

Robert A. Barton
Inspector General

Office of the Inspector General

SEMI-ANNUAL REPORT

January–June 2016

Volume I



September 2016

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

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September 2016



Foreword

This 23rd Semi-Annual Report covers the period of January through June 2016. 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 Office of Internal Affairs investigations and the employee discipline process within the California Department of Corrections and Rehabilitation (CDCR or the department). 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, critical incidents, and field inquiries. 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.

— **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 most serious internal investigations of alleged employee misconduct, as well as the hiring authority's disciplinary decisions. If the hiring authority sustains any allegations, the OIG continues monitoring the quality of the legal representation for the department and any subsequent appeal. Volume I is a summary of OIG monitoring activities for both administrative and criminal investigations, as well as an assessment of the disciplinary process.

The OIG assessment is based on its duties pursuant to Penal Code Section 6133. Part of the assessment is based on CDCR's adherence to its own policy and part is based on the OIG's expert opinion regarding the quality of the investigation. Additionally, the OIG assesses cases based on what the OIG believes are appropriate dispositions and levels of discipline.

The OIG reports each administrative case in two separate phases, the Pre-Disciplinary and the Disciplinary Phase. There are two assessments for each phase of a case, a procedural and a substantive assessment. The procedural assessment rates the department's adherence to its own policies. Internal investigations are complex with many procedural aspects. While the OIG understands that minor procedural errors do not necessarily render an investigation insufficient, major or multiple departures from process are unacceptable because they eventually cause breakdowns which lead to substantive insufficiencies. The substantive assessment rates whether the investigation accomplished the goal of the investigative phase to provide the hiring authority with adequate information to make an appropriate decision. The substantive assessment also reports the OIG's opinion whether the department attorney performed competently, as well as whether the hiring authority made correct decisions. These assessments may be insufficient even if the ultimate outcome is appropriate. It is expected that the department will conduct a quality investigation regardless of whether the hiring authority may later make a decision based on a subpar investigation.

In this reporting period, the OIG is assessing whether the Office of Internal Affairs (OIA) special agents properly and sufficiently entered information into the department's case management system. Pursuant to the Department Operations Manual, Chapter 3, Article 14, Section 31140.4.8, special agents are required to update information in the case management system. The Office of Internal Affairs Investigator's Field Guide further provides that the entries should include, among other things, case development, documents or items attached to the investigation, sources of information, and a one-line summary of whether the subject of the investigation supported, refuted, denied, or admitted the allegations. Furthermore, Department Operations Manual, Chapter 3, Article 14, Section 31140.30 mandates that internal investigations "shall be conducted with due diligence and completed in a timely manner in accordance with the law, applicable MOU's (sic), and the OIA's Investigator Field Guide." The OIG's assessment includes an appraisal of the department's conformance to these directives.

The Pre-Disciplinary Phase, Appendix A1, contains those cases where an administrative investigation is completed and the hiring authority makes a decision regarding the investigation and allegations. Unlike the prior reporting period, this appendix no longer includes cases where the hiring authority did not sustain allegations. Instead, those cases are now included in the Combined Phase appendix, as the latter table is for those cases in which the entirety of a case (both the pre-disciplinary and disciplinary phases) are ready to be reported together in one reporting period.

In the disciplinary phase, cases are reported once the department makes a decision to impose discipline or not sustain any allegations and after completion of any appeal process. These cases are reported in either Appendix B, titled Disciplinary Phase, or Appendix C, titled Combined Phase Cases.

Both the Pre-Disciplinary and Disciplinary Phase appendices also include cases in which the Office of Internal Affairs approved direct disciplinary action without a full investigation because it deemed the facts sufficiently established that no further investigation is needed. Sometimes these cases involve an interview of only the subject(s) of the investigation. The OIG also monitors and assesses these cases.

Appendices B and C also contain information regarding the imposed penalties. Although there may be different penalties for different employees in one case, the OIG reports only the highest initial and the highest final penalty for sustained allegations for any of the employees involved in the case. The initial penalty is the penalty the hiring authority initially selected. The final penalty might be different due to new information that causes a hiring authority to modify the penalty, a settlement (a mutual agreement between the department and employee), or a State Personnel Board decision after hearing. Regardless, the final penalty reported is the highest penalty for allegations sustained against any of the employees.

If the department conducted a criminal investigation, the case is reported in Appendix A2, titled Investigative Phase Cases. The OIG reports these cases once the Office of Internal Affairs completes its criminal investigation and either refers the case to a prosecuting agency, such as the district attorney's office or the United States Attorney's Office, or determines there is insufficient evidence for a criminal referral.

This report provides an assessment of 323 monitored cases the OIG closed during the reporting period of January 1, 2016, through June 30, 2016, of which 305 cases involve alleged administrative misconduct. This includes cases for which the department conducted an internal investigation, as well as those cases in which the department determined there was sufficient evidence to impose discipline without an investigation or only with an interview of the subject(s) of the investigation. The remaining 18 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. Because the OIG is sensitive to protecting the integrity of the process, the OIG only reports those cases that have completed a phase, either the Pre-Disciplinary/Investigative phase or the Disciplinary phase.

The Employee Discipline Process

Whenever the department reasonably believes employee misconduct may have occurred, the hiring authority is responsible for timely requesting an investigation or approval for direct action from the Office of Internal Affairs. The hiring authority refers the matter to the Office of Internal Affairs Central Intake Panel, which determines whether an internal investigation is warranted, whether enough information exists for the department to proceed without an investigation, whether an interview of the subject(s) 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:

| Madrid-Related Criteria¹ | OIG Monitoring Threshold |
|--|---|
| 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). |

¹ *Madrid v. (Gomez) Cate*, 889 F. Supp. 1146 (N.D. Cal. 1995).

The OIG only monitors the most serious allegations of misconduct, amounting to about 25 percent of all Office of Internal Affairs cases.

Once the OIG accepts a case for monitoring, the OIG monitors the case through the entire process. If the Office of Internal Affairs conducts an investigation, the assigned OIG attorney, a Special Assistant Inspector General, monitors the investigation. The investigators and the department attorney, if one is designated, consult with the Special Assistant Inspector General 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 findings and discipline decision. If the Special Assistant Inspector General believes the hiring authority's decision is unreasonable, the OIG may elevate the matter to the next supervisory level through an executive review process.²

Employees have a right to challenge any discipline imposed against them by filing an appeal with the State Personnel Board, an independent State agency. The OIG continues monitoring through the appeal process. During this process, a case may conclude 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.

The OIG assesses cases as sufficient or insufficient based upon the department's performance as a whole. It is up to the department to determine which entity within the department is responsible for a particular assessment if it chooses to do so. It can easily be determined from comments in the appendices.

² 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 supervisory or managerial review.

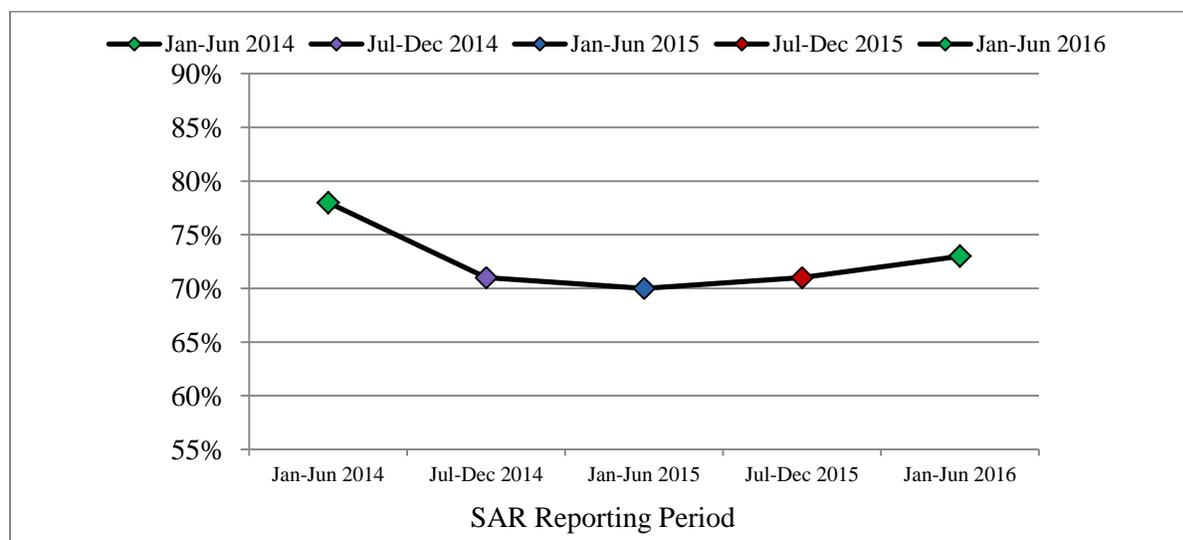
Monitoring the Pre-Disciplinary Phase

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 to sustain any of the allegations. 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.³ It is not purely an investigative phase, although an investigation is often a major component.

MONITORING HIRING AUTHORITY REFERRALS

The OIG monitors the timeliness of hiring authority case referrals to the Office of Internal Affairs. The department standard requires case referral within 45 days from the date the hiring authority discovers potential misconduct. During the last reporting period of July through December 2015, the hiring authorities timely referred 71 percent of the cases monitored by the OIG. For the current reporting period, hiring authorities timely referred 73 percent of the OIG-monitored cases to the Office of Internal Affairs, a slight increase from the last report. Chart 1 below displays the number of cases referred to the Office of Internal Affairs Central Intake Panel within 45 days during the past five reporting periods. Timely referrals are the first step to ensuring completion of a thorough and timely investigation. Since the decline in timeliness in 2014, there has been a consistent increase in the timeliness of hiring authority referrals.

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



³ 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.”

