the OIG written confirmation of penalty discussions.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

*After the findings and penalty conference and without consulting the OIG or department attorney, the hiring authority determined that the three nurses would not receive disciplinary or corrective action. The department attorney arranged a conference call to discuss the issues but the hiring authority left the call before the conference ended and did not advise the OIG or the department attorney of his final position. The hiring authority then failed to respond to multiple written requests from the OIG to confirm his position. The hiring authority eventually agreed to consult with the OIG via telephone and confirmed the imposition of corrective action. However, the first hiring authority then deferred to a second hiring authority, who failed to consult with the OIG or department attorney before deciding not to impose corrective action.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authorities failed to conduct the disciplinary findings conferences in a timely manner. Thereafter, the hiring authority for the nurses failed to confirm his determinations upon request, causing the matter to remain unresolved for an additional six months.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2013-10-22	14-0539-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>		

Case Type: **Administrative Investigation**

### Incident Summary

On October 22, 2013, an officer allegedly failed to perform unclothed body searches of two inmates, escorted an inmate without the assistance of another officer, and failed to properly handcuff the inmate he was escorting. A second officer allegedly failed to ensure unclothed body searches took place and escorted an inmate without the assistance of another officer. One inmate escaped from his handcuffs and repeatedly stabbed the first officer in the head and neck area. The second inmate attacked the second officer. A sergeant allegedly failed to properly supervise the yard and failed to sign his post orders.

## CENTRAL REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed 97 days in referring the matter to the Office of Internal Affairs. OIA Central Intake failed to approve the initial request for reconsideration for a full investigation, resulting in a delay of more than three months before the investigation was finally approved.</p>	

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> <li>Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on October 22, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 27, 2014, 97 days after the date of discovery.</i></li> <li>If the hiring authority submitted a request for reconsideration to OIA Central Intake or to the Chief of OIA, was an appropriate decision made regarding the request? <i>OIA Central Intake inappropriately denied the initial request for reconsideration resulting in the need for a second request.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The hiring authority delayed 97 days in referring the matter to the Office of Internal Affairs. OIA Central Intake inappropriately denied the initial request for reconsideration resulting in the need for a second request, causing another delay of more than three months.</i></li> </ul>
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<h3>Disposition</h3> <p>The hiring authority sustained the allegations against the first officer and imposed a 10 percent salary reduction for seven months. However, the first officer retired before disciplinary action took effect. The hiring authority sustained the allegations against the second officer and imposed a 5 percent salary reduction for 13 months. The second officer did not file an appeal with the State Personnel Board. The hiring authority sustained the allegation that the sergeant failed to sign his post orders, but not the allegation that he failed to properly supervise the yard, and issued a letter of instruction. The OIG concurred with the hiring authority's determinations.</p>
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<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b>
	<b>Substantive Rating: Sufficient</b>
<p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-01	15-1006-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Sexual Misconduct</li> <li>Contraband</li> <li>Controlled Substance</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Letter of Instruction	Letter of Instruction

**Case Type: Administrative Investigation**

**Incident Summary**  
 Between December 1, 2013 and June 30, 2014, an officer allegedly distributed methamphetamine, heroin, marijuana, mobile phones, and other items from one inmate to another. The officer also allegedly asked female inmates to show him their breasts and genitals.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter for investigation and the Office of Internal Affairs failed to timely open and conduct an investigation. The investigation was completed after the deadline for taking disciplinary action passed.</p>	

# CENTRAL REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on February 19, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 16, 2014, almost four months after the date of discovery.*

- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?

*The Office of Internal Affairs would not have opened an investigation without OIG intervention. The Office of Internal Affairs regional office was conducting a criminal case regarding the allegations. The OIG recommended that the Office of Internal Affairs open an administrative investigation before the deadline to take disciplinary action. Despite repeated recommendations from the OIG, the regional special agent, the regional senior special agent, and regional special agent in-charge failed to open an administrative investigation. The OIG continued to elevate the matter to a higher level of review until OIA Central Intake finally opened an investigation. However, due to delays caused by the Office of Internal Affairs regional office, OIA Central Intake did not open the case until after the deadline to take disciplinary action passed.*

- Was the investigation or subject-only interview completed at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

*The report was completed and submitted to the hiring authority 98 days after the deadline to take disciplinary action.*

- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?

*The report was completed and submitted to the hiring authority 98 days after the deadline to take disciplinary action.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to make a timely referral to the Office of Internal Affairs. Thereafter, the Office of Internal Affairs delayed in opening the case for investigation.*

## Disposition

The hiring authority sustained the allegation that the officer passed unauthorized items but found insufficient evidence to sustain the remaining allegations and served the officer with a letter of instruction. The OIG did not concur, but did not seek a higher level of review because the deadline for taking disciplinary action had expired.

## Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to identify the appropriate penalty and the department attorney failed to properly advise the hiring authority regarding the appropriate penalty.

## Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

*The department attorney did not provide appropriate advice to the hiring authority regarding the mitigating and aggravating factors. The department attorney inappropriately recommended corrective action rather than discipline.*

- Did the HA who participated in the disciplinary conference select the appropriate penalty?

*The appropriate penalty for the sustained allegation was disciplinary action but the hiring authority imposed corrective action.*

- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?

*The deadline for taking disciplinary action expired 98 days before the department completed its findings.*

- Was the disciplinary phase conducted with due diligence by the department?

*The deadline for taking disciplinary action expired 98 days before the department completed its findings.*

# CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Letter of Instruction	FINAL Letter of Instruction
2014-02-24	14-1584-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>		

Case Type: **Administrative Investigation**

## Incident Summary

On February 24, 2014, a sergeant, three officers, a supervising nurse, and a registered nurse allegedly failed to immediately initiate life-saving measures after an inmate was found hanging in his cell. A fourth officer and a second registered nurse allegedly failed to timely respond to the medical emergency. The fourth officer also allegedly failed to review and sign his post orders.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority for the sergeant and officers delayed almost two months before referring the matter for investigation and both hiring authorities failed to conduct the investigative findings conferences in a timely manner. In the OIG's expert opinion, the department attorney failed to provide appropriate advice to the hiring authority concerning whether or not the allegations could be sustained against the sergeant and three of the officers for failing to initiate life-saving measures. The matter was referred for a higher level of review but the hiring authority's supervisor also failed to sustain appropriate allegations.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on April 11, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 6, 2014, 56 days after the date of discovery.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on February 6, 2015. The hiring authority for the sergeant and officers did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until March 2, 2015, 24 calendar days thereafter. The hiring authority for the supervising nurse and registered nurses did not conduct the findings conference until March 16, 2015, 38 calendar days after the investigation was completed.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

*In the OIG's expert opinion, the department attorney incorrectly advised the hiring authority that allegations that the sergeant and three of the officers failed to immediately initiate life-saving measures on the inmate could not be proven.*
- If an executive review was invoked, was the appropriate decision made?

*The department attorney disagreed with the hiring authority's decision to sustain allegations against the sergeant and three of the officers for failing to immediately initiate life-saving measures on the inmate. When referred to a higher level of review, the allegations were not sustained by the hiring authority's supervisor.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?

*The hiring authority for the sergeant and officers failed to provide the OIG with the form documenting the investigative findings.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority for the sergeant and officers failed to timely refer the matter for investigation. Both hiring authorities failed to timely conduct the investigative findings conferences.*

## CENTRAL REGION

### Disposition

The hiring authority sustained the allegations against the sergeant and three of the officers for failing to immediately initiate life-saving measures and imposed a 5 percent salary reduction for nine months on the sergeant and a 5 percent salary reduction for six months on the officers. The OIG concurred. The department attorney did not agree and sought a higher level of review. At the higher level of review, the hiring authority's supervisor determined there was insufficient evidence to sustain the allegations. The OIG did not concur but did not seek a higher level of review because performing life-saving measures in the space where the inmate was found may have been difficult and the deadline for taking disciplinary action was pending. The initial hiring authority also sustained the allegation against the fourth officer for failing to review and sign his post orders, but not the allegation that he failed to timely respond to the medical emergency, and issued a letter of instruction. The OIG concurred with the hiring authority's findings, but did not concur with the hiring authority's decision to not impose disciplinary action. The OIG did not seek a higher level of review as the officer did initially attempt to find his post orders and the post orders, ultimately, would not have affected the officer's response to the medical emergency. The hiring authority for the supervising nurse and two registered nurses determined there was insufficient evidence to sustain the allegations but ordered training. The OIG concurred.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-27	14-1392-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

On February 27, 2014, a lieutenant was allegedly dishonest when he documented an officer was present during an inmate's rules violation report hearing.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with the policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to conduct the investigation in a timely manner resulting in an investigation that was not thorough. A witness was unable to recall details and the lieutenant was able to retire before ever being interviewed.

### Assessment Questions

- Was the investigation thorough and appropriately conducted?  
*The lieutenant was not interviewed due to the delayed investigation.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*A special agent was assigned on June 4, 2014, but conducted no meaningful investigative work. A second special agent was assigned on November 17, 2014. Interviews were not conducted until March 13, 2015, nine months after the first agent was assigned. As a result of the delay, a witness had difficulty recalling details and remarked "it's so long, I can't remember." Additionally, the lieutenant was able to retire before his interview could be conducted.*

### Disposition

The hiring authority sustained the allegation and determined that dismissal was the appropriate penalty. The OIG concurred. However, the lieutenant retired prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the lieutenant retired under adverse circumstances was placed in his official personnel file.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-03-03	14-1897-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> </ol>		
Case Type: <b>Administrative Investigation</b>					
<b>Incident Summary</b> On March 3, 2014, an officer allegedly failed to initiate an emergency medical response when he discovered an unresponsive inmate in a wheelchair. Additionally, the officer and a second officer allegedly failed to initiate life-saving measures on the inmate.					
<b>Predisciplinary Assessment</b> The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed in referring the matter to the Office of Internal Affairs.				<b>Procedural Rating: Insufficient</b> <b>Substantive Rating: Sufficient</b>	
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 3, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 2, 2014, four months after the date of discovery.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs.</i></li> </ul>					
<b>Disposition</b> The hiring authority sustained the allegation that the first officer failed to initiate a medical response upon discovering the unresponsive inmate, but did not sustain the allegation that the first officer failed to initiate life-saving measures, and imposed a 5 percent salary reduction for six months. No allegations were sustained against the second officer. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the first officer wherein the department agreed to remove the disciplinary action early from the officer's official personnel file. The OIG concurred as the actual penalty remained the same.					
<b>Disciplinary Assessment</b> The department failed to comply with policies and procedures governing the disciplinary process. The department attorney included unnecessary language in the settlement agreement, identified the wrong OIG attorney in the case settlement report, and delayed in providing the OIG with the settlement agreement.				<b>Procedural Rating: Insufficient</b> <b>Substantive Rating: Insufficient</b>	
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM? <i>The settlement agreement unnecessarily included language that is mandatory only if the employee who filed the appeal is 40 years old or older. The officer who filed the appeal is younger than 40 years of age.</i></li> <li>If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021? <i>The case settlement report identified the wrong OIG attorney as the individual who was consulted regarding settlement discussions.</i></li> <li>Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>Although the settlement agreement was signed on May 6, 2015, and the State Personnel Board subsequently approved the settlement on May 11, 2015, a copy of the settlement agreement was not provided to the OIG until June 11, 2015.</i></li> </ul>					

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-14	14-2818-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Contraband</li> <li>Misuse of State Equipment or Property</li> <li>Misuse of Authority</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

From April 14, 2014 to October 16, 2014, an officer allegedly engaged in a sexual relationship with an inmate and provided the inmate with contraband food. During that time, the officer allegedly used her state computer for personal gain, allowed the inmate access to computerized confidential inmate information, and accessed confidential inmate information for no official purpose. From July 9, 2014 to October 16, 2014, the officer allegedly engaged in prohibited communications with the inmate's family and gave money to the inmate's mother.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officer was overly familiar with the inmate and the inmate's mother, provided the inmate with contraband, and inappropriately accessed confidential inmate information on her state computer, but did not sustain the remaining allegations. The hiring authority dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-29	14-1756-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Unreasonable Use of Force</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Letter of Instruction	Letter of Instruction

Case Type: **Administrative Investigation**

### Incident Summary

On April 29, 2014, an officer allegedly failed to handcuff a disruptive inmate before escorting him. The officer also allegedly attempted to slam the inmate's face into a wall, kicked his feet apart, and called the inmate a derogatory name. After being moved to a different location, a sergeant allegedly slapped the inmate three times. The sergeant also allegedly failed to properly document a holding cell log.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs delayed almost eight months before conducting interviews and failed to interview two key inmate witnesses. The department attorney failed to identify the failure to conduct these interviews as a deficiency.