MONITORING THE OFFICE OF INTERNAL AFFAIRS CENTRAL INTAKE PANEL

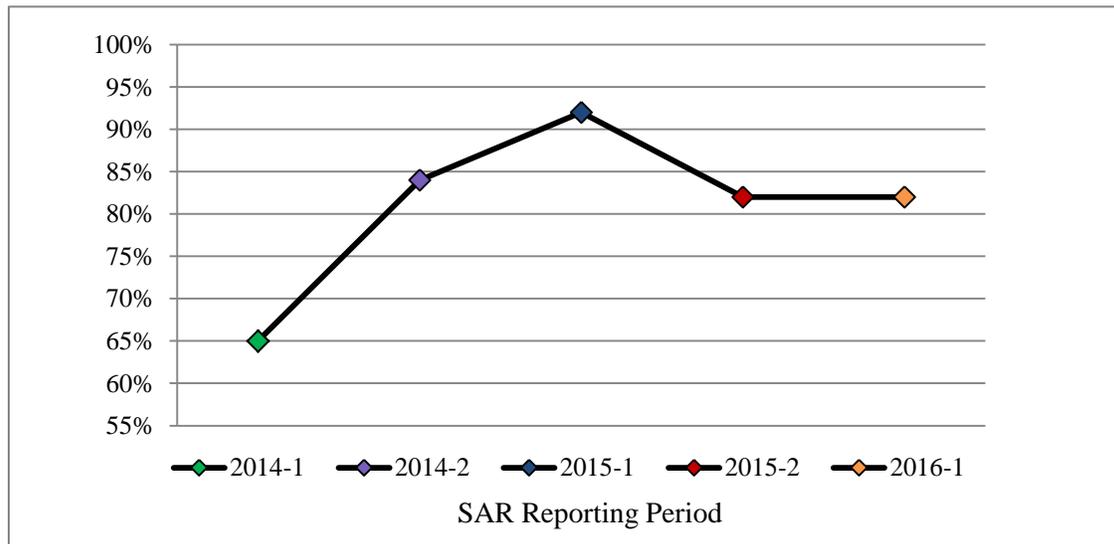
Pursuant to the Department Operations Manual (DOM), Chapter 3, Article 14, Section 31140.3, the Office of Internal Affairs Central Intake Panel is a collection of stakeholders that ensures all referred allegations of employee misconduct are consistently evaluated. Individuals who participate regularly in the Office of Internal Affairs Central Intake Panel include, but are not limited to: the Deputy Director of the Office of Internal Affairs, or designee; Assistant Chief Deputy Inspector General, or designee; Chief Counsel of the Employee Advocacy and Prosecution Team, or designee; assigned special agents; and, other pertinent departmental representatives. The Deputy Director has the authority to initiate internal affairs investigations and is ultimately responsible for the acceptance and rejection of all cases that come before the Office of Internal Affairs Central Intake Panel.

The Office of Internal Affairs Central Intake Panel meets weekly to review 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 provides 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 of January through June 2016, the OIG reviewed 1,143 cases forwarded to the Office of Internal Affairs Central Intake Panel for evaluation. The Office of Internal Affairs opened 1,034 of those cases, over 90 percent. Of the 1,034 cases the Office of Internal Affairs opened, the OIG Special Assistant Inspectors General identified 256 cases for monitoring, approximately 25 percent.

Departmental policy requires the Office of Internal Affairs Central Intake Panel to make a determination regarding the case within 30 days of referral. The determination may consist of rejecting the case based on a lack of evidence, returning the case to the hiring authority to take action without any investigation or interviews, returning the case to the hiring authority to take action after an interview of the subject of the allegations, or opening a full administrative or criminal investigation. The OIG agreed with the Office of Internal Affairs' initial determination in 85 percent of the 256 cases the OIG identified for monitoring. The primary reason for the OIG's disagreement is when the Office of Internal Affairs rejected requests for investigation even though the evidence supported a reasonable belief of misconduct and, therefore, the Office of Internal Affairs should have approved investigations in those matters.

Consistent with the last reporting period of July through December 2015, the Office of Internal Affairs Central Intake Panel timely addressed 82 percent of the monitored cases during this reporting period. Chart 2 on the next page reflects the trend for timely determinations during the past five reporting periods. A timely initial determination by the Office of Internal Affairs Central Intake Panel is critical to completing a timely investigation.

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



Office of Internal Affairs Central Intake Panel Inappropriate Decisions

The following comments should be taken in the overall context of the OIG’s monitoring. On a positive note, the OIG agreed with approximately 85 percent of Office of Internal Affairs Central Intake Panel decisions. Generally speaking, these are cases that are fairly straightforward and do not require much legal analysis.

However, the OIG disagrees with the Office of Internal Affairs in about 15 percent of the cases, typically due to a faulty or ill-informed analysis by the Office of Internal Affairs. Special agents impose speculative opinions as to motivation behind the actions or even assume motivations not in evidence. They voice these opinions in spite of agreement on facts which show policy and procedure violations.

The following are examples of these problems. In one case, the California Highway Patrol stopped a correctional officer for driving under the influence. During the encounter, the correctional officer immediately, and without reason, handed his California Department of Corrections and Rehabilitation Correctional Officer flat badge and California Department of Corrections and Rehabilitation identification card to a California Highway Patrol sergeant. When asked, the correctional officer also denied three separate times to the California Highway Patrol that he had been drinking. A blood alcohol content measurement showed that his blood alcohol was 0.09 percent, over the legal limit for driving under the influence. It was clear that the correctional officer was dishonest to outside law enforcement. All stakeholders agreed that the correctional officer gave false statements. Although the Office of Internal Affairs opened the case for direct disciplinary action regarding the misconduct of driving under the influence, the Office of Internal Affairs Central Intake Panel chair refused to add a dishonesty allegation, opining that “if the officer was too drunk to drive, he could not formulate the intent to lie.” There was absolutely no evidence that the correctional officer was so cognitively impaired that he could not tell the truth. By giving his credentials to the California Highway Patrol, the

correctional officer also showed a cognitive intent to curry favor and an intellectual awareness of the situation. Moreover, most special agents have insufficient training to determine a subject's cognitive impairment due to alcohol consumption, and should not be using such speculative determinations as the deciding factor not to investigate.

In a similar case, outside law enforcement stopped another correctional officer for driving under the influence. The correctional officer exited the vehicle with his hands raised, indicating an understanding that he was being stopped by law enforcement. An outside law enforcement officer specifically asked the correctional officer if he had any weapons or drugs. The correctional officer denied both. Upon performing a search, the officer found a weapon in one of the correctional officer's rear pockets and a loaded magazine in the other rear pocket. His blood alcohol content was 0.19 percent. All stakeholders agreed that the correctional officer's statement that he had no weapons was false. Although the Office of Internal Affairs opened the case for direct disciplinary action regarding driving under the influence, the Office of Internal Affairs Central Intake Panel chair again refused to add a dishonesty allegation, once again asserting "if the officer was too drunk to drive, he cannot formulate the intent to lie." Once again, special agents have no training in the legal determination as to whether someone is so impaired that he or she cannot formulate the intent to be dishonest, and his actions also showed his awareness of his circumstances.

The OIG elevated both cases multiple levels to the department director overseeing the Office of Internal Affairs, who ultimately agreed to add dishonesty allegations in both cases noted above. However, that should not have been necessary.

In the third case, a hiring authority requested an investigation based on discrepancies between a video recording of an incident and staff members' written reports. The incident involved two inmates stabbing a third inmate. The third inmate was left lying on the recreation yard for several minutes with no response from staff. The officer claimed that he was lowering a bucket to the ground from his tower, conversing with other officers, and did not see the attack. His statement was belied by the video recording which showed that the attack was already in progress when he lowered the bucket. The Office of Internal Affairs Central Intake Panel chair refused to open an investigation, claiming that it was not reasonable to believe that the officer should have noticed the ongoing assault since the officer was "busy," despite recorded evidence that the attack began before the officer was "busy."

The OIG also noticed during the last reporting period a phenomenon of the outright rejection of cases where there is only "one source of information or one complainant." The Office of Internal Affairs Central Intake Panel special agents argued that, without some supporting evidence, such as a corroborating witness, there can be no reasonable belief of misconduct, despite the fact that there is a direct witness reporting the alleged misconduct. The department has a zero tolerance for the "code of silence" and the Department Operations Manual *mandates* all employees to report potential misconduct.⁴ Moreover, failure to timely report misconduct could be grounds for disciplinary action against a non-reporting employee. Consequently, refusing to even acknowledge a complainant's assertions and at least interview the complainant has a chilling

⁴ Department of Corrections and Rehabilitation Operations Manual, Chapter 3, Article 14, Section 31140.5 states, in part, that "Each employee shall report misconduct or any unethical or illegal activity in a timely manner."

effect on reporting misconduct. Such a position also potentially encourages the proliferation of the code of silence, which the OIG has diligently sought, along with the department, to eliminate. The Office of Internal Affairs management insisted there was no such policy within its Central Intake Unit, yet their special agents' own internal computer entries and statements to the OIG regarding rejecting investigations for that reason belied that position. After the OIG raised the issue, the department's director overseeing the Office of Internal Affairs subsequently gave guidance to discontinue the practice of rejecting cases due to a "single source."

The following are additional examples of inappropriate decisions by Office of Internal Affairs special agents. In one case, three officers documented performing security checks they did not perform. As a result of their failure to perform the security checks, three inmates were able to enter the cell of a fourth inmate and attack that inmate. The Office of Internal Affairs refused to add a dishonesty allegation for the inaccurate documentation. In addition, the OIG recommended further investigation to obtain information regarding training provided to the officers. The Office of Internal Affairs Central Intake Panel chair denied the recommendation for an investigation based on his "own experience" that nobody teaches officers how to conduct security checks. Again, the decision of the Office of Internal Affairs was based on unsubstantiated personal opinion rather than policy, statute, or investigating the facts.

A more systemic concern involves cases where employees have signed their Fair Labor Standards Act form documenting that they worked a full shift when there is sufficient evidence to the contrary, including other documentation and, in some cases, direct witnesses. The Office of Internal Affairs argues that since the Fair Labor Standards Act form is a pre-printed form that the employee merely signs, the failure to correct the form is a simple neglect of duty rather than dishonesty, despite the fact that the employee is attesting to the veracity of the information on the form. Again, the Office of Internal Affairs' argument has no legal basis but constitutes personal opinion. The differences in the potential outcome between sustaining a neglect of duty allegation versus a dishonesty allegation are substantial. Only a thorough interview and investigation can determine if a deliberately dishonest act occurred or a mere oversight. Assuming simple negligence in every case does not provide confidence in the department's commitment to accountability.

Additionally, in some instances, the Office of Internal Affairs continues to misidentify allegations because the allegations in the Office of Internal Affairs case management system do not parallel those in the department's disciplinary matrix. For example, in cases involving domestic violence, the Office of Internal Affairs classifies the allegation as "other failure of good behavior," "discourteous treatment," or "battery," even though the correct allegation is "domestic violence." The department's disciplinary matrix specifically identifies domestic violence as misconduct and provides a recommended penalty in cases of domestic violence. To rectify this problem, the OIG formally recommended in the Semi-Annual Report for the July through December 2015 reporting period that the Office of Internal Affairs modify the allegations in its case management system to mirror those in the department's Employee Disciplinary Matrix (DOM, Chapter 3, Article 22, Section 33030.19). To date, the Office of Internal Affairs has not fixed this problem, but reports that it has formed a working group to address this issue.

The issues and examples previously given could very well be solved if the department would model its investigation and litigation teams after every other known model in the legal arena, namely where the attorneys ultimately responsible for proving cases are the final determining body for evidentiary and legal analysis, rather than the investigative agency. The role of the Office of Internal Affairs should be to investigate allegations of misconduct to provide the facts that either exonerate the employee of the allegation(s) or gather evidence to prove misconduct occurred by a preponderance of the evidence.

The special agents who currently make decisions on allegations and whether to open an investigation sometimes inaccurately apply the legal standard of preponderance of the evidence. These special agents have never tried a case, nor do they even attend State Personnel Board hearings where adjudication of these issues takes place. The result is that disputed decisions regarding which allegations to investigate and whether to open an investigation are made by those without legal training or litigation experience.⁵ At its heart, the discipline process is a civil legal process governed by statutory and case law. The OIG believes it is counterproductive for disputed decisions on these issues to be made by people whose training and expertise simply do not prepare them to make the final conclusion. The OIG recommends that the Department Operations Manual be amended to make the department attorneys from the Employment Advocacy and Prosecution Team responsible for determining which cases are opened, what allegations are investigated, whether additional evidence needs to be obtained, and whether an investigation is sufficient. The Office of Internal Affairs should be tasked with providing the direct support to the Employment Advocacy and Prosecution Team department attorneys in the completion of an investigation.

Of the cases monitored during this reporting period, 85 percent are straightforward with fewer or no disputed legal issues. The other 15 percent of cases, may have a department attorney who will ultimately have to prove a case, and an OIG attorney with more than ten years of litigation experience, both advocating for the same position, only for a special agent to tell them that sufficient evidence does or does not exist. At the very least in these disputed decisions, it should be the Employment Advocacy and Prosecution Team attorney with the final say. The OIG has raised this issue with department executives who have suggested developing a viable solution similar to the executive review process utilized with hiring authorities when the OIG or the department attorney believes a decision to be unreasonable. The OIG will continue to work with the department to resolve this issue.

⁵ The OIG is aware of only two Office of Internal Affairs special agents who are licensed attorneys. The Office of Internal Affairs employs approximately 120 individuals in the special agent classification. Neither of these two special agents is involved in the central intake process.

Use of Arrest Reports Alone to Impose Discipline

The Office of Internal Affairs Central Intake Panel reviews numerous cases with an arrest report from an outside agency. In many of these cases, the OIG has recommended that the Office of Internal Affairs interview at least the involved subject and, where the facts warrant, open a full investigation. Frequently, arrest reports contain conflicting information or conflicting witness statements that can only be clarified by questioning those involved in the incident. Additionally, there may be other evidence that needs to be authenticated by questioning the involved outside law enforcement officers. However, the Office of Internal Affairs routinely rejects the OIG's recommendation and approves the hiring authority to take direct employment action based on the arrest report only. The OIG recommends that all practical legal bases for additional investigation be given consideration. During this period, the OIG also raised the issue of California Labor Code Section 432.7, which could be interpreted to require an investigation beyond outside arrest reports to take disciplinary action. The department's legal team has provided an opinion that the Office of Internal Affairs is exempt. Given the differing opinions on this area of law, the OIG is requesting an opinion from the Attorney General's Office.

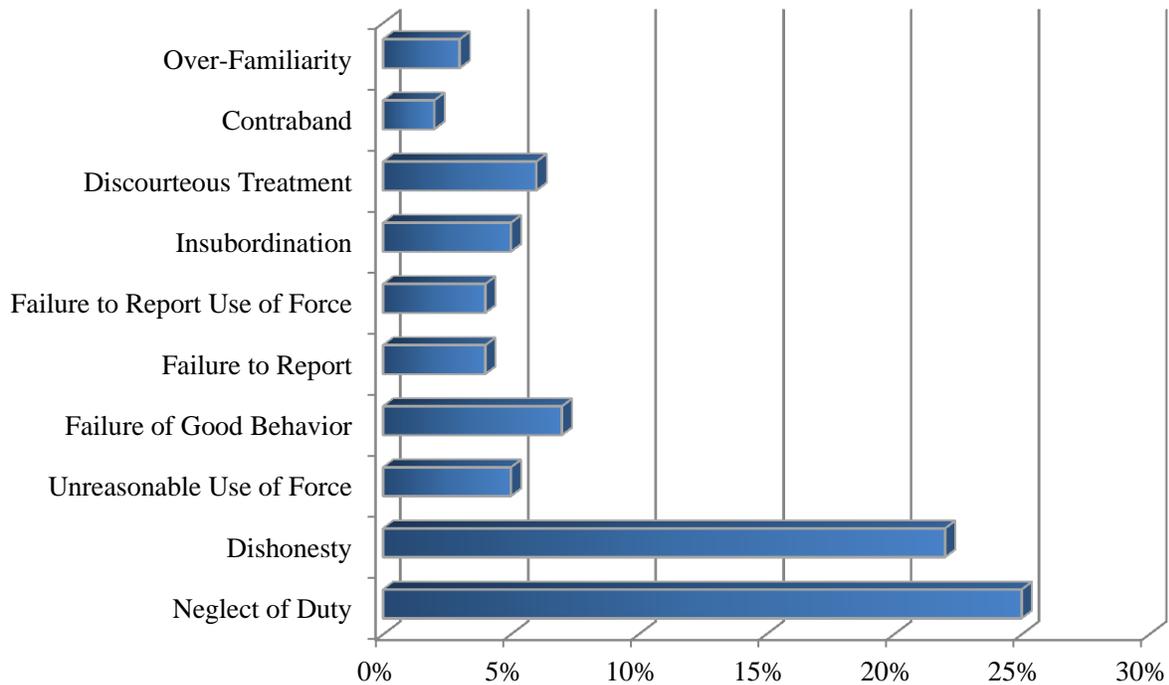
ALLEGATION TYPE DISTRIBUTION

The OIG continues to focus a large portion of its monitoring activities on cases involving core *Madrid* issues.⁶ 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 571 sworn officers, representing 92 percent of all subjects reported in the monitoring tables, a slight decrease from the last reporting period of 96 percent sworn officers.

Chart 3 on the following page 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, numerous allegation types cannot be classified into narrow categories and, therefore, are not captured in Chart 3. However, Chart 3 reflects the percentage of the specific categories 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.

⁶ *Madrid v. (Gomez) Cate*, 889 F. Supp. 1146 (N.D. Cal. 1995).

Chart 3: Allegations in Cases Monitored and Closed by the OIG January – June 2016



Finally, as noted previously, the allegations do not always follow the disciplinary matrix. For example, a critical Madrid allegation is code of silence. The department’s case management system does not have an allegation that corresponds to code of silence. In cases where the behavior is code of silence, the department instead charges “failure of good behavior.” Likewise, when an officer is involved in a domestic violence incident, the Office of Internal Affairs usually lists the allegation as “discourteous treatment” or “other failure of good behavior.” As noted, the department reports it has formed a working group to address this issue.

MONITORING THE INVESTIGATION

The OIG oversees and monitors the entire investigative process for both administrative and criminal investigations. The OIG monitoring encompasses all participants in this process, including the department hiring authorities, investigators, and attorneys. Any or all participants may contribute to the rating. The OIG rates the department as a whole and cautions the reader not to assume an insufficient rating is aimed at any one particular participant. Oversight includes providing recommendations regarding the scope of the investigation, attending interviews, reviewing evidence and investigative reports, as well as monitoring the timeliness of the investigative process. As noted above, pursuant to Penal Code Section 6133, the OIG reports its expert opinion regarding the quality of the investigation as a whole, as well as the department’s compliance with policy.

Timeliness of Commencing and Completing Investigations

In the past, the OIG reported that the Office of Internal Affairs delayed commencing investigations, resulting in delayed completion of investigations. A core *Madrid* concern was the department's failure to timely complete investigations, frequently resulting in the statute of limitations precluding the imposition of discipline. While that extreme is now rare, it still occurs. In the last SAR reporting period, the OIG opined that the statute of limitations should not be the standard driving force for diligently conducting investigations and that the department must change its mindset and focus on completing investigations as soon as possible after alleged misconduct is *discovered* rather than how much time remains before the statute of limitations expires.

As part of the *Madrid* reforms, the department adopted timelines so that each party in the disciplinary process would have sufficient time to complete its part of the process. Pursuant to Department Operations Manual, Chapter 3, Article 22, Section 33030.13, "(a)s 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 documentation and provide feedback to the assigned investigator."⁷ The policy also requires that the hiring authority review the investigative report and supporting documentation no more than fourteen calendar days following the receipt of the report. The purpose of the review is to determine whether the investigation is sufficient, the allegations are supported, the facts support disciplinary action, and the appropriate penalty is determined. Despite the fact that none of these provisions reference a statute of limitations, the Office of Internal Affairs continues to use the statute of limitations as the guide for determining timeliness. A fundamental disagreement between the OIG and the Office of Internal Affairs remains.

During this reporting period, there are a total of 39 cases with delayed investigations. During the last reporting period, the OIG reported 45 cases with delayed investigations. The OIG is once again reporting three types of delays:

- Cases in which the Office of Internal Affairs did not complete the investigation at least 14 days before the expiration of the statute of limitations (10 cases);
- Cases in which there was a delay that caused a specific and tangible harm to the investigation (11 cases); and,
- Cases in which there may not have been a specific harm to the investigation, but there were delays because the Office of Internal Affairs did not conduct the first interview of an investigation until six months or more after the incident date and four months or more after the Office of Internal Affairs assigned a special agent to conduct the investigation (18 cases).

During this reporting period, the Office of Internal Affairs did not complete its investigation at least 14 days before the statute of limitations in ten cases. This is an improvement over the last SAR reporting period when 18 cases were not completed at least 14 days before the statute of limitations. However, during this reporting period, in six of those cases, the statute of limitations expired before the Office of Internal Affairs completed its investigation. In two of those cases,

⁷ A department attorney who litigates CDCR employee discipline cases is called a "vertical advocate."

the Disciplinary Phase also concluded but the hiring authority was precluded from taking disciplinary action due to expiration of the statute of limitations.