# CENTRAL REGION

## Assessment Questions

- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?

*The department attorney failed to note the failure to interview the inmate who made allegations against the sergeant and officer and the failure to interview another inmate. The department attorney incorrectly noted the matter was well investigated. When the matter was first assigned for investigation, the special agent, department attorney, and the OIG agreed the inmate who made the complaint should be interviewed.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

*The draft investigative report was not thorough and appropriately drafted because the inmate who made allegations against the sergeant and officer, and another inmate, were not interviewed.*
- Was the final investigative report thorough and appropriately drafted?

*The final investigative report was not thorough and appropriately drafted because the inmate who made allegations against the sergeant and officer, and another inmate, were not interviewed.*
- Was the investigation thorough and appropriately conducted?

*When the matter was first assigned for investigation, the special agent, department attorney, and the OIG agreed the inmate who made allegations against the sergeant and officer should be interviewed. However, less than a month before the deadline to take disciplinary action, the special agent determined it was no longer necessary to conduct that inmate's interview. The special agent also failed to interview an inmate who witnessed the incident.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*A special agent was assigned on July 29, 2014, but failed to conduct any meaningful investigative work for almost four months. Another special agent was assigned to the case on November 17, 2014; however, interviews did not start until March 23, 2015, almost eight months after a special agent was first assigned. During that delay, the inmate who made allegations against the sergeant and officer transferred to another institution and another inmate witness was released on parole. Several witnesses were unable to clearly remember details surrounding the incident due to the long delay in conducting interviews.*

## Disposition

The hiring authority sustained an allegation against the sergeant for failing to properly document a holding cell log and issued a letter of instruction. The OIG concurred with the decision to sustain the allegation but did not concur with the corrective action. The OIG did not seek a higher level of review as the sergeant self-identified his error and showed remorse. Also, the letter of instruction would still document the sergeant's failure and underscore expectations about documenting holding cell logs, thereby reducing the likelihood of recurrence. The hiring authority sustained an allegation against the officer for failing to handcuff the inmate and ordered training for the officer. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The OIG concurred.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
 Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-03	14-2177-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

## Incident Summary

Between May 3, 2014 and May 28, 2014, an officer allegedly submitted fraudulent timesheets including two timesheets for overtime for which she was already compensated and a timesheet claiming an overtime shift she never worked.

# CENTRAL REGION

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Insufficient</b>

The department failed to comply with policies and procedures governing the pre-disciplinary process. After the officer retired, the Office of Internal Affairs failed to interview the officer or any witnesses prior to completing the investigation and thereafter delayed submitting the investigative report to the hiring authority.

## Assessment Questions

- Were all of the interviews thorough and appropriately conducted?  
*The officer retired during the investigation and the special agent declined to contact the officer for an interview. The special agent also declined to interview other department witnesses and instead relied solely on a document review.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?  
*The draft report consisted of document reviews. There were no witness or officer interviews.*
- Was the final investigative report thorough and appropriately drafted?  
*The report consisted of document reviews. There were no attempts to interview witnesses or the officer since the officer had retired.*
- Was the investigation thorough and appropriately conducted?  
*No attempts were made to interview the officer or witnesses. The investigation consisted of a document review.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*OIA Central Intake approved the investigation on September 10, 2014. However, the investigative report was not provided to the hiring authority until February 5, 2015, almost five months later.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed. A letter indicating the officer retired under adverse circumstances was placed in her official personnel file.

<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-06-13	14-1743-IR	1. Threat/Intimidation	1. Sustained		

Case Type: **Administrative Investigation**

## Incident Summary

On June 13, 2014, an officer allegedly posted a picture and threatening comments on a social networking site in an attempt to dissuade a lieutenant from providing information against the officer in another investigation.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Insufficient</b>

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed almost four months before completing the findings conference. The department attorney failed to give appropriate legal advice regarding the sufficiency of evidence to sustain the allegation.

# CENTRAL REGION

## Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 27, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until January 9, 2015, 43 days thereafter. The findings conference was then continued to January 13, 2015, and continued again to March 17, 2015, almost four months after the investigation had been referred to the hiring authority.*

- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

*The department attorney failed to provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence to sustain the allegation against the officer. The department attorney's inappropriate legal advice was the primary cause for the long delay in making a final decision concerning the investigative findings.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority delayed four months before making a final decision concerning the investigative findings.*

## Disposition

The hiring authority sustained the allegation and determined a 10 percent salary reduction for 12 months was an appropriate penalty. The OIG concurred. However, the officer had already been dismissed due to an unrelated action; therefore, no penalty was imposed.

## Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The hiring authority and the department attorney failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed almost four months before completing the penalty conference. The department attorney failed to give correct legal advice regarding an appropriate penalty.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 27, 2014. The hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until January 9, 2015, 43 days thereafter. The penalty conference was then continued to January 13, 2015, and continued again to March 17, 2015, almost four months after the investigation had been referred to the hiring authority.*

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

*The department attorney failed to provide appropriate legal advice to the hiring authority regarding the penalty. The department attorney's inappropriate legal advice was the primary cause for the long delay in making a final decision concerning the penalty.*

- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority delayed four months in making a final disciplinary determination.*

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-01	14-2100-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Insubordination/Willful Disobedience</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

**Case Type:** Administrative Investigation

### Incident Summary

From July 1, 2014 through July 16, 2014, a counselor allegedly resided at a residence where illegal drugs and firearms were located. The counselor also allegedly facilitated the sale of illegal drugs, was dishonest with outside law enforcement, and was dishonest and insubordinate during her Office of Internal Affairs interview.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-09-04	14-2807-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

**Case Type:** Direct Action (No Subject Interview)

### Incident Summary

On September 4, 2014, a control booth officer allegedly opened a cell door without floor staff being present and allowed an inmate to enter the cell where he and another inmate attacked a third inmate. The officer allegedly discharged two less-lethal rounds at the fighting inmates, one of which struck an inmate in the head. The officer allegedly inappropriately aimed the launcher at the upper extremities of one of the inmates.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the OIG regarding the investigative findings and the employee relations officer failed to make an entry into the case management system regarding her analysis of the deadline to take disciplinary action.

# CENTRAL REGION

## Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The employee relations officer did not make any entry into the case management system confirming relevant dates.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on November 26, 2014; however, the consultation with the OIG regarding the investigative findings did not occur until February 17, 2015, 83 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely consult with the OIG regarding the investigative findings.*

## Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for nine months. The OIG concurred. After a *Skelly* hearing, the hiring authority entered into a settlement agreement with the officer wherein his penalty was reduced to a 5 percent salary reduction for 12 months, as the officer expressed remorse and submitted new information regarding his justification for using force. The OIG concurred based on the factors learned at the *Skelly* hearing.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG regarding disciplinary determinations.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on November 26, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until February 17, 2015, 83 days thereafter.*

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

*The draft disciplinary action contained a reference to an inapplicable department operating manual section. Additionally, the draft disciplinary action noted an incorrect penalty. Instead of the 10 percent salary reduction for nine months assessed by the hiring authority, the draft disciplinary action incorrectly indicated that the officer's penalty was a 10 percent salary reduction for six months.*

- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-12	14-2612-IR	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Failure to Report</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

## Incident Summary

On October 12, 2014, an officer allegedly slapped his girlfriend's face as they argued in public. Outside law enforcement arrested the officer and he allegedly failed to notify the institution of his arrest.

## Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

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## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the officer slapped his girlfriend, but did not sustain the allegation that the officer failed to notify the institution of his arrest. This case was consolidated with two other pending disciplinary actions against the officer. The hiring authority determined dismissal was the appropriate penalty based on the consolidated cases. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in the officer's official personnel file.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-01	14-2802-IR	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Direct Action with Subject Only Interview**

## Incident Summary

On November 1, 2014, an officer allegedly pushed his girlfriend down the stairs. Outside law enforcement arrested the officer and he allegedly failed to notify the institution of his arrest.

## Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the officer pushed his girlfriend down the stairs, but did not sustain the allegation that the officer failed to notify the institution of his arrest. This case was consolidated with two other pending disciplinary actions against the officer. The hiring authority determined dismissal was the appropriate penalty based on the consolidated cases. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in the officer's official personnel file.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-01-11	15-0412-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

## Incident Summary

On January 11, 2015, an officer allegedly violated a domestic violence restraining order when he contacted his girlfriend who was protected under the order. Outside law enforcement responded and arrested the officer. The officer also allegedly failed to notify the hiring authority of his arrest.

## Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

## CENTRAL REGION

<b>Disposition</b> The hiring authority determined there was sufficient evidence to sustain the allegations. This case was consolidated with two other pending disciplinary actions against the officer. The hiring authority determined dismissal was the appropriate penalty based on the consolidated cases. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in the officer's official personnel file.	
<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-01-29	15-0537-IR	1. Other Failure of Good Behavior	1. Sustained		

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
 On January 29, 2015, an officer was arrested for allegedly sexually molesting his step-daughter over a period of several years.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

**Disposition**  
 The hiring authority sustained the allegation and determined a 10 percent salary reduction for 12 months was an appropriate penalty since the officer had not yet been convicted in the criminal case that was still pending. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2007-11-20	14-1907-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Contraband</li> <li>3. Failure to Report</li> <li>4. Insubordination/Willful Disobedience</li> <li>5. Other Failure of Good Behavior</li> <li>6. Misuse of State Equipment or Property</li> <li>7. Dishonesty</li> <li>8. Controlled Substance</li> <li>9. Insubordination/Willful Disobedience</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Sustained</li> <li>6. Sustained</li> <li>7. Not Sustained</li> <li>8. Not Sustained</li> <li>9. Not Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

On November 20, 2007, an officer allegedly provided false information on his job application regarding his association with street gangs and prisoners and whether he had been investigated for a crime. On December 3, 2013, the officer allegedly admitted on video tape to being under the influence of narcotics. From February 12, 2014 to March 30, 2014, the officer allegedly accessed criminal offender record information unrelated to his job duties. From July 29, 2009 to December 30, 2014, the officer allegedly participated in gang-related activity. On October 8, 2014, the officer allegedly introduced tobacco, a lighter, and a mobile phone into the secure perimeter, was arrested for allegedly cultivating marijuana and endangering a child, and was dishonest to outside law enforcement. On December 22, 2014, the officer allegedly failed to timely advise the hiring authority of his unavailability to respond to his Office of Internal Affairs interview notice and subsequently was dishonest during an Office of Internal Affairs interview.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority sustained all allegations except that the officer falsified his job application, admitted to using narcotics, and failed to timely advise the hiring authority of his unavailability to respond to his Office of Internal Affairs interview notice. The hiring authority sustained an additional allegation that the officer failed to report that his cousin was on active parole. The hiring authority dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-03-17	14-1970-IR	<ol style="list-style-type: none"> <li>1. Driving Under the Influence</li> <li>2. Neglect of Duty</li> <li>3. Misuse of State Equipment or Property</li> <li>4. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Unfounded</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

On March 17, 2011, a department attorney allegedly failed to appear for a disciplinary hearing before the State Personnel Board, prompting the State Personnel Board to dismiss the case. Between March 17, 2011, and February 21, 2014, the department attorney allegedly failed to pay court-ordered costs for transcripts, failed to timely file two opening briefs and two reply briefs, failed to lodge a timely court-ordered administrative record of a case, delayed scheduling a hearing on a writ for over a year, failed to request an oral argument, failed to attend a hearing in superior court, and violated the rules of court by relying on an appellate court decision which had been depublished. On May 15, 2012, the department attorney was arrested after he allegedly drove under the influence of alcohol. Between January 2014 and September 2014, the department attorney allegedly used his state-issued computer and mobile phone to download over 400 inappropriate pictures of women, 20 of which were pornographic.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings conference in a timely manner.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the earliest alleged misconduct on May 16, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 8, 2014, over two years after the date of discovery.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 24, 2014. The hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until December 15, 2014, 21 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings conference in a timely manner.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain all of the allegations, except the allegation that the department attorney failed to attend a hearing in superior court, and dismissed the department attorney. The OIG concurred. The department attorney retired before disciplinary action could be imposed. A letter indicating the department attorney retired under adverse circumstances was placed in his official personnel file.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Training	FINAL Training
2012-02-06	14-1630-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Neglect of Duty</li> <li>3. Neglect of Duty</li> <li>4. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Exonerated</li> <li>4. No Finding</li> </ol>		

Case Type: **Administrative Investigation**

## Incident Summary

Between February 6, 2012, and March 8, 2012, 14 registered nurses, one supervising registered nurse, three physicians, and a psychiatrist allegedly failed to recognize an inmate's body temperature was significantly lower than normal and failed to take appropriate action to treat the condition. Four of the registered nurses allegedly failed to follow a physician's order. On February 28, 2012, one of the physicians allegedly failed to complete a patient history. The inmate died on March 8, 2012.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs special agent was not adequately prepared to conduct some of the interviews and failed to cooperate with the department attorney and the OIG.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on July 12, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 10, 2014, 23 months after the date of discovery.*
- Did the special agent adequately prepare for all aspects of the investigation?