There are 11 cases being reported in which a delay caused a specific and tangible harm to the department. A few of these cases warrant mentioning as they are demonstrative of the potential negative consequences of delayed investigations. In one such case, the hiring authority was precluded from adequately addressing a dishonesty allegation and requesting additional investigation due to the Office of Internal Affairs' delay in investigating the matter. In a second case, the Office of Internal Affairs could not interview a key witness because the witness retired before the special agent started conducting interviews. Yet another example is a case wherein the Office of Internal Affairs failed to complete the investigation before the officer's probationary status expired and the officer became a permanent employee. Ten cases are from the central region. The other is from the northern region.

As mentioned, the OIG is also reporting a category of delayed cases wherein the Office of Internal Affairs did not conduct the first interview until six months or more after the incident date and four months or more after the Office of Internal Affairs assigned a special agent to conduct the investigation. This approach is based on looking forward *from the date of the alleged misconduct or discovery thereof* rather than counting back from the statute of limitations. This report contains 18 such cases, 13 of which are from the central region. The other five cases are from the northern region. Despite the initial delays, however, the Office of Internal Affairs was able to complete all of these investigations more than 14 days before expiration of the statute of limitations. Even though the investigations were completed prior to the expiration of the statute of limitations, this is an extremely poor investigative process. All of the harms previously identified still apply. Staff members are left in career limbo while awaiting the outcomes of their investigations, memories and potential evidence may be lost, and the department may be incurring additional liability, all of which would be lessened if investigations were completed in a more timely fashion.

The southern region of the Office of Internal Affairs does not have any cases reported that were delayed under the criteria outlined above. The southern region should be commended for instituting its own internal procedures (such as requiring special agents to complete the primary witness interview within 45 days of assignment) to help ensure timely investigations. The OIG's assessment confirms that these efforts have proven effective and the Office of Internal Affairs should adopt the southern region's procedures for its other regions.

As of March 1, 2016, the OIG modified its standard for assessing the timeliness of investigations. This change is based on the OIG's discussion in the last SAR reporting period regarding best practices and industry standards in conducting internal investigations. As the OIG discovered, most other law enforcement agencies complete their internal investigations as soon as possible after the alleged misconduct is discovered rather than determine how much time remains before the expiration of the statute of limitations. Consequently, as of March 1, 2016, the OIG began monitoring how many cases were completed within *six months of the date of discovery*, and, therefore, met the industry standard. The OIG closed two cases during this reporting period that met this standard.

The Office of Internal Affairs still reported excessive vacancy rates among its investigative staff in 2015, and points to this factor as an explanation for delays in this report cycle. The department reports that it created a work group with programs that use the special agent classification and the Office of Personnel Services to revise the minimum qualifications for a special agent to allow correctional lieutenants or equivalent peace officers to qualify for special agent. The department also issued a new special agent examination in 2015 and released a new certifications list on April 28, 2016. As a result, the Office of Internal Affairs is reviewing the list and anticipated making selections for special agent hiring in 2016. The Office of Peace Officer Selections also agreed to prioritize special agent background investigations to allow expedited hiring. Finally, the Office of Internal Affairs has already hired some special agents via a training and development process and has employed the temporary use of retired annuitants. Nevertheless, with retirements and turnover, the Office of Internal Affairs still reports being 16 percent understaffed statewide currently, but predicts pending hires will reduce the vacancy rate to 7 percent by November. However, the benefits will not be realized until the future.

The OIG has made continuous recommendations to improve efficiency. In the last report, the OIG suggested replacing peace officers in the Office of Internal Affairs Central Intake Unit with non-sworn analysts, much like employee relations officers in institutions, to conduct the analytical work required, and transferring those special agents into the field to fill vacancies. This would solve some of the staffing problems and would also result in salary savings to create more positions. The department should adopt the OIG recommendation to allow department attorneys to make the initial central intake decisions. The OIG also recommended the department utilize the department attorneys who are assigned to cases to assist the special agents. The model the Office of Internal Affairs uses for interviews and interrogations is to use two special agents for most interviews and interrogations. When there is a department attorney assigned to a case, the OIG recommends that the department attorney become the second interviewer and free up the second special agent for other casework. This would increase efficiency, save manpower hours, decrease travel costs, and capitalize on the attorney's experience.

The case details are described in the attached appendices. As the case details reflect, the Office of Internal Affairs still has room to improve its timeliness in conducting and completing investigations.

Monitoring the Disciplinary Phase

After the Office of Internal Affairs returns a case to the hiring authority, and based on the evidence presented in direct action cases or collected in cases in which the Office of Internal Affairs conducted an investigation, 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 employee is exonerated. The hiring authority consults with a department attorney, if one is assigned, and the OIG if it is monitoring the case. The hiring authority considers each case on its own merits to determine whether to sustain allegations.

If the hiring authority determines that allegations should be sustained, the hiring authority must determine the appropriate result. The disciplinary matrix provides guidelines to assist the hiring authority in determining the appropriate penalty for misconduct. Considerations include both mitigating and aggravating factors.

The assigned department attorney provides legal advice to the hiring authority regarding application of the disciplinary matrix. The OIG monitors this process and provides feedback as appropriate. As mentioned previously, except for cases where the hiring authority does not sustain any allegations, the disposition is reported in either Appendix B, the Disciplinary Phase, or Appendix C, containing both the Pre-Disciplinary and Disciplinary Phases.

If the hiring authority sustains allegations, the department attorney is responsible for, among other things, providing legal advice to the hiring authority, drafting the disciplinary action, observing the *Skelly* hearing, drafting any settlement agreements, and preparing for and representing the department at any proceedings before the State Personnel Board and superior court.⁸ The OIG monitors the performance of the department attorneys. The OIG works with the Employment Advocacy and Prosecution Team department attorneys on a daily basis and, over time, has collaboratively established expectations for consultation and standards.

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. Executive review may be sought during either the Pre-Disciplinary or Disciplinary Phase, or both. 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 higher level of review.

⁸ The Employment Advocacy and Prosecution Team (EAPT) is a group of attorneys from the CDCR's Office of Legal Affairs responsible for litigating disciplinary actions against department employees. The EAPT does not litigate all disciplinary cases involving department employees. Generally, higher-level or more serious cases are assigned or "designated" to be litigated by EAPT, while employee relations officers (generally non-attorneys) litigate the less-serious employee discipline cases.

Although executive review is a critical part of both the Pre-Disciplinary and Disciplinary processes, it is designed to be used sparingly. The involved parties reserve executive review for cases with significant differing opinions that cannot be resolved at the initial hiring authority level.

There were ten executive reviews during this reporting period, six at the request of the OIG and the remaining four were requested by the department attorneys. In the cases where the OIG sought executive review, four were ultimately decided consistent with the OIG's position. In one of the cases where the OIG disagreed with the outcome, the OIG was precluded from elevating the matter any further due to an impending statute of limitations. The facts of these cases can be found in Appendices B and C.

Case Sufficiency Ratings

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. The OIG and the department continue to work collaboratively to improve the internal investigation and employee discipline processes. An insufficient rating reflects deficiencies with potential for creating an adverse outcome but does not necessarily mean there was an adverse outcome. However, as addressed previously, delayed investigations can have adverse consequences, some of which are intangible.

Since the reporting period of January through June 2014, the OIG, at the department's request, began assessing and reporting procedural and substantive performance separately. Differentiating the assessments provides overall fairness to department employees who performed well, despite deficiencies elsewhere in the process. It also provides better feedback to enable the department to address areas needing improvement.

Pursuant to statute, the OIG assesses the substance or quality of the investigation based on its expert opinion, whereas the OIG assesses the process primarily on the department's adherence to its own policy. The OIG continues to assess process deficiencies regardless of outcome or the specific entity responsible within the department. Minor deficiencies typically do not result in an insufficient rating.

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 the 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 to the public. The OIG's role is to assess the department as a whole.

Charts 4 through 6 show the OIG's assessments by region for the Pre-Disciplinary and Investigative Phases.⁹ The first chart for each region shows the trend since the July through December 2014 reporting period. The second chart for each region shows the comparison of procedural and substantive assessments between the July through December 2015 reporting period and the current reporting period. Charts 7 through 9 display the OIG's assessment by region for the Disciplinary Phase and contain the same two types of charts for each region.

The charts provide sufficiency ratings for the department as a whole rather than the individual entity (Office of Internal Affairs, department attorney, or hiring authority) responsible for the rating. As the charts for each region reflect, the sufficiency ratings for the north and central regions in the Pre-Disciplinary and Investigative Phase have decreased fairly significantly since

⁹ A "Pre-Disciplinary Phase" takes place in cases involving administrative allegations. In criminal cases, the same phase is called the "Investigative Phase."

the last reporting period. The ratings for the southern region demonstrate overall improvement. The overall percentages of timely hiring authority referrals to the Office of Internal Affairs and determinations by the Office of Internal Affairs have remained stable. However, the amount of time in which the hiring authority determines the investigative findings has declined since the last reporting period, as has the percentage of timely investigations.

Chart 10 shows the overall statewide sufficiency procedural and substantive assessments for the Pre-Disciplinary and Investigative Phase compared to the last reporting period. Of the 244 cases reported in this Phase, 29 percent were assessed procedurally sufficient and 55 percent were assessed substantively sufficient, compared to 35 percent and 66 percent, respectively, during the July through December 2015 reporting period. The insufficiencies were due to a combination of factors, ranging from untimely hiring authority referrals to the Office of Internal Affairs, the Office of Internal Affairs not timely processing referrals or investigating cases, and the department attorney delaying review of investigative reports or failing to assess or properly assess the statute of limitations.

Chart 11 shows the overall statewide Disciplinary Phase sufficiency procedural and substantive assessments compared to the last reporting period. Of the 171 disciplinary cases, 74 percent were assessed procedurally sufficient and 68 percent assessed substantively sufficient. In the last reporting period, 65 percent were deemed procedurally sufficient and 75 percent substantively sufficient. While some of these insufficiencies can be attributed to untimely disciplinary findings conferences, others were due to inadequacies with a disciplinary action, improper legal advice, or improper settlements. Again, it is a combination of factors that contribute to the insufficiencies.