*The special agent failed to obtain the appropriate documentation and medical records before conducting the initial interviews at a remote location. As a result, the interviews had to be rescheduled, which caused an unnecessary expense to the department for an additional overnight trip.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent conducted a witness interview without informing the OIG or the department attorney prior to conducting the interview.*
- Was the investigation thorough and appropriately conducted?

*The special agent failed to adequately consult with the department attorney prior to the first set of interviews. As a result, critical documents were not gathered prior to the interviews. The interviews had to be rescheduled and an additional trip to a remote location was made.*
- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?

*The hiring authority found insufficient evidence to sustain an allegation against one of the physicians because a peer review had not been completed. The hiring authority was forced to make no finding and refer the doctor for peer review. The peer review could not be completed before the deadline to take disciplinary action because the investigation was not referred to OIA Central Intake until 23 months after the alleged misconduct was discovered.*
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?

*The special agent did not adequately consult with the department attorney prior to the first set of interviews. As a result, critical documents were not obtained prior to the interviews and they had to be rescheduled.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely refer the case to the Office of Internal Affairs.*

## NORTH REGION

### Disposition

The hiring authority sustained the allegation that one of the physicians failed to recognize the low body temperature and failed to take appropriate action, but decided not to impose discipline because the physician had already been referred to peer review and her privileges were restricted. The OIG did not concur but did not seek a higher level of review due to the Receiver's Office standing position that discipline could not be imposed under these circumstances. The hiring authority sustained the allegation that a second physician failed to perform a patient history but did not impose discipline because he was a contract employee. The hiring authority did not make a finding regarding the allegation that the second physician and the psychiatrist failed to recognize the low body temperature and failed to take appropriate action because there was no expert opinion or peer review upon which the hiring authority could rely. The hiring authority referred the second physician and the psychiatrist for peer review. The hiring authority found insufficient evidence to sustain the allegation against the third physician. The hiring authority determined that the supervising registered nurse's conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper. The hiring authority found insufficient evidence to sustain any allegations against the 14 registered nurses but decided to provide training regarding database entries and other issues and also issued a memorandum of expectations. The OIG concurred with these determinations.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority sustained an allegation of negligence against a physician but did not impose any discipline.

### Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

*The hiring authority sustained an allegation against one of the physicians but did not impose discipline because the physician had already been subjected to peer review and action was taken against her privilege to practice.*

- Did the HA who participated in the disciplinary conference select the appropriate penalty?

*The hiring authority sustained an allegation against one of the physicians but did not impose any discipline against her because the physician had already been subjected to peer review and action was taken against her privilege to practice.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2012-10-02	14-1182-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Failure to Report</li> <li>Failure to Report</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>		

Case Type: **Administrative Investigation**

### Incident Summary

On October 2, 2012, an officer allegedly accepted a pair of eyeglasses from an inmate and kept them for his personal use. The officer also allegedly failed to report that he took the eyeglasses from the inmate.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of overfamiliarity and an added allegation that the officer failed to timely report his misconduct and imposed a 10 percent salary reduction for three months. The hiring authority determined there was insufficient evidence to sustain the allegation that the officer failed to report his misconduct. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-12	14-2422-IR	<ol style="list-style-type: none"> <li>1. Sexual Misconduct</li> <li>2. Over-Familiarity</li> <li>3. Neglect of Duty</li> <li>4. Misuse of State Equipment or Property</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

Between October 12, 2012 and March 25, 2015, an officer allegedly engaged in an overly familiar relationship with a parolee, who is a documented gang member, while he was in county jail. The officer also allegedly engaged in an overly familiar relationship with another documented gang member during the same time period.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with the policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority sustained the allegations and added and sustained allegations that the officer relayed information from an inmate to the parolee, engaged in overly familiar relationships with three other parolees, failed to notify the hiring authority of her relationships with the parolees, improperly accessed confidential inmate records, improperly used a state computer and a departmental e-mail account to communicate with a parolee while he was in jail, engaged in a sexual relationship with one of the parolees, and failed to comply with an order to apprise the hiring authority of her contact information and be available while on administrative leave. The hiring authority determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action took effect. A letter indicating that the officer resigned under unfavorable circumstances was placed in her official personnel file.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-08	14-1208-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> <li>3. Dishonesty</li> <li>4. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

Between November 8, 2012 and January 21, 2013, a department attorney allegedly failed to properly prepare witnesses and documents for several hearings and failed to obtain settlement authority from his supervisor before settling cases. On December 20, 2012, the department attorney was allegedly dishonest when he informed his supervisor that there was an agreement with opposing counsel to hold a hearing by video conference. On January 16, 2013, the department attorney allegedly misrepresented the facts of a case to an employee relations officer and falsely informed her that the case had settled. The department attorney also allegedly failed to file trial exhibits with the State Personnel Board. On September 4, 2014, the department attorney was allegedly dishonest during an interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and timely conduct the investigative findings conference. The department attorney assigned to the case failed to assess the deadline for taking disciplinary action.

# NORTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on January 7, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 23, 2014, over one year and three months after the date of discovery.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney assigned to the case did not make any entry into the case management system confirming relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 9, 2014. The hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until November 5, 2014, 27 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings conference.*

## Disposition

The hiring authority sustained all allegations except that the department attorney was dishonest to his supervisor and served the attorney with a notice of dismissal. The OIG concurred. However, the attorney retired before the dismissal took effect. A letter indicating the attorney retired under adverse circumstances was placed in his official personnel file.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-22	14-2284-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Suspension	Suspension

Case Type: **Administrative Investigation**

## Incident Summary

Between March 22, 2013 and May 1, 2013, a warden, associate warden, two captains, and a counselor allegedly failed to identify that nine inmates recently transferred from another institution were allowed access to the exercise yard, thereby resulting in the nine inmates being denied yard access for 41 days.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to consult with the OIG and department attorney prior to the deadline to take disciplinary action. The department attorney failed to make an entry into the case management system regarding the deadline to take disciplinary action and failed to provide the CDC Form 402 to the OIG.

# NORTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on January 24, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 8, 2014, 227 days after the date of discovery.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*A department attorney began actively participating in the case on October 2, 2014, but did not make any entry into the case management system regarding the relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 31, 2014. The consultation with the department attorney and the OIG regarding the sufficiency of the investigation and the investigative findings did not take place until January 26, 2015, 26 days later and two days after the deadline to take disciplinary action.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?  
*The department attorney advised the hiring authority to not sustain the allegations against the warden despite evidence that supported sustaining the allegations.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult regarding the sufficiency of the investigation and the investigative findings.*

## Disposition

The hiring authority sustained the allegations against the warden and associate warden and the OIG concurred. The warden and associate warden retired prior to completion of the investigation. At the first disciplinary conference, the hiring authority decided not to determine penalties for either. The OIG did not concur. Thereafter, at a second disciplinary conference, the hiring authority determined that the warden should receive a letter of reprimand. The OIG did not concur, but did not seek a higher level of review because the warden had retired. The hiring authority determined the associate warden should receive a five-working-day suspension and the OIG concurred. The hiring authority determined there was insufficient evidence to sustain the allegations against the two captains and the counselor and the OIG concurred.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority failed to consult with the OIG and department attorney regarding the disciplinary determinations prior to the deadline to take disciplinary action. In addition, at the first disciplinary conference, the hiring authority failed to determine penalties for the warden and associate warden even though allegations were sustained. At the second disciplinary conference, the hiring authority determined a lesser penalty for the warden than the evidence supported. The department attorney provided inappropriate legal advice to the hiring authority and failed to provide required documents to the OIG.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 31, 2014. The consultation with the department attorney and the OIG regarding the disciplinary determinations did not take place until January 26, 2015, 26 days later and two days after the deadline to take disciplinary action.*
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

*At the first disciplinary conference, the department attorney advised the hiring authority that there was no need to determine penalties since the warden and associate warden had both retired. The OIG recommended that the hiring authority determine penalties for both. A second disciplinary conference was held at which time the department attorney recommended a letter of reprimand for the warden when evidence supported a higher penalty.*
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

*At the first disciplinary conference, the hiring authority did not determine matrix charges or causes for discipline for either the warden or associate warden.*
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

*At the first disciplinary conference, the OIG recommended that the hiring authority determine penalties for the warden and associate warden to document their official personnel files in the event they were to work for the department in the future. The hiring authority disagreed and decided not to determine penalties for either. Thereafter, there was a second disciplinary conference at which time the hiring authority chose a letter of reprimand for the warden when evidence supported a higher penalty.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The department attorney failed to provide written confirmation of the penalty discussions.*
- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?

*The deadline to take disciplinary action was January 24, 2015, but the first consultation regarding disciplinary determinations did not take place until January 26, 2015, two days after the deadline.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely consult with the department attorney and the OIG regarding the disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-21	14-2614-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

On April 21, 2013, a cadet was allegedly dishonest on her employment application regarding the use of marijuana and a prior relationship with a felon.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely conduct the investigative findings conference and the department attorney failed to make any entry into the case management system confirming relevant dates and failed to provide the OIG with a required form.

# NORTH REGION

## Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney did not make any entry into the case management system confirming relevant dates.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 23, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 23, 2015, 31 calendar days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The department failed to conduct the investigative findings in a timely manner.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the cadet resigned before disciplinary action could be imposed. A letter indicating the cadet resigned under adverse circumstances was placed in her official personnel file.

## Disciplinary Assessment

**Procedural Rating: Insufficient**  
**Substantive Rating: Sufficient**

The department failed to comply with the department's policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary determinations. The department attorney failed to provide the hiring authority and the OIG with written confirmation of penalty discussions and failed to provide the OIG with a required form.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 23, 2014. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 23, 2015, 31 calendar days thereafter.*

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The department attorney failed to provide the hiring authority and the OIG with written confirmation of penalty discussions.*

- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to conduct the disciplinary determinations in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-01	13-2220-IR	1. Dishonesty 2. Insubordination	1. Sustained 2. Sustained	Demotion	Demotion

**Case Type: Administrative Investigation**

## Incident Summary

On July 1, 2013, a captain was allegedly dishonest to a warden when interviewing for an associate warden position when he denied being arrested for driving under the influence and minimized the incident. On December 17, 2013, the captain allegedly discussed the Office of Internal Affairs investigation with a witness after being ordered not to do so.

## NORTH REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Sufficient</b>

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the pre-disciplinary process. OIA Central Intake failed to make a timely determination regarding the case and the hiring authority failed to timely consult regarding the investigative findings.

### Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

*OIA Central Intake received the request for investigation on July 23, 2013, but did not take action until October 9, 2013, 78 days after the receipt of the request.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 9, 2014. The hiring authority did not consult with the OIG and department attorney until April 25, 2014, 16 calendar days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*OIA Central Intake failed to make a timely determination on the case and the hiring authority failed to consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings in a timely manner.*

### Disposition

The hiring authority sustained the allegations and demoted the captain to a counselor. The OIG concurred with the demotion despite the sustained allegation of dishonesty because the captain had been truthful and forthcoming regarding his arrest in an earlier memorandum to the hiring authority and had mentioned the incident on his own accord during the interview. The captain filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the captain wherein the captain agreed to withdraw his appeal and accept the demotion in exchange for having the disciplinary action removed from his official personnel file. The OIG concurred because the outcome remained the same and the settlement remains in his official personnel file.

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b>
	<b>Substantive Rating: Sufficient</b>

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-31	13-2459-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Suspension	Modified Suspension

**Case Type: Direct Action (No Subject Interview)**

### Incident Summary

On August 31, 2013, an officer allegedly falsified a form indicating he conducted four 15-minute inmate welfare checks before he actually conducted them.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Insufficient</b>

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG regarding the investigative findings. OIA Central Intake failed to add an allegation that the officer was dishonest despite recommendations by the OIG and department attorney.

# NORTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on August 31, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 31, 2013, 61 days after the date of discovery.*

- Did OIA Central Intake make an appropriate initial determination regarding the case?

*The OIG and the department attorney recommended that OIA Central Intake add an allegation that the officer was dishonest for making false entries in an official document; however, OIA Central Intake denied the request.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs returned the case to the hiring authority on November 13, 2013. The hiring authority did not consult with the OIG regarding the investigative findings until August 5, 2014, 265 calendar days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and to timely consult with the OIG regarding the investigative findings.*

## Disposition

The hiring authority sustained the allegations and imposed a 55-working-day suspension. The OIG concurred because of the officer's 18-year positive work history. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 49-working-day suspension and removal of the disciplinary action from the officer's personnel file after two years. The officer agreed to withdraw his appeal. The OIG did not concur with the settlement because there was no change in circumstances; however, the terms of the settlement did not merit a higher level of review because the modification was within the department's penalty guidelines.

## Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations. This contributed to a delay in the service of the disciplinary action which created an argument that the disciplinary action was not timely served on the officer. Further, the prolonged delay resulted in the department's failure to timely address performance issues thereby increasing the likelihood of recurrence during the intervening months.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs returned the case to the hiring authority on November 13, 2013. The hiring authority did not consult with the OIG regarding the disciplinary determinations until August 5, 2014, 265 calendar days thereafter.*

- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

*The OIG did not concur with the modification because there was no significant change of circumstance that warranted a penalty reduction.*

- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely consult with the OIG regarding disciplinary determinations.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-01	14-1504-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Contraband</li> <li>Controlled Substance</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

Between January 1, 2014 and March 7, 2014, an officer allegedly smuggled heroin, marijuana, methamphetamine, and mobile phones into the institution. During the same period, the officer also allegedly engaged in overly familiar relationships with two inmates and their friends and family members and conspired with them to introduce heroin, marijuana, methamphetamine, and mobile phones into the institution. On March 7, 2014, the officer allegedly possessed methamphetamine for use while on duty and the Office of Internal Affairs discovered heroin, marijuana, and methamphetamine at the officer's residence.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with the policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-27	14-0593-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Insubordination</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

On January 27, 2014, a lieutenant was allegedly dishonest when he told his supervisor that he had completed several monthly fire camp inspections and signed safety inspection forms when he had not completed the inspections. The lieutenant also allegedly failed to conduct the monthly inspections as he had been directed to do so by a supervisor.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to timely complete the investigation. Due to the delay, the officer was able to retire before being interviewed.

### Assessment Questions

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*A special agent was assigned on March 8, 2014, but did not begin working on this case until September 2, 2014, six months later. During this delay, the officer retired and the department could not compel an interview. The officer subsequently declined to interview after he retired.*

# NORTH REGION

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the lieutenant retired before disciplinary action could be imposed. A letter indicating the lieutenant retired under adverse circumstances was placed in his official personnel file.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-07	14-0975-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Failure to Report Use of Force</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Letter of Reprimand	Letter of Reprimand

Case Type: **Administrative Investigation**

## Incident Summary

On February 7, 2014, two officers allegedly failed to timely report their use of force. A third officer allegedly failed to report the force he observed and a sergeant allegedly failed to initiate an incident report when he was informed about the incident.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG regarding the sufficiency of the investigation.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The date of discovery was February 7, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until April 4, 2014, 56 days after the date of discovery.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*OIA Central Intake returned the case to the hiring authority to take disciplinary action on April 23, 2014. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation until June 17, 2014, 55 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the case to OIA Central Intake and failed to timely consult with the OIG regarding the sufficiency of the investigation.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the first two officers and served each officer a letter of reprimand. The OIG concurred. After their respective *Skelly* hearings, the department entered into settlement agreements wherein the officers agreed not to file appeals and the department agreed to remove the letters of reprimand from their official personnel files after one year. The OIG concurred with the settlements because the penalties were not modified and the officers accepted responsibility. The hiring authority determined there was insufficient evidence to sustain the allegations against the third officer and the sergeant. However, the hiring authority provided the sergeant training on incident assessments and reporting requirements. The OIG concurred.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not timely consult with the OIG regarding disciplinary determinations.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*OIA Central Intake returned the case to the hiring authority to take disciplinary action on April 23, 2014. However, the hiring authority did not consult with the OIG regarding disciplinary determinations until June 17, 2014, 55 days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-21	14-0721-IR	1. Dishonesty 2. Unreasonable Use of Force	1. Sustained 2. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action with Subject Only Interview

## Incident Summary

On February 21, 2014, an officer allegedly used his baton to strike a telephone receiver an inmate was using and then forced the inmate to the ground. The officer also was allegedly dishonest in his written report regarding the incident when he claimed that the inmate threatened him. On December 12, 2014, the officer was allegedly dishonest in his interview with the Office of Internal Affairs.

## Predisciplinary Assessment

**Procedural Rating:** Insufficient  
**Substantive Rating:** Insufficient

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority, the Office of Internal Affairs, and the department attorney failed to timely and effectively communicate regarding the request for further investigation, causing an unnecessary delay in an investigation involving an officer who was ultimately dismissed for dishonesty. The department attorney also failed to fully cooperate with and provide real-time consultation with the OIG.

## Assessment Questions

- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney failed to contact the assigned special agent and the monitor to discuss elements of a thorough investigation prior to the officer's interview.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide the OIG with written confirmation summarizing all critical discussions about the investigative report.*
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?  
*The OIG made numerous requests to the department attorney for an update regarding the case. The department attorney failed to respond.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority, the Office of Internal Affairs, and the department attorney failed to timely and effectively communicate regarding the request for further investigation. This caused a delay of nearly seven months in the pre-disciplinary process.*

## Disposition

The hiring authority found sufficient evidence to sustain the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in his official personnel file.

## NORTH REGION

<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-02-21	14-0778-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Other Failure of Good Behavior</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>		

**Case Type: Administrative Investigation**

### Incident Summary

On February 21, 2014, a lieutenant allegedly communicated with an inmate on his personal mobile phone, knowingly allowed an inmate to possess a mobile phone, and conducted staff investigations without the authority to do so.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>
Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the lieutenant communicated with an inmate using his personal mobile phone and allowed an inmate to possess a mobile phone and imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the allegation that the lieutenant conducted staff investigations without the authority to do so. The OIG concurred with the hiring authority's determinations. The lieutenant did not file an appeal with the State Personnel Board.

<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Reprimand
2014-02-27	14-1591-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>		

**Case Type: Administrative Investigation**

### Incident Summary

On February 27, 2014, an officer allegedly failed to properly conduct a security check in an administrative segregation unit when he failed to notice that an inmate was hanging from a noose. The officer also allegedly failed to sign his post orders. A lieutenant, a sergeant, five officers, including the officer who allegedly failed to conduct a proper security check, and five registered nurses allegedly failed to remove the noose from the inmate's neck. Two of the registered nurses also allegedly failed to bring an automated external defibrillator to the scene.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Insufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult regarding the investigative findings. The Office of Internal Affairs failed to include all appropriate allegations in its initial determination regarding the case. The Office of Internal Affairs approved an investigation on July 2, 2014, but did not conduct the first interview until November 21, 2014, over four months later. A department attorney did not attend an officer's interview. The hiring authority improperly deemed the investigation sufficient and failed to request additional investigation to evaluate the possibility of an additional allegation.	

# NORTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The date of discovery was February 27, 2013. The matter was not referred to the Office of Internal Affairs until June 3, 2013, 96 days after the date of discovery.*
- Did OIA Central Intake make an appropriate initial determination regarding the case?  
*OIA Central Intake failed to include all appropriate allegations by failing to allege that custody staff neglected their duties when they failed to handcuff the inmate.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*A department attorney did not attend the interview of one of the officers.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority for custody staff on December 23, 2014. However, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings for the custody staff did not occur until January 28, 2015, 36 calendar days thereafter.*
- Did the HA properly deem the OIA investigation sufficient or insufficient?  
*The hiring authority for the custody staff deemed the investigation sufficient. The OIG and department attorney recommended the hiring request additional investigation into the allegation that the officer allegedly failed to sign the post orders. The hiring authority declined to do so.*
- Did the HA properly determine whether additional investigation was necessary?  
*The hiring authority for the custody staff declined to request additional investigation to investigate the allegation that the officer failed to sign his post order. The hiring authority determined it was unnecessary because there would be no change to the penalty even if the allegation was later sustained.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs.*

## Disposition

The hiring authority for the custody staff sustained an allegation against the officer who failed to properly conduct a cell check and imposed a letter of reprimand. The remaining allegations were not sustained. The OIG concurred with the hiring authority's determinations, except for the letter of reprimand because it was below the presumptive penalty without sufficient justification. However, the OIG did not seek a higher level of review because the penalty was within the disciplinary range for the misconduct. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the department agreed to remove the letter of reprimand from the officer's personnel file 12 months from the effective date. In exchange, the officer agreed to withdraw his appeal. The OIG concurred because the change was not significant and the letter of reprimand could still be used for progressive discipline. The hiring authority for the registered nurses sustained an allegation that one of the registered nurses failed to apply an automated external defibrillator during life-saving measures and imposed a 5 percent salary reduction for six months. The remaining allegations were not sustained. The OIG concurred with the hiring authority's determinations. After the *Skelly* hearing for the registered nurse, the hiring authority withdrew the disciplinary action and issued a letter of instruction because the registered nurse acknowledged wrongdoing and accepted responsibility for her actions. The OIG did not concur; however, the decision did not merit a higher level of review because the likelihood of reoccurrence was low and the misconduct did not negatively impact the medical response.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority for the custody staff failed to conduct a timely disciplinary findings conference, imposed a penalty below the presumptive penalty without justification, and failed to notify the OIG of a *Skelly* hearing. The *Skelly* officer for one of the registered nurses failed to follow departmental procedures at the *Skelly* hearing.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authorities on December 23, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations for the custody staff did not occur until January 28, 2015, 36 calendar days thereafter.*
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

*The hiring authority for the custody staff selected a penalty below the presumptive penalty without sufficient justification.*
- If there was a Skelly hearing, was it conducted pursuant to DOM?