**Charts 4–6: Department Pre-Disciplinary and Investigative Phase
Sufficiency Ratings by Region**

Chart 4a

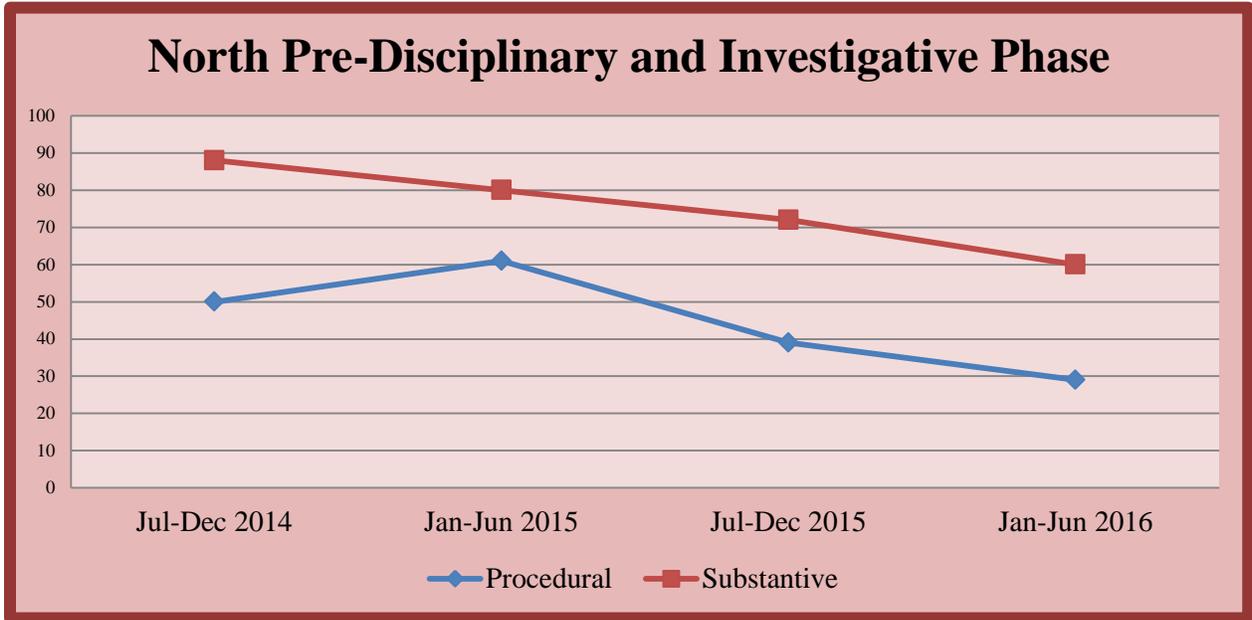


Chart 4b

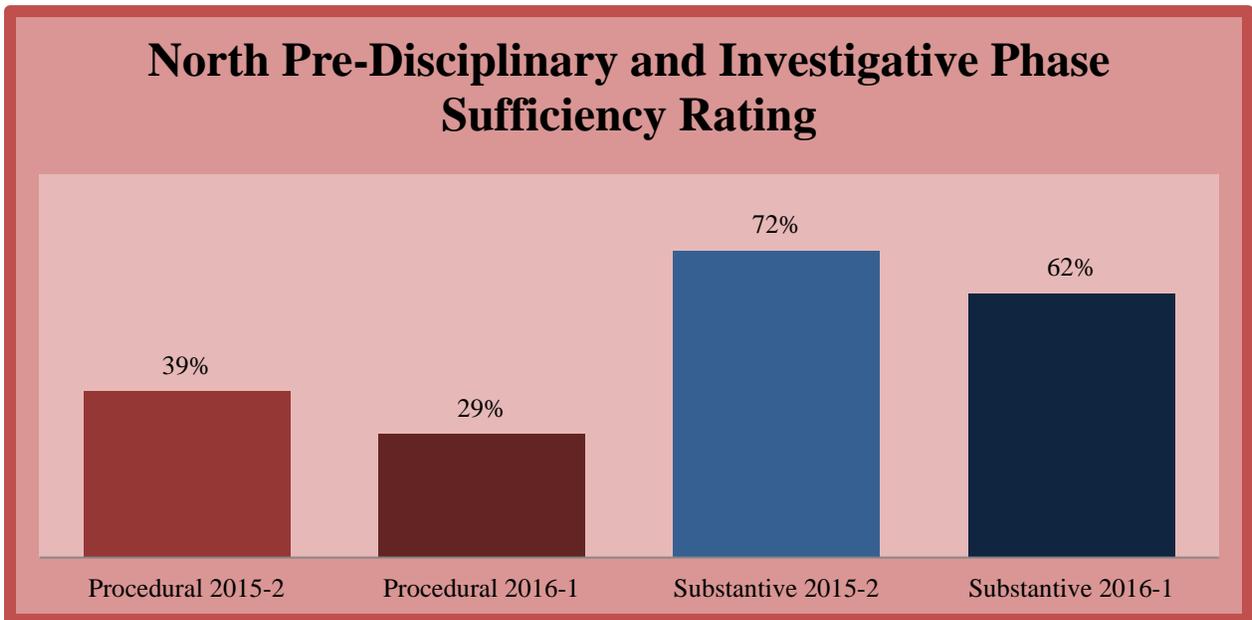


Chart 5a

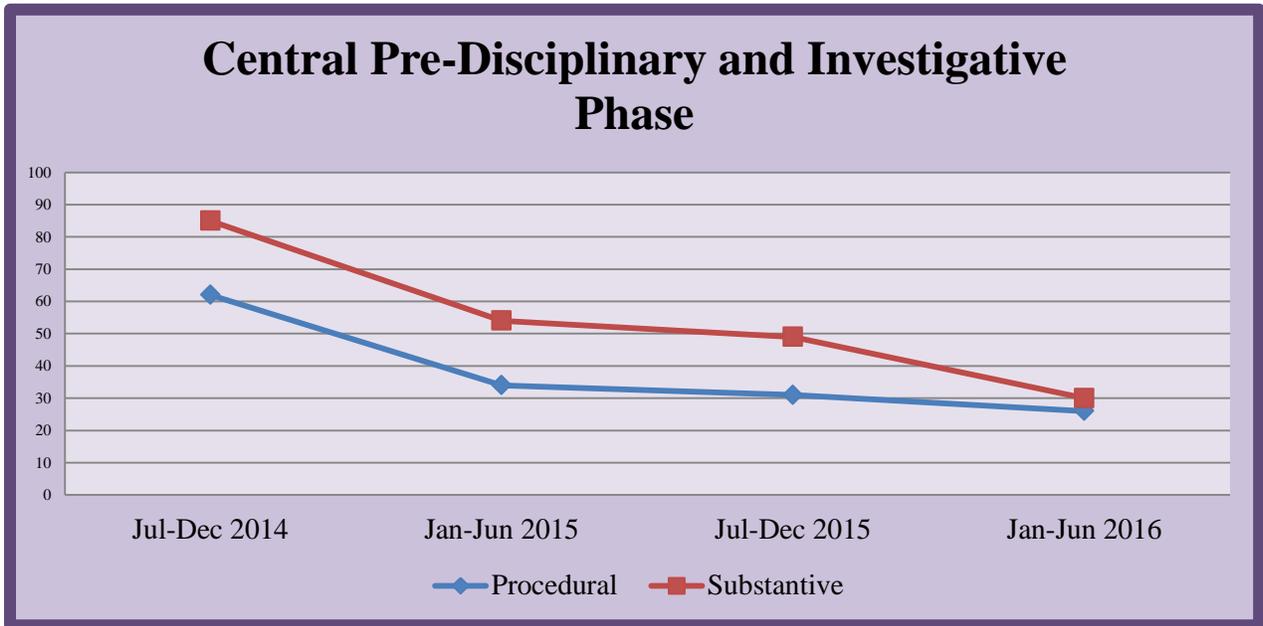


Chart 5b

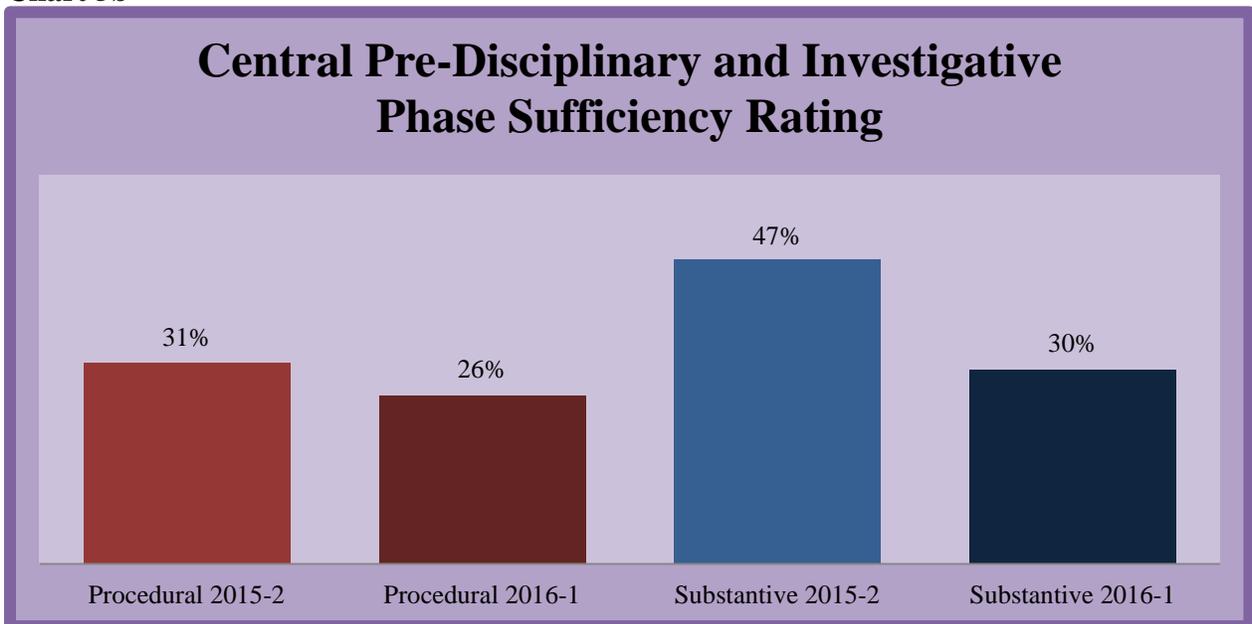


Chart 6a

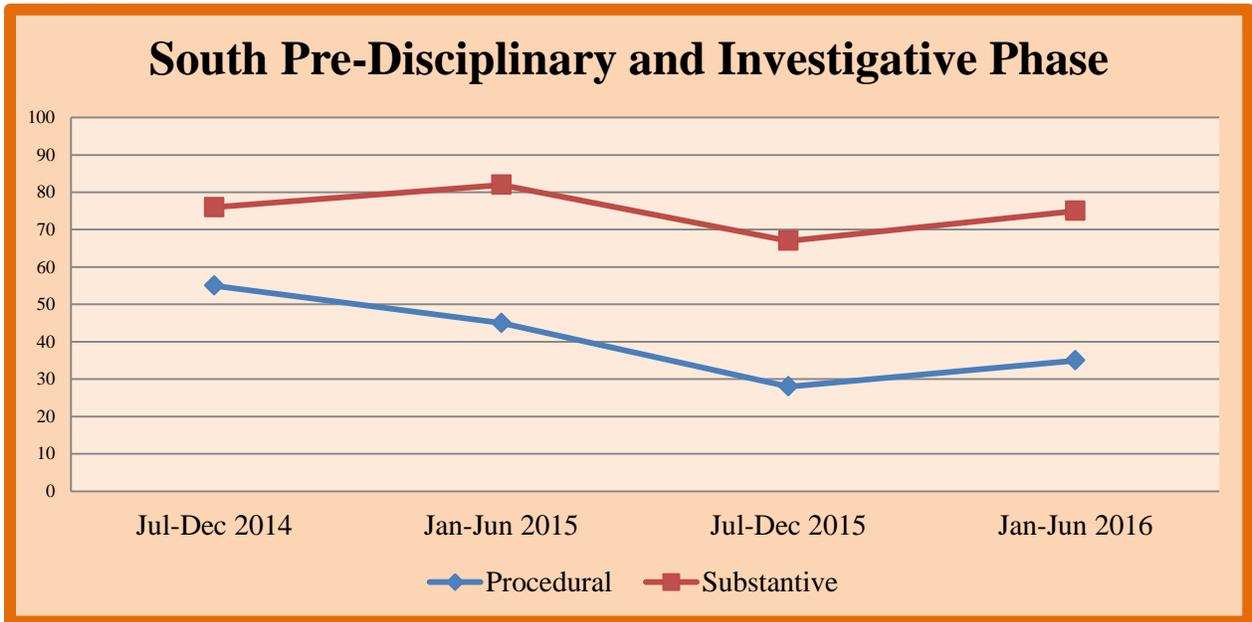
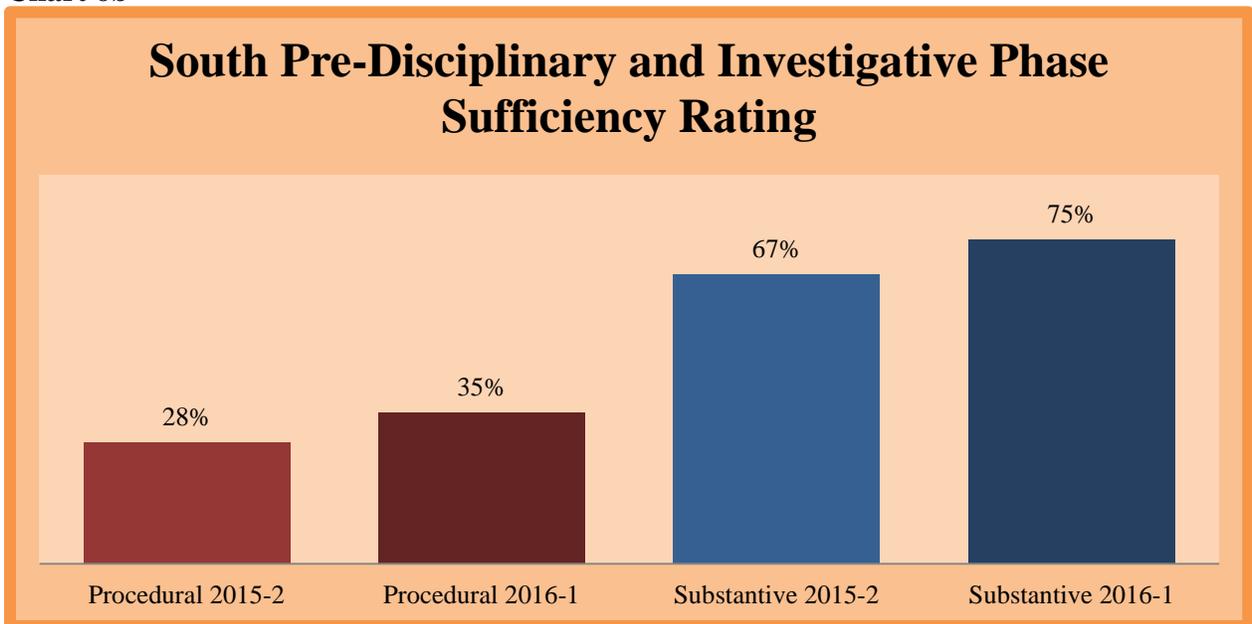