*The department failed to notify the OIG of the officer's Skelly hearing. The department conducted the registered nurse's Skelly hearing after the effective date of the disciplinary action without obtaining a proper waiver or extending the effective date. The nurse's representative improperly questioned the Skelly officer without objection or limitation.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

*After the Skelly hearing for the registered nurse, the hiring authority withdrew the disciplinary action and issued a letter of instruction because the registered nurse articulated a rational but misguided reason for her decision, expressed an understanding and appreciation for one-on-one training she received after the incident, acknowledged that she should have followed policy, and accepted responsibility. The OIG did not concur; however, the decision did not merit a higher level of review because the likelihood of reoccurrence was low.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

*The hiring authority for the custody staff failed to notify the OIG of the officer's Skelly hearing.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority for the custody staff failed to timely consult with the OIG regarding disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-10	14-1282-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Threat/Intimidation</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Letter of Reprimand	Letter of Reprimand

Case Type: **Administrative Investigation**

### Incident Summary

On March 10, 2014, a materials and stores supervisor allegedly allowed inmates to remove canteen items without a receipt, accept canteen items in exchange for moving other inmates up on the canteen list, and give or loan canteen items to other inmates. An officer allegedly threatened and attempted to intimidate a second officer to prevent him from reporting the misconduct.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter for investigation. The department attorney failed to timely enter the deadline to take disciplinary action and consult with the special agent and the OIG. The special agent failed to interview all of the witnesses necessary for a thorough investigation.

# NORTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on March 11, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 6, 2014, 56 days after the date of discovery.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney was assigned June 9, 2014, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 8, 2014, 91 calendar days after assignment.*
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney was assigned on June 9, 2014. On June 17, 2014, and July 11, 2014, the OIG reminded the department attorney to schedule the initial case conference but the initial case conference was not held until July 15, 2014, 36 days after assignment.*
- Was the investigation thorough and appropriately conducted?  
*The materials and stores supervisor stated in an investigative interview that she had continued the practices that were in place and for which she was trained by her predecessor. The Office of Internal Affairs failed to interview her predecessor; therefore, the veracity of the materials and stores supervisor's statement was unknown.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner and the department attorney failed to timely contact the special agent to discuss the investigation.*

## Disposition

The hiring authority sustained the allegations that the materials and stores supervisor allowed an inmate to remove canteen items without a receipt and give canteen items to another inmate, but did not sustain the remaining allegation. The hiring authority determined the appropriate penalty was a letter of reprimand. However, the materials and stores supervisor retired before disciplinary action could be imposed. A letter indicating she retired under adverse circumstances was placed in her official personnel file. The hiring authority determined there was insufficient evidence to sustain the allegation against the officer. However, during the course of the investigation it was determined that the officer was rude and discourteous to the second officer regarding other matters and the hiring authority issued the officer a letter of instruction. The OIG concurred in the hiring authority's determinations.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-03-11	14-0857-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Battery</li> <li>Other Failure of Good Behavior</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>		

Case Type: **Direct Action with Subject Only Interview**

## Incident Summary

On March 11, 2014, an officer was arrested after she allegedly assaulted her boyfriend. She was also allegedly dishonest to outside law enforcement on two occasions regarding the incident.

## NORTH REGION

<b>Predisciplinary Assessment</b>		<b>Procedural Rating: Sufficient</b>
		<b>Substantive Rating: Insufficient</b>
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to add a dishonesty allegation.</p>		
<b>Assessment Questions</b>		
<ul style="list-style-type: none"> <li>Did OIA Central Intake make an appropriate initial determination regarding the case?</li> </ul> <p><i>The OIG recommended adding a dishonesty allegation but the Office of Internal Affairs did not do so.</i></p>		
<b>Disposition</b>		
<p>The hiring authority sustained all allegations, except one dishonesty allegation, and imposed a 10 percent salary reduction for 25 months because the officer, whose primary language is not English, may not have fully understood the questioning by outside law enforcement and she was extremely remorseful and apologetic. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to hearing, the department entered into a settlement agreement with the officer whereby the dishonesty allegation and related facts were removed from the disciplinary action and the officer agreed to withdraw the appeal. The OIG did not concur but did not seek a higher level of review because the original penalty remained unchanged and was within the department's disciplinary matrix for dishonesty.</p>		
<b>Disciplinary Assessment</b>		<b>Procedural Rating: Sufficient</b>
		<b>Substantive Rating: Insufficient</b>
<p>The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority removed a dishonesty allegation from the disciplinary action without a change in circumstance or new facts.</p>		
<b>Assessment Questions</b>		
<ul style="list-style-type: none"> <li>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</li> </ul> <p><i>The OIG did not concur with the hiring authority's decision to remove the dishonesty allegation from the disciplinary action because there was no change of circumstance or new facts.</i></p>		

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-01	14-2405-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> <li>Misuse of State Equipment or Property</li> <li>Attendance</li> <li>Outside Employment</li> <li>Insubordination/Willful Disobedience</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Dismissal

**Case Type: Administrative Investigation**

### Incident Summary

Between April 2014 and February 2015, an associate governmental program analyst with the Office of Internal Affairs Civil Rights Operations allegedly used a state computer for personal use, engaged in outside employment without approval and which prevented the analyst from performing job duties, and was dishonest by denying to a supervisor having outside employment. Between July 2014 and March 2015, the associate governmental program analyst was allegedly late or absent from work, failed to properly notify a supervisor, and was discourteous to a supervisor regarding the reasons for being late or absent. The associate governmental program analyst also allegedly filed a frivolous equal employment opportunity complaint and was discourteous in e-mail messages and by displaying signs at the analyst's work station that were insulting to the office and co-workers. The associate governmental program analyst was also allegedly dishonest during an interview with the Office of Internal Affairs.

## NORTH REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b>
	<b>Substantive Rating: Sufficient</b>

The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to OIA Central Intake in a timely manner and the department attorney failed to make an entry into the case management system confirming relevant dates.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The department learned of the alleged misconduct on April 11, 2014, but the hiring authority did not refer the matter to OIA Central Intake until September 10, 2014, 152 days after the date of discovery.*

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*Although not formally assigned, a department attorney actively participated in the case starting November 3, 2014; however, the department attorney did not make an entry into the case management system regarding the relevant dates within 21 days thereafter. A department attorney was formally assigned on December 26, 2014, but did not make an entry into the case management system regarding the relevant dates until January 22, 2015, 27 days after being assigned. In addition, the entry did not include any actual dates.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to refer the matter to OIA Central Intake in a timely manner.*

### Disposition

The hiring authority sustained all allegations, except that the associate governmental program analyst engaged in outside employment without approval which prevented the analyst from performing job duties, and decided that dismissal was the appropriate penalty. The OIG concurred. The associate governmental program analyst resigned before disciplinary action could be imposed. A letter indicating the associate governmental program analyst resigned under unfavorable circumstances was placed in the analyst's official personnel file.

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b>
	<b>Substantive Rating: Sufficient</b>

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Letter of Instruction	FINAL Letter of Instruction
2014-05-09	14-1746-IR	<ol style="list-style-type: none"> <li>Failure to Report Use of Force</li> <li>Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>		

**Case Type: Administrative Investigation**

### Incident Summary

On May 9, 2014, an officer allegedly used unreasonable force when he punched an inmate twice. The officer also allegedly failed to report his use of force.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b>
	<b>Substantive Rating: Sufficient</b>

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority sustained the allegation that the officer failed to report his use of force but found insufficient evidence to sustain the allegation that the officer used unreasonable force. The OIG concurred. The hiring authority issued a letter of instruction. The OIG did not concur with the letter of instruction because it was not within the department's disciplinary guidelines. However, the OIG did not seek a higher level of review because the officer reported some of the force he used and demonstrated a genuine lack of recall regarding the details of the force used during the incident.

## NORTH REGION

Disciplinary Assessment	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with polices and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-19	14-2171-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Neglect of Duty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Unfounded</li> </ol>	Counseling	Counseling

Case Type: **Administrative Investigation**

### Incident Summary

Between May 19, 2014 and May 24, 2014, six officers allegedly damaged a state vehicle and failed to report the damage. On May 27, 2014, a seventh officer allegedly discovered and also failed to report the damage.

Predisciplinary Assessment	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to conduct any interviews during a four-month period and thereafter failed to timely provide the investigative report to the hiring authority.	

### Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The employee relations officer did not make an entry into the case management system accurately confirming the deadline for taking disciplinary action.*
- Was the investigation or subject-only interview completed at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

*The deadline to take disciplinary action was May 24, 2015, but the investigation was not completed until May 13, 2015, only 11 days before the deadline.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The special agent failed to conduct any interviews during a four-month period and thereafter failed to timely provide the investigative report to the hiring authority.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the seventh officer and issued written counseling. The hiring authority determined there was insufficient evidence to sustain the allegations against three of the officers; however, one of the officers was issued written counseling for failing to report the damage he observed. The hiring authority determined that the investigation conclusively proved that the misconduct alleged against the remaining officers did not occur. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-22	14-2097-IR	<ol style="list-style-type: none"> <li>Insubordination</li> <li>Controlled Substance</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Administrative Investigation**

### Incident Summary

On May 22, 2014, a parole agent allegedly tested positive for prescription medications that were not prescribed to him. On December 29, 2014, the parole agent also allegedly failed to appear for an interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to assess the deadline for taking disciplinary action and failed to provide the OIG written confirmation summarizing all critical discussions about the investigative report.

### Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney entered the date of the incident and the date of discovery into the case management system but failed to enter the deadline for taking disciplinary action.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?

*The department attorney provided written confirmation summarizing all critical discussions about the investigative report to the special agent but did not provide a copy to the OIG.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the parole agent retired before disciplinary action could be imposed. A letter indicating the parole agent retired under adverse circumstances was placed in his official personnel file.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-23	14-1603-IR	<ol style="list-style-type: none"> <li>Battery</li> <li>Discourteous Treatment</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

Case Type: **Administrative Investigation**

### Incident Summary

On May 23, 2014, an officer and a lieutenant allegedly yelled profanities toward each other during an off-duty departmental charity event. The officer also allegedly punched the lieutenant in the face and the lieutenant allegedly shoved the officer.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

## NORTH REGION

### Disposition

The hiring authority sustained the allegation that the lieutenant yelled profanities, but not that he shoved the officer, and issued a letter of instruction. The OIG did not concur but did not seek a higher level of review because the lieutenant expressed remorse for his behavior and the misconduct was unlikely to recur. The hiring authority sustained both allegations against the officer and issued a 10 percent salary reduction for six months. The OIG concurred. At his *Skelly* hearing, the officer admitted responsibility and expressed remorse. Based on the factors learned at the *Skelly* hearing, the hiring authority reached a settlement agreement with the officer in which the penalty was reduced to a 10 percent salary reduction for four months and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred based on the factors learned at the *Skelly* hearing.

### Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-05	14-2753-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

### Incident Summary

On June 5, 2014, an officer allegedly stole money from a citizen by being paid for a home repair he did not perform. The officer also allegedly failed to notify the hiring authority of his subsequent arrest.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake failed to add and investigate an appropriate allegation of dishonesty and the hiring authority failed to timely consult regarding the investigative findings.

### Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?  
*The OIG recommended adding a dishonesty allegation and opening the case for a full investigation. OIA Central Intake denied the requests.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on December 3, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until February 6, 2015, 65 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to conduct the investigative findings consultation in a timely manner.*

### Disposition

The hiring authority found sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the penalty conference in a timely manner. The department attorney failed to provide written confirmation of penalty discussions and failed to appropriately draft the initial disciplinary action.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on December 3, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until February 6, 2015, 65 days thereafter.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney failed to provide written confirmation of penalty discussions.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?  
*The draft disciplinary action provided to the OIG for review was not appropriately drafted because the penalty listed was incorrect.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely conduct the penalty conference.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-10	15-0436-IR	<ol style="list-style-type: none"> <li>1. Driving Under the Influence</li> <li>2. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

## Incident Summary

On June 10, 2014, an officer allegedly drove under the influence of alcohol and thereafter failed to timely notify the hiring authority regarding his arrest.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. The employee relations officer failed to assess relevant dates and the hiring authority delayed conducting the investigative findings conference.

## Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The employee relations officer did not make any entry into the case management system confirming relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on July 10, 2014; however, the consultation regarding the investigative findings did not occur until February 6, 2015, nearly seven months thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely conduct the investigative findings conference.*

## Disposition

The hiring authority found sufficient evidence to sustain the allegations and combined the disciplinary action with another case involving the same officer. The officer was dismissed. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

## NORTH REGION

<b>Disciplinary Assessment</b>		Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Sufficient</b>		
The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to list the correct penalty on the draft disciplinary action and the hiring authority delayed conducting the disciplinary findings conference.				
<b>Assessment Questions</b>				
<ul style="list-style-type: none"> <li>Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The case was returned to the hiring authority on July 10, 2014; however, the consultation regarding the disciplinary determinations did not occur until February 6, 2015, nearly seven months thereafter.</i></li> <li>Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action provided to the OIG for review was not appropriately drafted because the penalty listed was incorrect.</i></li> <li>Was the disciplinary phase conducted with due diligence by the department? <i>The hiring authority failed to conduct the disciplinary findings conference in a timely manner.</i></li> </ul>				
<b>Incident Date</b> 2014-06-22	<b>OIG Case Number</b> 14-2545-IR	<b>Allegations</b> 1. <b>Over-Familiarity</b> 2. <b>Contraband</b>	<b>Findings</b> 1. <b>Sustained</b> 2. <b>Sustained</b>	<b>Penalty</b> INITIAL <b>Dismissal</b> FINAL <b>Dismissal</b>
<b>Case Type:</b> Administrative Investigation				
<b>Incident Summary</b>				
Between June 22, 2014 and June 25, 2014, a youth counselor allegedly engaged in an overly familiar relationship with a ward when he received camera film from the ward, had the film developed, and gave the photographs to the ward.				
<b>Predisciplinary Assessment</b>		Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Sufficient</b>		
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.				
<b>Assessment Questions</b>				
<ul style="list-style-type: none"> <li>Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 12, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 15, 2014, 65 days later.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs.</i></li> </ul>				
<b>Disposition</b>				
The hiring authority sustained the allegations and dismissed the youth counselor. The OIG concurred. The youth counselor resigned before the dismissal took effect. A letter indicating the youth counselor resigned under unfavorable circumstances was placed in his official personnel file.				
<b>Disciplinary Assessment</b>		Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>		
The department sufficiently complied with policies and procedures governing the disciplinary process.				

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-23	14-2167-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Reprimand	Letter of Reprimand

Case Type: **Administrative Investigation**

### Incident Summary

On June 23, 2014, an officer allegedly grabbed an inmate by the collar and placed his other hand on the inmate's head after the inmate used profanity toward the officer.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority sustained the allegation and issued a letter of reprimand which is to be removed from the officer's official personnel file one year from the date of the misconduct rather than the standard three years. The OIG concurred based on numerous mitigating factors including that the officer was forthright and truthful, immediately reported the misconduct, was extremely remorseful, and had no prior discipline. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department attorney failed to prepare appropriate draft and final disciplinary actions.

### Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?  
*The draft disciplinary action did not contain all relevant departmental policies and contained an incorrect list of supporting materials. The list was from a different case for a different officer.*
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?  
*The final disciplinary action failed to contain all appropriate departmental policies.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-07	14-1966-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Suspension	Suspension

Case Type: **Administrative Investigation**

### Incident Summary

On July 7, 2014, an officer allegedly failed to properly conduct security checks and document the checks he reportedly completed of an inmate who was found hanging by officers. The inmate died the following day.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority sustained allegations that the officer failed to properly document security checks and imposed a two-working-day suspension. The hiring authority determined there was insufficient evidence to sustain the allegation that the officer failed to complete the security checks. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

## NORTH REGION

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty
2014-07-16	14-2269-IR	1. <b>Discrimination/Harassment</b>	1. <b>Sustained</b>	<small>INITIAL</small> <b>Counseling</b> <small>FINAL</small> <b>Counseling</b>

**Case Type: Administrative Investigation**

### Incident Summary

From July 16, 2014 through August 26, 2014, an associate director allegedly sexually harassed a business manager.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and served the associate director with a letter of instruction. The OIG concurred with the hiring authority's determinations.

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty
2014-08-14	14-2396-IR	1. <b>Unreasonable Use of Force</b>	1. <b>Sustained</b>	<small>INITIAL</small> <b>Letter of Reprimand</b> <small>FINAL</small> <b>Letter of Reprimand</b>

**Case Type: Direct Action (No Subject Interview)**

### Incident Summary

On August 14, 2014, an officer allegedly used unreasonable force when he deployed pepper spray on an inmate who refused orders to stop kicking a cell door window.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b> <b>Substantive Rating: Sufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority did not timely consult with the OIG regarding the investigative findings and the employee relations officer failed to make an entry into the case management system confirming relevant dates.	

# NORTH REGION

## Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The employee relations officer did not make any entry into the case management system confirming relevant dates.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on October 8, 2014; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until February 18, 2015, four months thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority did not timely consult with the OIG regarding the investigative findings.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and served the officer with a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

## Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not timely consult with the OIG regarding disciplinary determinations.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on October 8, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until February 18, 2015, four months thereafter.*

- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority did not timely consult with the OIG regarding disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-14	14-2703-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

## Incident Summary

On August 14, 2014, a counselor allegedly failed to conduct a thorough review of an inmate's case factors prior to an institutional classification committee meeting and failed to timely refer casework to a classification representative. On September 18, 2014, the counselor allegedly failed to prepare a case for presentation to the institutional classification committee. The counselor was also allegedly dishonest when she told a captain that she completed all of her casework prior to taking time off.

## Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.

## NORTH REGION

### Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations because the counselor accepted responsibility for her misconduct immediately after the incident. The counselor filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement wherein the penalty was reduced to a 10 percent salary reduction for 13 months and the counselor agreed to withdraw her appeal. The OIG did not concur, but did not seek a higher level of review because the penalty was within the department's penalty guidelines.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-08	14-2662-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Insubordination</li> <li>Insubordination/Willful Disobedience</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Direct Action with Subject Only Interview**

### Incident Summary

On October 8, 2014, a sergeant allegedly failed to follow verbal and written instructions to request time off from work. The sergeant was also allegedly dishonest to a lieutenant and an employee relations officer regarding the reason for her absence. On January 21, 2015, the sergeant was allegedly dishonest during an interview with the Office of Internal Affairs.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the sergeant had been separated from state service based on a previous action; therefore, disciplinary action could not be imposed.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-10	15-0093-IR	<ol style="list-style-type: none"> <li>Failure to Report</li> <li>Driving Under the Influence</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Suspension	Suspension

Case Type: **Direct Action (No Subject Interview)**

### Incident Summary

On October 10, 2014, an officer was arrested for allegedly driving under the influence of alcohol. The officer also allegedly failed to timely report the arrest.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake did not make a timely decision, the hiring authority did not timely consult with the OIG, and the employee relations officer did not confirm the relevant dates.

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## Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on October 22, 2014, but did not take action until November 26, 2014, 35 days after the receipt of the request.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The employee relations officer did not make any entry into the case management system confirming relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on December 2, 2014, and final disposition in the criminal case occurred on December 16, 2014. However, consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until January 20, 2015, 35 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*OIA Central Intake and the hiring authority did not make timely decisions regarding the case.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and identified a three-working-day suspension as the appropriate penalty. The OIG concurred. The disciplinary action was combined with two other cases resulting in a 75-working-day suspension. The department also served the officer with a non-punitive separation. The officer did not file an appeal with the State Personnel Board.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not timely consult with the OIG regarding the disciplinary determinations.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on December 2, 2014, and final disposition in the criminal case occurred on December 16, 2014. However, consultation with the OIG regarding the disciplinary determinations did not occur until January 20, 2015, 35 days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the disciplinary findings conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-01	15-0212-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

## Incident Summary

On November 1, 2014, an officer was arrested after he allegedly videotaped his step-daughter getting out of the shower and using the toilet.

## Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to correctly assess the date the department learned of the potential misconduct.

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### Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney incorrectly assessed the date of discovery as November 26, 2014, the date the officer reported his arrest, instead of two days earlier when outside law enforcement notified the officer's supervisor.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was non-punitively terminated before disciplinary action could be imposed.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-03	14-2800-IR	<ol style="list-style-type: none"> <li>1. Driving Under the Influence</li> <li>2. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> </ol>	Suspension	Suspension

Case Type: **Direct Action (No Subject Interview)**

### Incident Summary

On November 3, 2014, an officer was arrested after he was involved in a traffic collision while allegedly driving under the influence of alcohol. The officer also allegedly had several hunting weapons in an attached trailer and a handgun in his pocket at the time.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed 24-working-day suspension. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-05	15-0131-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Driving Under the Influence</li> <li>4. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Suspension	Suspension

Case Type: **Direct Action (No Subject Interview)**

### Incident Summary

On November 5, 2014, an officer was arrested for allegedly driving under the influence of alcohol and subsequently allegedly failed to timely report the arrest. The officer also allegedly failed to report for work without authorization and made misleading statements to a supervisor regarding his unauthorized absence.

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<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
<b>Disposition</b>	
The hiring authority determined there was sufficient evidence to sustain the allegations and identified a 60-working-day suspension as the appropriate penalty. The disciplinary action was combined with two other cases resulting in a 75-working-day suspension. The department also served the officer with a non-punitive separation. The OIG concurred with the hiring authority's determination. The officer did not file an appeal with the State Personnel Board.	
<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-14	14-2886-IR	<ol style="list-style-type: none"> <li>Failure to Report</li> <li>Discourteous Treatment</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Suspension	Suspension

**Case Type: Direct Action (No Subject Interview)**

### Incident Summary

On November 14, 2014, an officer was allegedly intoxicated and unconscious in the lobby of a casino. After being taken to the hospital, he was combative with medical center staff, resisted arrest, and was combative toward jail staff during booking. The officer also allegedly failed to report the arrest.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
<b>Disposition</b>	
The hiring authority sustained the allegations and identified a 12-working-day suspension as the appropriate penalty. The disciplinary action was combined with two other cases resulting in a 75-working-day suspension. The department also served the officer with a non-punitive separation. The OIG concurred. The officer did not file an appeal with the State Personnel Board.	
<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-16	15-0176-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

**Case Type: Direct Action (No Subject Interview)**

### Incident Summary

On November 16, 2014, an officer encountered an inmate attempting to hang himself in his cell. The officer ordered the inmate to stop and ordered the inmate's cellmate to assist but allegedly failed to activate an alarm or summon assistance. The officer also allegedly failed to maintain visual observation of the inmate. When the officer later reported the incident to a sergeant, the sergeant allegedly failed to immediately respond to the cell or to activate an alarm.

## NORTH REGION

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
<b>Disposition</b>	
The hiring authority sustained the allegations and imposed salary reductions of 5 percent for three months against the sergeant and the officer. The OIG concurred. At the <i>Skelly</i> hearing for the sergeant, the sergeant explained that he did contact medical staff for assistance immediately, although his report listed that action later in sequence. He also explained that he had acted within a reasonable interpretation of his training. At the <i>Skelly</i> hearing for the officer, the officer expressed remorse and accepted responsibility. Due to the mitigating information, the hiring authority elected to enter into settlements with the sergeant and the officer whereby both waived appeal rights and the sergeant's penalty was reduced to a letter of reprimand and the officer's penalty was reduced to a salary reduction of 5 percent for two months. The OIG concurred with the hiring authority's determinations based on the factors learned at the <i>Skelly</i> hearing.	
<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-22	15-0215-IR	<ol style="list-style-type: none"> <li>Misuse of Authority</li> <li>Driving Under the Influence</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Salary Reduction	Salary Reduction

**Case Type: Direct Action (No Subject Interview)**

### Incident Summary

On November 22, 2014, an officer was arrested after he allegedly drove under the influence of alcohol and refused to perform field sobriety tests and a breath test. The officer also allegedly requested preferential treatment based on his status as a peace officer.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
<b>Disposition</b>	
The hiring authority found sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.	
<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-03	15-0353-IR	<ol style="list-style-type: none"> <li>Attendance</li> <li>Dishonesty</li> <li>Attendance</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Letter of Instruction	Letter of Instruction

**Case Type: Direct Action (No Subject Interview)**

### Incident Summary

On December 3, 2014, an officer was allegedly absent from work without prior approval. On December 6, 2014, the officer allegedly failed to report to work again and was allegedly dishonest to a sergeant about being told that she had leave credits available.