Chart 6b



Charts 7–9: Department Disciplinary Phase Sufficiency Ratings by Region

Chart 7a

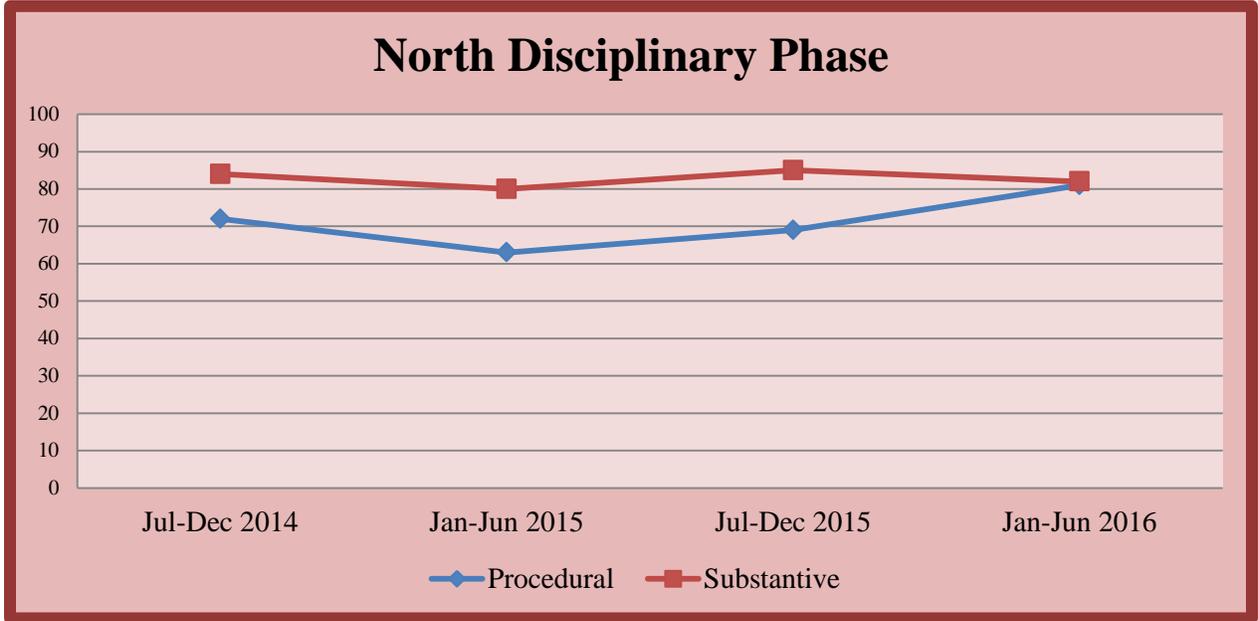


Chart 7b

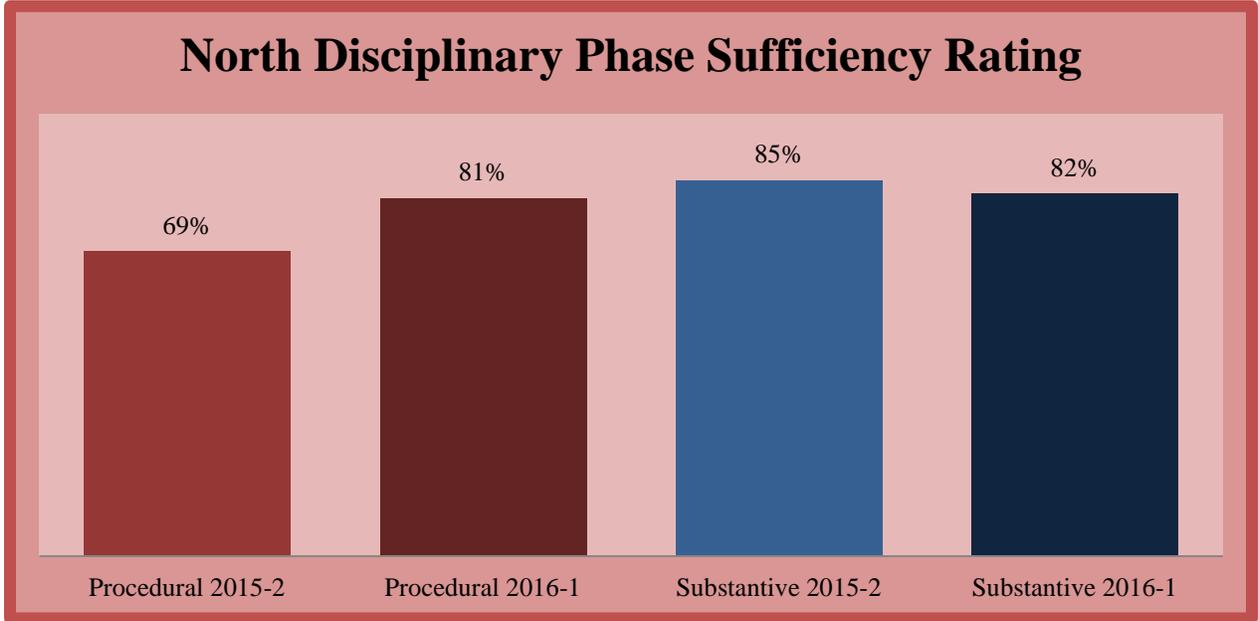


Chart 8a

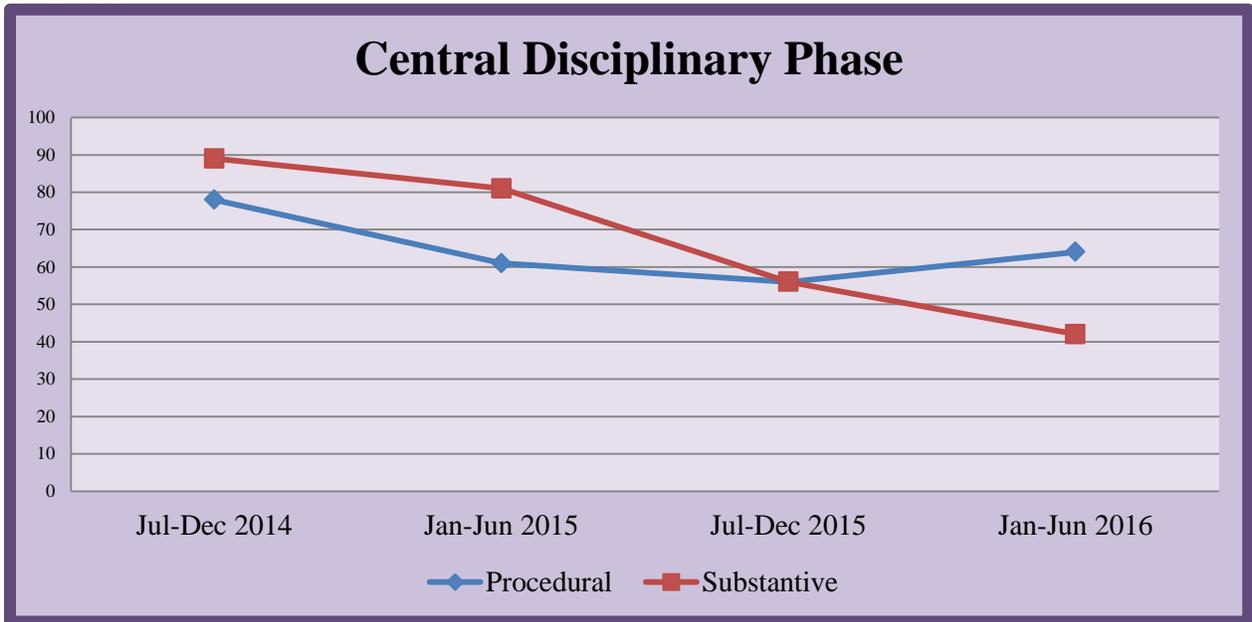


Chart 8b

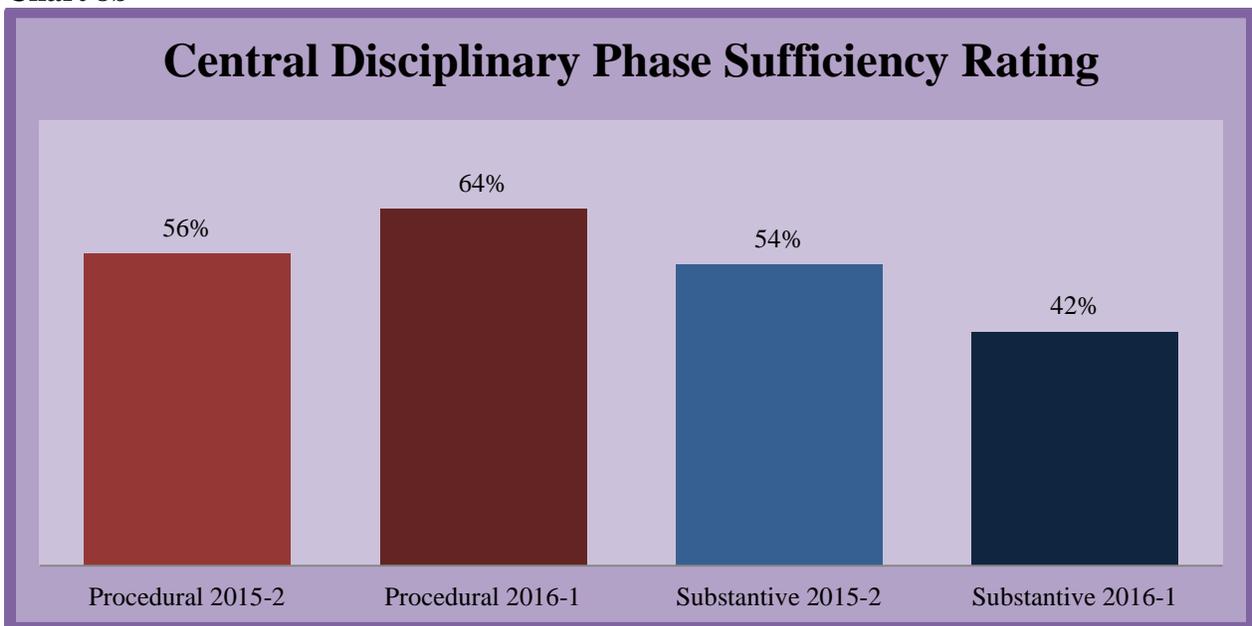


Chart 9a

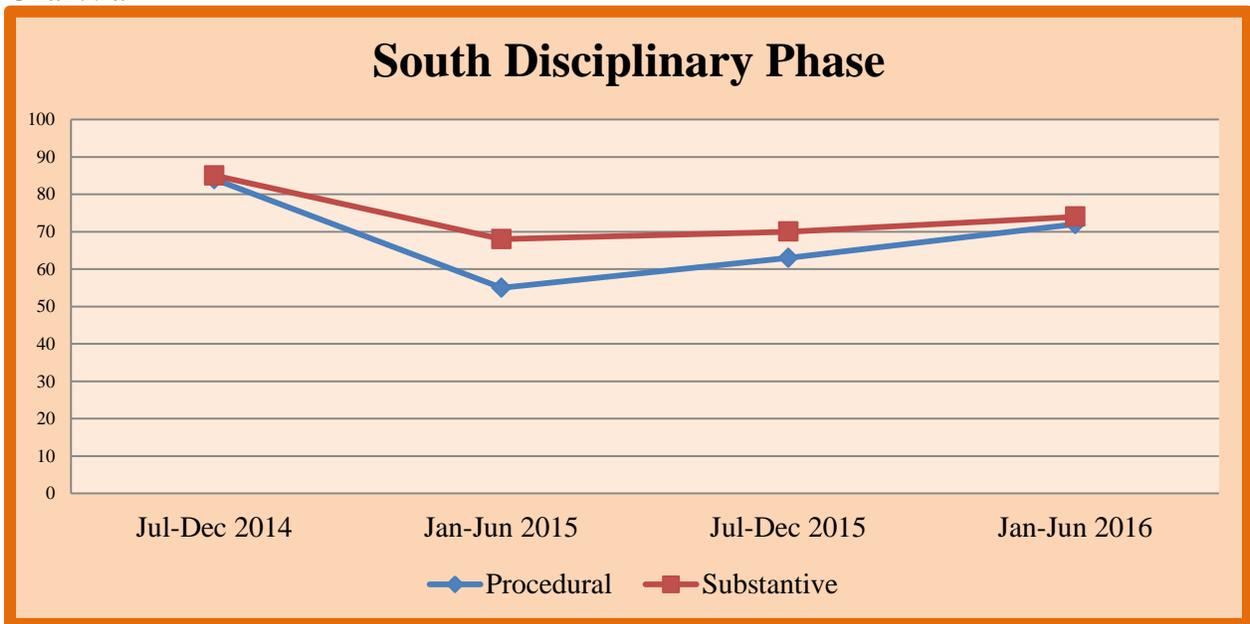


Chart 9b

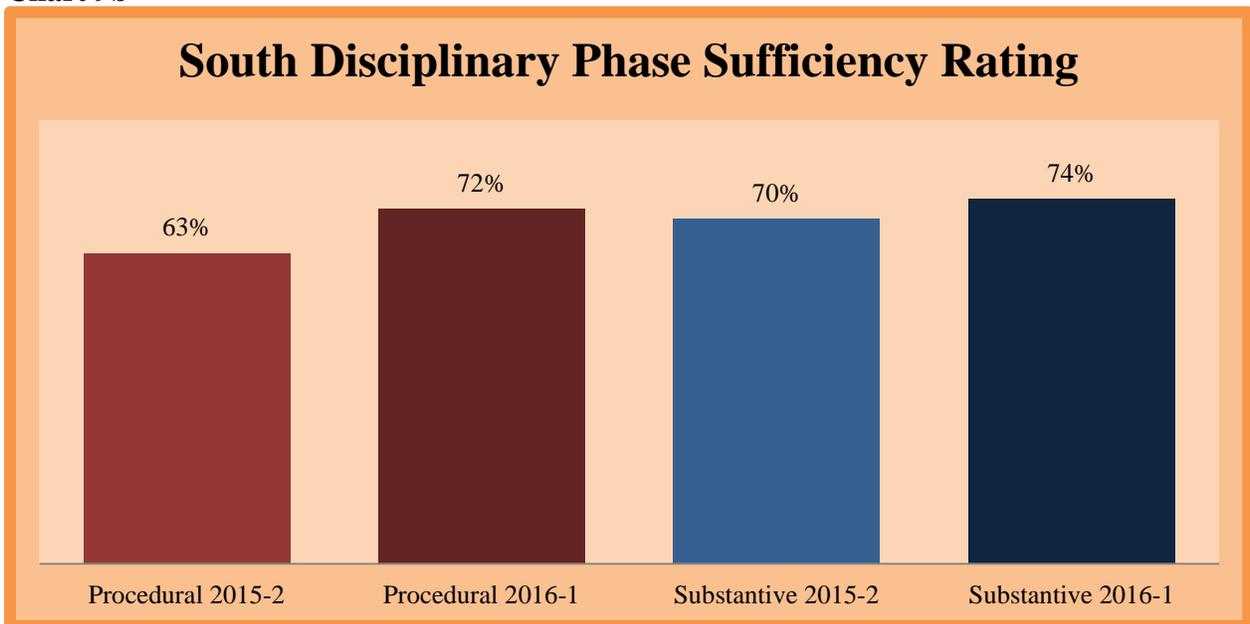


Chart 10: Department Overall Case Sufficiency Ratings
Pre-Disciplinary and Investigative Phase