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<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
<b>Disposition</b>	
The hiring authority sustained the allegation that the officer failed to come to work on December 3, 2014, without prior approval from a supervisor and issued a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations.	
<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-13	15-0295-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Driving Under the Influence</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
On December 13, 2014, an officer allegedly drove while under the influence of alcohol and while his license was suspended. The officer was arrested and allegedly failed to report the arrest to the hiring authority. The officer also allegedly failed to report that his license was suspended.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
<b>Disposition</b>	
The hiring authority sustained the allegations and determined dismissal was the appropriate penalty because the officer had multiple disciplinary actions. The OIG concurred. However, the officer was non-punitively terminated before disciplinary action could be imposed.	
<b>Disciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-24	15-0248-IR	<ol style="list-style-type: none"> <li>1. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> </ol>	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
On December 24, 2014, an officer allegedly brought two bottles of alcohol onto institution grounds.

<b>Predisciplinary Assessment</b>	Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.	

# NORTH REGION

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and determined dismissal was the appropriate penalty because the officer had multiple prior disciplinary actions. The OIG concurred. However, the officer was non-punitively terminated before disciplinary action could be imposed.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-20	15-0659-IR	1. Controlled Substance	1. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

## Incident Summary

On February 20, 2015, an officer allegedly tested positive for marijuana.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the department attorney and the OIG regarding the investigative findings.

## Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on April 1, 2015; however, the consultation with the OIG and department attorney regarding the investigative findings did not occur until May 15, 2015, 44 calendar days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority did not timely consult with the OIG and the department attorney regarding the investigative findings.*

## Disposition

The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

## Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the department attorney and the OIG regarding the disciplinary determinations.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on April 1, 2015; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until May 15, 2015, 44 calendar days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority did not timely consult with the OIG and the department attorney regarding disciplinary determinations.*

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2008-09-04	14-2417-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Theft</li> <li>3. Neglect of Duty</li> <li>4. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

### Incident Summary

From September 4, 2008 to May 9, 2013, an officer, while on active military duty, allegedly committed fraud resulting in a loss of approximately \$156,000.00. On June 17, 2014, the officer was convicted of the crimes and allegedly failed to report his convictions to the hiring authority.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority did not make a timely determination concerning the investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on October 8, 2014; however, the consultation with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until May 1, 2015, 205 days later.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority did not timely conduct the findings conference.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a penalty of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in his official personnel file.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not make timely disciplinary determinations and the department attorney incorrectly characterized the military court conviction in the draft disciplinary action.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on October 8, 2014; however, the consultation with the OIG and the department attorney regarding the disciplinary determinations did not occur until May 1, 2015, 205 days later.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?  
*The draft disciplinary action incorrectly represented the military court conviction as a felony when no such designation was present on any of the supporting documents.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority delayed in making the disciplinary determinations.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	15-0453-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
<b>Case Type: Administrative Investigation</b>					
<b>Incident Summary</b> Between January 1, 2012 and August 5, 2012, an officer allegedly falsely completed bi-weekly California Employment Development Department forms for unemployment benefits, intentionally failing to report his work hours and income from the department while receiving unemployment benefits.					
<b>Predisciplinary Assessment</b> The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to timely complete the investigation and the employee relations officer failed to properly document the hiring authority's findings.				Procedural Rating: <b>Insufficient</b> Substantive Rating: <b>Insufficient</b>	
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>Was the investigation or subject-only interview completed at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The deadline to take disciplinary action was April 19, 2015. The investigation was completed on April 13, 2015, six days before the deadline to take disciplinary action.</i></li> <li>Was the CDCR Form 402 documenting the findings properly completed? <i>The CDCR Form 402 included three allegations that were not discussed in the findings conference.</i></li> <li>Was the pre-disciplinary/investigative phase conducted with due diligence? <i>The Office of Internal Affairs did not timely complete the investigation.</i></li> </ul>					
<b>Disposition</b> The hiring authority determined there was sufficient evidence to sustain all allegations and imposed a penalty of dismissal. The OIG concurred. However, before discipline could be imposed, the officer resigned. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.				Procedural Rating: <b>Sufficient</b> Substantive Rating: <b>Sufficient</b>	

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Letter of Instruction	FINAL Letter of Instruction
2012-03-12	14-2020-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> <li>3. Neglect of Duty</li> <li>4. Neglect of Duty</li> <li>5. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> <li>4. Exonerated</li> <li>5. Unfounded</li> </ol>		

**Case Type:** Administrative Investigation

### Incident Summary

Between March 12, 2012 and April 16, 2014, three parole agents allegedly failed to place global positioning system (GPS) exclusion zones around the addresses of victims for two parolees. Between September 9, 2013 and April 16, 2014, the same three parole agents allegedly failed to document both the start and stop times when reviewing the GPS tracks. On January 2, 2014, the first and second parole agents allegedly failed to timely run GPS tracks for January 1, 2014. On six dates between April 5, 2013 and August 15, 2013, the third parole agent allegedly failed to timely run GPS tracks and falsely documented the date he ran the GPS tracks. The same parole agent allegedly failed to clear a GPS alert, failed to impose the proper GPS curfew and inclusion zones, and on March 25, 2012, failed to conduct a required 48-hour GPS track review pursuant to a now expired policy. All allegations relate to GPS supervision of two parolees charged with several homicides. Between April 2013 and November 2013, a parole supervisor allegedly failed to ensure parole agents documented both the start and stop times when running GPS tracks.

### Predisciplinary Assessment

**Procedural Rating: Insufficient**  
**Substantive Rating: Insufficient**

The hiring authority failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to sustain allegations for which there was sufficient evidence.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The department learned of the alleged misconduct on April 15, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 17, 2014, 93 days later.*
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?  
*The hiring authority failed to sustain allegations that the parole agents failed to enter both the start and stop times in their notes when looking at parolee global positioning system information.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs.*

### Disposition

For the first parole agent, the hiring authority determined the investigation conclusively proved that the parole agent did not fail to run GPS tracks on January 2, 2014. For the second parole agent, the hiring authority determined the parole agent did fail to run the GPS tracks that date; however, the investigation revealed the actions were justified, lawful, and proper. The hiring authority determined all three parole agents failed to set victim exclusion zones; however, the investigation revealed the actions were justified, lawful, and proper. The OIG concurred. The hiring authority did not sustain the allegations that all three parole agents failed to document both start and stop times when running GPS tracks. The OIG did not concur but did not seek a higher level of review because the parole agents did document one of the times on each occasion and the violation was minor. For the third parole agent, the hiring authority sustained the allegation that the parole agent failed to place the correct curfew hours for one parolee, that he failed to run GPS tracks within one working day per policy, failed to properly document when he ran the GPS tracks, and failed to place the proper inclusion zone for one parolee. The hiring authority did not sustain the allegations that the third parole agent failed to run the proper GPS tracks in 2012 or that the parole agent was dishonest. The hiring authority determined that the same parole agent failed to clear a GPS alert; however, the investigation revealed the actions were justified, lawful, and proper. Based on numerous mitigating factors and the important role of the third parole agent in assisting outside law enforcement in solving the homicides committed by the parolees, the hiring authority issued a letter of instruction. The hiring authority sustained the allegations against the parole supervisor and issued corrective action. The OIG concurred with these determinations.

## SOUTH REGION

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2013-04-29	14-2649-IR	1. Attendance	1. Sustained		

**Case Type: Direct Action (No Subject Interview)**

### Incident Summary

Between April 29, 2013 and April 29, 2014, an officer allegedly abused his sick leave.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with the policies and procedures governing the pre-disciplinary process.	

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations, combined it with another pending disciplinary action, and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to hearing, the department entered into a settlement wherein an insubordination allegation related to the other disciplinary action was modified to willful disobedience and the officer withdrew his appeal. The penalty remained the same. As the penalty did not change, the OIG concurred with the settlement.

<b>Disciplinary Assessment</b>	<b>Procedural Rating: Sufficient</b> <b>Substantive Rating: Sufficient</b>
The department sufficiently complied with the policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2013-05-12	13-2251-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained		

**Case Type: Administrative Investigation**

### Incident Summary

On May 12, 2013, a registered nurse and a physician allegedly failed to appropriately treat an inmate's respiratory difficulty. The inmate later died. On April 30, 2014, the registered nurse was allegedly dishonest during his interview with the Office of Internal Affairs.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating: Insufficient</b> <b>Substantive Rating: Sufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. OIA Central Intake failed to take action on the request for investigation in a timely manner. The department attorney delayed almost four months before entering the deadline to take disciplinary action and failed to enter the date of discovery.	

# SOUTH REGION

## Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

*OIA Central Intake received the request for investigation on June 27, 2013, but did not take action until October 16, 2013, 111 days after receipt of the request.*

- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney was assigned October 24, 2013, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until February 14, 2014, almost four months after assignment. In addition, the entry did not reference the date of discovery.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*OIA Central Intake delayed 111 days approving an investigation.*

## Disposition

The hiring authority sustained the allegation that the nurse neglected his duty, but not that he was dishonest during his interview with the Office of Internal Affairs, and imposed a 10 percent salary reduction for 12 months. The hiring authority determined there was insufficient evidence to sustain the allegation that the physician neglected his duty. The OIG concurred with the hiring authority's determinations. The nurse did not file an appeal with the State Personnel Board.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2013-06-02	14-0423-IR	<ol style="list-style-type: none"> <li>1. Insubordination/Willful Disobedience</li> <li>2. Attendance</li> <li>3. Dishonesty</li> <li>4. Insubordination</li> <li>5. Attendance</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> <li>5. Not Sustained</li> </ol>		

Case Type: **Administrative Investigation**

## Incident Summary

From June 2, 2013 to December 30, 2013, an officer was allegedly absent without leave 34 days and did so despite being ordered to reduce such absences. On December 29, 2013, the officer allegedly failed to appear at work as scheduled, was allegedly dishonest when he told his supervisor that he had a swap assignment for that shift, and allegedly refused to report to work for that shift when ordered by a sergeant. The officer also allegedly failed to produce the required swap paperwork as directed.

## Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with the policies and procedures governing the pre-disciplinary process.

## Disposition

The hiring authority sustained the attendance, insubordination, and failure to appear allegations, combined this case with another pending disciplinary action, and imposed a 5 percent salary reduction for 12 months. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement with the officer involving both cases wherein the department agreed to change the insubordination allegation to willful disobedience and the officer agreed to withdraw his appeal. The OIG concurred.

## SOUTH REGION

Disciplinary Assessment	Procedural Rating: <b>Sufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department sufficiently complied with the policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Letter of Instruction	FINAL Letter of Instruction
2014-01-12	14-1722-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Unfounded</li> </ol>		

Case Type: **Administrative Investigation**

### Incident Summary

On January 12, 2014, a nurse and a psychiatric technician allegedly did not follow proper procedures during the distribution of medication and an officer allegedly prepared a false report stating that an inmate received his medication. On March 4, 2014, and April 29, 2014, the psychiatric technician allegedly prepared false reports stating that the inmate received his medication on January 12, 2014.

Predisciplinary Assessment	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department failed to comply with policies and procedures governing the pre-disciplinary process. Both hiring authorities failed to timely consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings.	

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs completed its investigation and referred the matter to both hiring authorities on December 2, 2014. The officer's hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 7, 2015, 36 days thereafter. The hiring authority for the nurse and psychiatric technician did not consult with the OIG and department attorney until February 17, 2015, 77 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*Both hiring authorities failed to timely consult regarding the sufficiency of the investigation and investigative findings.*

### Disposition

The hiring authority for the nurse and psychiatric technician sustained the allegations that they failed to follow proper procedures during the distribution of medication, but not the allegation that the psychiatric technician prepared false reports, and issued letters of instruction and required further training for both. The hiring authority for the officer determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred with the hiring authorities' determinations.

Disciplinary Assessment	Procedural Rating: <b>Insufficient</b>
	Substantive Rating: <b>Sufficient</b>
The department failed to sufficiently comply with policies and procedures governing the disciplinary process. Both hiring authorities failed to timely consult with the OIG and department attorney regarding the disciplinary determinations.	

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs completed its investigation and referred the matter to both hiring authorities on December 2, 2014. The officer's hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 7, 2015, 36 days thereafter. The hiring authority for the nurse and psychiatric technician did not consult with the OIG and department attorney until February 17, 2015, 77 days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*Both hiring authorities failed to timely consult regarding the disciplinary determinations.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Instruction
2014-02-06	14-1721-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>		

Case Type: **Direct Action with Subject Only Interview**

### Incident Summary

On February 6, 2014, an officer allegedly failed to provide inmates with latex gloves as required by substance abuse testing procedures and later allegedly signed and submitted rules violation reports falsely claiming he did provide them with gloves. The officer also allegedly failed to ensure the accuracy of the reports before signing them.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with the department's policies and procedures governing the pre-disciplinary process because there was a 70-day delay in referring the matter to the Office of Internal Affairs.

### Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The date of discovery was April 11, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until June 20, 2014, 70 days after the date of discovery.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely refer the matter to the Office of Internal Affairs.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations except the allegation the officer was dishonest and imposed a 5 percent salary reduction for six months. The OIG concurred. At the *Skelly* hearing, the officer presented evidence that he had no recent training concerning the use of gloves and the policy governing substance abuse testing changed a few months before he conducted the testing. Based on the information presented at the *Skelly* hearing, the hiring authority withdrew the disciplinary action and served a letter of instruction for failure to ensure the accuracy of reports before signing. The OIG did not concur but did not seek a higher level of review because of the information provided at the *Skelly* hearing.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process because the discipline was reduced to a letter of instruction.

### Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?  
*After the Skelly hearing, the department attorney recommended that the discipline be reduced to a letter of instruction.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The OIG did not concur with the decision to modify the penalty to a letter of instruction.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-07	14-1105-IR	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Failure to Report Use of Force</li> <li>Dishonesty</li> <li>Code of Silence</li> <li>Failure to Report</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Dismissal

**Case Type:** Administrative Investigation

### Incident Summary

On March 7, 2014, an officer allegedly pushed an inmate head first onto a desk and failed to timely report that he used force. Three officers who were present during the incident allegedly failed to report the use of force.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority sustained the allegations against the officer who used force and determined that dismissal was the appropriate penalty. The OIG concurred. The officer retired before disciplinary action could be imposed. A letter indicating the officer retired under adverse circumstances was placed in his official personnel file. No allegations were sustained for the other three officers and the OIG concurred.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-01	14-1488-IR	<ol style="list-style-type: none"> <li>Willful Disobedience</li> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Salary Reduction

**Case Type:** Direct Action with Subject Only Interview

### Incident Summary

On May 1, 2014, an officer was allegedly dishonest on his timesheet regarding the days he worked during the prior month. On September 18, 2014, the officer allegedly failed to comply with orders from Office of Internal Affairs special agents to cooperate during his interview.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. Absent the OIG's intervention, OIA Central Intake would have made an improper determination.

# SOUTH REGION

## Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?

*OIA Central Intake initially decided to return the matter to the hiring authority to take action without any investigation. The OIG intervened and urged OIA Central Intake to approve an interview of the officer which OIA Central Intake then approved. Absent the OIG's intervention, OIA Central Intake would not have made the correct determination.*

- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?

*OIA Central Intake initially decided to return the matter to the hiring authority to take action without any investigation. The OIG intervened and urged OIA Central Intake to approve an interview of the officer which OIA Central Intake then approved. Absent the OIG's intervention, OIA Central Intake would not have made the correct determination.*

## Disposition

The hiring authority sustained allegations that the officer signed an inaccurate timesheet and was willfully disobedient during his interview with the Office of Internal Affairs, but not the allegation that the officer was dishonest, and imposed a 5 percent salary reduction for three months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

## Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-29	14-2387-IR	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> </ol>	Letter of Reprimand	Letter of Reprimand

Case Type: **Direct Action (No Subject Interview)**

## Incident Summary

On May 29, 2014, an officer allegedly deployed pepper spray on an inmate for refusing to remove contraband from her mouth. The officer also allegedly failed to place the inmate on contraband surveillance watch for swallowing suspected contraband.

## Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the department attorney and the OIG regarding the sufficiency of the investigation and the investigative findings.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The date of discovery was May 29, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 12, 2014, 106 days after the date of discovery.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on October 8, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until November 9, 2014, 32 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the department attorney and the OIG.*

## SOUTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. However, prior to any proceedings before the State Personnel Board, the department entered into a settlement agreement with the officer wherein the officer regained her post and bid in exchange for withdrawal of her appeal. The OIG concurred because the penalty was not changed.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney regarding the disciplinary determinations.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on October 8, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until November 9, 2014, 32 days thereafter.*

- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority did not timely consult regarding the disciplinary determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-03	14-2389-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report Use of Force</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

### Incident Summary

On August 3, 2014, an officer allegedly deployed pepper spray on an inmate, failed to decontaminate the inmate, and failed to report that he deployed pepper spray. The officer also was allegedly dishonest when he twice denied to his supervisor that he used force on an inmate.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. However, the officer resigned before discipline could be imposed. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

# SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-08-07	14-2675-IR	1. Unreasonable Use of Force	1. Sustained		

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
 On August 7, 2014, an officer allegedly grabbed an inmate, pulled him from his wheelchair, and forced him to the ground after the inmate refused an order to drop a cup of water.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating:</b> <b>Insufficient</b>
	<b>Substantive Rating:</b> <b>Insufficient</b>

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed 75 days in referring the matter to the Office of Internal Affairs and OIA Central Intake failed to authorize an interview of the officer.

**Assessment Questions**

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The date of discovery was August 7, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until October 21, 2014, 75 days after the date of discovery.*
- Did OIA Central Intake make an appropriate initial determination regarding the case?  
*The OIG recommended that the officer be interviewed to investigate alternatives to his use of force. Despite the recommendation, OIA Central Intake denied the request.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney was assigned December 4, 2014, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 26, 2014, 22 calendar days after assignment.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority delayed referring the matter to the Office of Internal Affairs.*

**Disposition**  
 The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for three months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

<b>Disciplinary Assessment</b>	<b>Procedural Rating:</b> <b>Sufficient</b>
	<b>Substantive Rating:</b> <b>Insufficient</b>

The department attorney failed to comply with policies and procedures governing the disciplinary process by providing inaccurate legal advice concerning the application of mitigating and aggravating factors and the severity of the disciplinary penalty.

**Assessment Questions**

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?  
*The department attorney recommended the application of inappropriate mitigating factors, failed to recommend the application of relevant aggravating factors, and recommended a penalty below what is recommended by the department's disciplinary matrix.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-11	14-2455-IR	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Salary Reduction

**Case Type:** Direct Action (No Subject Interview)

### Incident Summary

On August 11, 2014, an officer was arrested after he allegedly pushed his ex-wife, grabbed her by the hair, and spit on her. The officer also allegedly made an inappropriate comment after grabbing his own genitals and yelled at his ex-wife while she called outside law enforcement.

### Predisciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the pre-disciplinary process.

### Disposition

The hiring authority sustained allegations that the officer grabbed himself and yelled at his wife and issued a salary reduction of 5 percent for six months. The hiring authority determined there was insufficient evidence to sustain the allegation that the officer battered his wife. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Sufficient**  
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-01	15-0181-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Insubordination</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

### Incident Summary

Between October 1, 2014 and October 31, 2014, an officer allegedly falsified multiple inmate-worker time cards, completed inmate time cards without verifying the inmates actually worked, and completed time cards for future dates. The officer also allegedly failed to obey an order from her sergeant to enter the time card information into the computer database.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and to timely consult regarding the investigative findings.

# SOUTH REGION

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?

*The date of discovery was October 28, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until December 16, 2014, 49 days after the date of discovery.*

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on January 14, 2015; however, the consultation with the OIG and department attorney regarding the investigative findings did not take place until February 20, 2015, 37 days thereafter.*

- Was the pre-disciplinary/investigative phase conducted with due diligence?

*The hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult regarding the investigative findings.*

## Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. However, before the disciplinary action took effect, the officer resigned. A letter indicating the officer resigned pending disciplinary action was placed in her official personnel file.

## Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority failed to make a timely decision regarding the disciplinary determinations. The department attorney failed to prepare an adequate disciplinary action and failed to timely complete the disciplinary action, causing the employee relations officer to have insufficient time to properly review the disciplinary action and to unreasonably delay other work.

## Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on January 14, 2015; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not take place until February 20, 2015, 37 days thereafter.*

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

*The draft disciplinary action did not contain the appropriate departmental policies and did not clearly state the factual basis for the disciplinary action.*

- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

*The disciplinary action served was not substantially different from the inadequate draft.*

- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

*The department attorney did not respond to the OIG's e-mail messages regarding the lateness of the disciplinary action.*

- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney did not timely prepare the disciplinary action and the action was not served until the last day for service. This failure by the department attorney negatively impacted the employee relations officer that was finalizing and serving the disciplinary action.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-02	15-0595-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

### Incident Summary

On December 2, 2014, a parole agent pled guilty to federal charges for knowingly filing fraudulent tax returns for the years 2006 through 2009.

### Predisciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to sufficiently comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult regarding the sufficiency of the investigation and investigative findings.

### Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The matter was returned to the hiring authority on March 18, 2015; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not take place until May 1, 2015, 44 days thereafter.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority failed to timely consult regarding the investigative findings.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the parole agent. The OIG concurred. The parole agent did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Procedural Rating: **Insufficient**  
Substantive Rating: **Sufficient**

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult regarding the disciplinary determinations.

### Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The matter was returned to the hiring authority on March 18, 2015; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not take place until May 1, 2015, 44 days thereafter.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely consult regarding the disciplinary determinations.*

# SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-15	15-0526-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Attendance</li> <li>Insubordination/Willful Disobedience</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Salary Reduction

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
 On December 15, 2014, an officer allegedly failed to return to the institution to complete his shift after leaving grounds to take a random drug test. The officer allegedly falsified an official document by indicating he completed his full shift.

<b>Predisciplinary Assessment</b>	<b>Procedural Rating:</b> Insufficient <b>Substantive Rating:</b> Insufficient
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The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not make a timely or appropriate determination about the case. The department attorney did not enter information into the case management system concerning the deadline for taking disciplinary action.

## Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?  
*The date of discovery was December 15, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until February 5, 2015, 52 days later.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on February 5, 2015, but did not take action until March 11, 2015, 34 days later.*
- Did OIA Central Intake make an appropriate initial determination regarding the case?  
*The OIG and department attorney recommended the matter be opened as an investigation; however, the Office of Internal Affairs returned the case to the hiring authority to take action without an investigation.*
- Within 21 calendar days, did the department attorney or employee relations officer make an entry into the case management system accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry in the case management system confirming the relevant dates.*
- Was the pre-disciplinary/investigative phase conducted with due diligence?  
*The hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not make a timely determination of the matter.*

## Disposition

The hiring authority sustained the allegations except for insubordination and dismissed the officer. The OIG concurred. At the *Skelly* hearing, it was discovered that the officer was remorseful, took complete responsibility for his actions, and offered to reimburse the department for the time he was away from his post. Due to this new information, the hiring authority entered into a settlement agreement with the officer wherein the penalty was reduced to a salary reduction of 10 percent for 25 months and the officer agreed not to file an appeal. The OIG concurred due to the mitigating information discovered at the *Skelly* hearing.

<b>Disciplinary Assessment</b>	<b>Procedural Rating:</b> Sufficient <b>Substantive Rating:</b> Sufficient
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The department sufficiently complied with policies and procedures governing the disciplinary process.



**SEMI-ANNUAL REPORT**  
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**Volume I**

**OFFICE OF THE INSPECTOR GENERAL**

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INSPECTOR GENERAL

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CHIEF DEPUTY INSPECTOR GENERAL

**STATE OF CALIFORNIA**  
September 2015