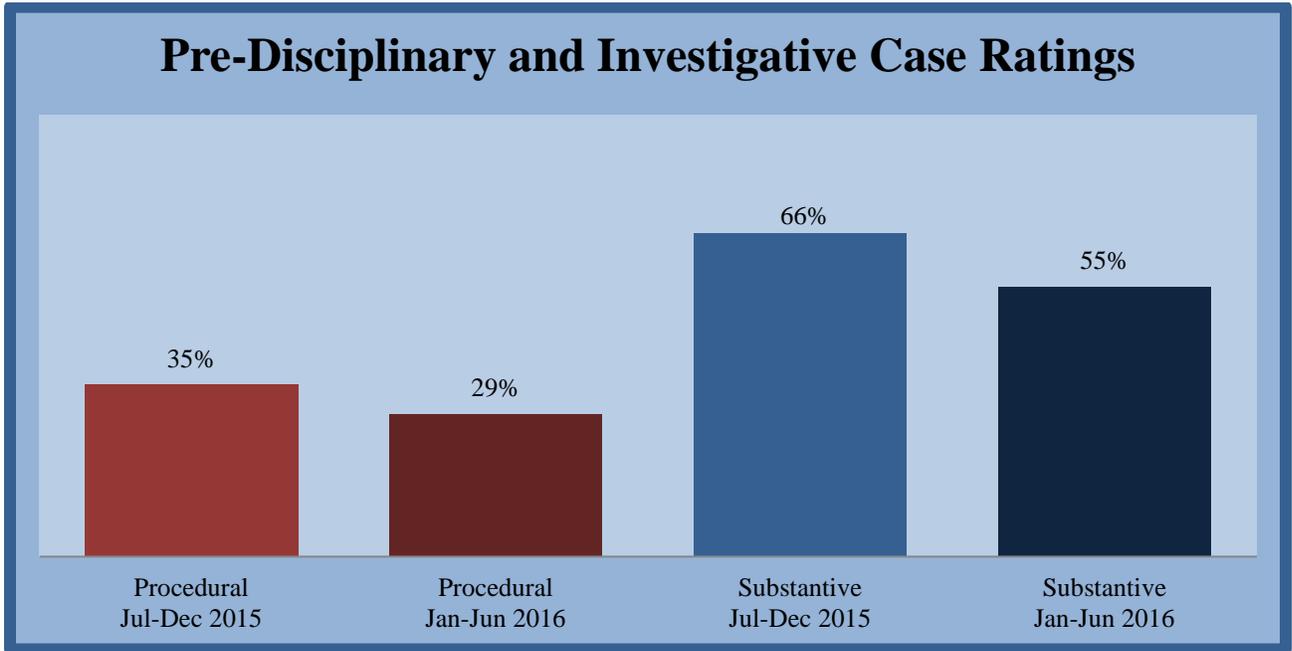
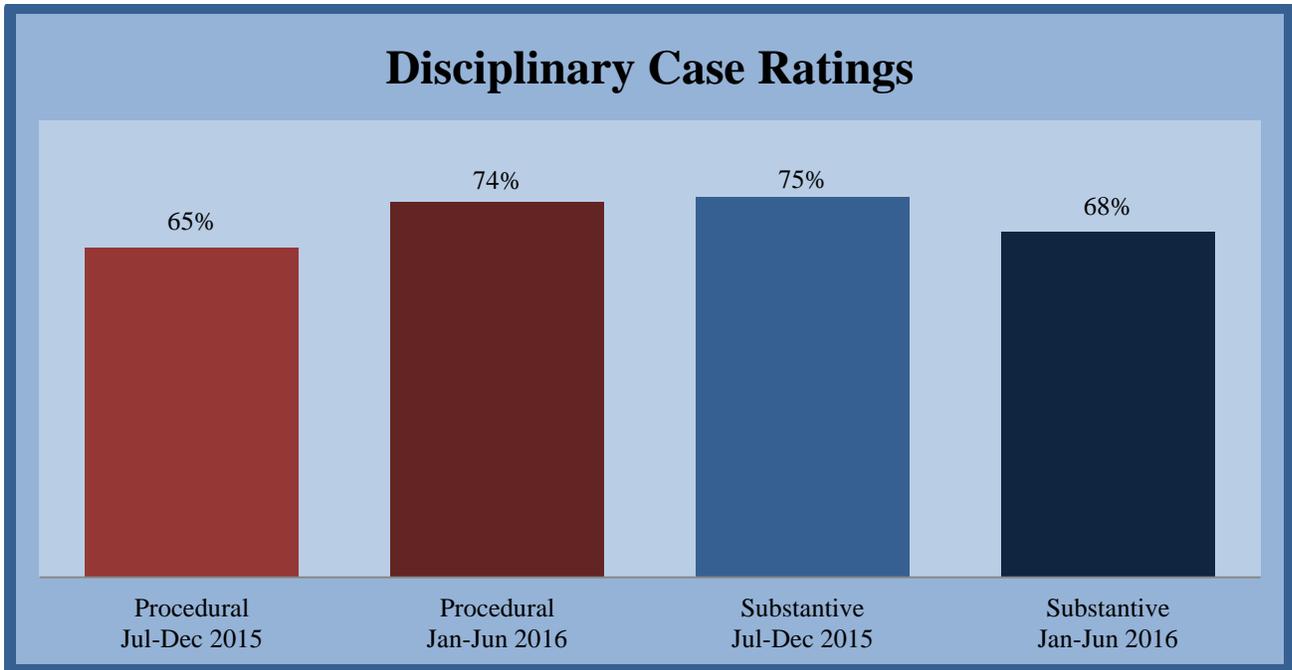


Chart 11: Department Overall Case Sufficiency Ratings
Disciplinary Phase



Volume I Conclusion

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

The OIG recommended in the last Semi-Annual Report that the Office of Internal Affairs revamp its approach to conducting investigations and change its hiring and staffing practices to overcome chronic special agent understaffing and retention problems. The Office of Internal Affairs acknowledges the problems the OIG reported and is taking steps toward alleviating the problems. The department reports that it is exploring a number of alternative solutions to reduce the length of time it takes to complete investigations, including a more critical review of cases during the central intake process, a new strategy for coordinating interview scheduling, a review of cases in the department's case management system for current action, and possible reclassification of certain position, along with other possible improvements related to the investigative process. The department also reports specific measures it is taking to address its problems with hiring and retaining special agents. The department predicts lowering the vacancy rate significantly by the end of 2016.

In the prior Semi-Annual Report, the OIG also noted problems with the manner in which the Office of Internal Affairs improperly classified allegations. The Office of Internal Affairs has formed a working group to modify and correct the allegation list in its case management system.

Based on issues identified, the OIG is making new recommendations primarily for the Office of Internal Affairs but also for the department overall. The OIG notes various challenges that stem from the current structural model that provides for the Office of Internal Affairs to control the investigative and disciplinary processes while department attorneys play a secondary role in decision making. This often results in Office of Internal Affairs special agents, who are typically non-lawyers, making final legal determinations regarding the sufficiency of investigations and whether enough evidence exists to prove a disciplinary case at hearing. Therefore, the OIG recommends the department provide the department attorneys the authority to make decisions on disputed cases during the Office of Internal Affairs Central Intake process, with consideration for recommendations from the Office of Internal Affairs special agents and from the OIG attorneys. Likewise, on Employment Advocacy and Prosecution Team designated cases, the OIG also recommends the department provide the department attorneys with final authority to assess the completeness and thoroughness of internal investigations, considering the hiring authority's opinion and the recommendations of the OIG attorney. In response to these recommendations, the department has proposed a system similar to the executive review used with hiring authorities. The OIG is open to exploring this process as a potential solution.

The OIG continues to provide transparency and critical information to the public and to assist the department in following its policies and procedures. The OIG will also continue encouraging the department to develop policies and procedures that ensure a fair disciplinary process. The

department's willingness to consider and implement some of the OIG's past recommendations is encouraging. However, there remain areas for improvement, including correctly identifying alleged misconduct and the restructuring of interaction between department investigators and department attorneys in internal investigations and disciplinary processes. The department should also conclude investigations in a more timely fashion. The OIG and department executives have maintained an open dialogue, and department leadership has taken positive steps to redress identified concerns and work toward overall improvement of the system.

Volume I Recommendations

The OIG recommends the department implement the following recommendations from Volume I of the Semi-Annual Report, January through June 2016:

Recommendation 1.1: The OIG recommends the department provide the Employment Advocacy and Prosecution Team with the authority to make decisions on disputed cases during the Office of Internal Affairs Central Intake Process, with consideration for recommendations from the Office of Internal Affairs and the OIG.

CDCR Initial Response: The department has proposed an executive review process wherein the Central Intake Panel decisions can be elevated to managers and executives for review.

Recommendation 1.2: The OIG recommends, on designated cases, using the department attorneys to sit as second chair during interviews and interrogations rather than routinely using two special agents, maximizing the input of the attorney as well as helping alleviate the Office of Internal Affairs efficiency and resource issues.

RENEWED RECOMMENDATIONS

The OIG also urges the department to act on the following prior recommendations, which continue to be major issues for the department. The OIG *renews* the following recommendations from the Semi-Annual Report for the July through December 2015 period, and requests an updated response.

Recommendation 1.1: The OIG recommends that the department implement a policy change requiring that investigations be completed within six months of assignment.

Recommendation 1.5: The OIG recommends that the Office of Internal Affairs modify the allegations in its case management system to mirror those in the CDCR Employee Disciplinary Matrix (DOM, Chapter 3, Article 22, Section 33030.19).

Volume I Recommendations from Prior Reporting Periods

The OIG recommended the department implement the following recommendations from Volume I of the Semi-Annual Report, July through December 2015:

Recommendation 1.1: The OIG recommends that the department implement a policy change requiring that investigations be completed within six months.

CDCR Response: Partially Implemented.

The department implemented changes for reviewing central intake requests and scheduling interviews and began reclassifying Central Intake Unit special agents as lieutenants. Additionally, the department is working with employee unions regarding implementing directed reports.

Recommendation 1.2: The OIG recommends that the department find a means to solve the staffing problem or consider hiring non-sworn staff to conduct administrative investigations.

CDCR Response: Substantially Implemented.

The department created a work group with programs that use the special agent classification and the Office of Personnel Services to revise the minimum qualifications for special agent to allow correctional lieutenants or equivalent peace officers to qualify for special agent. The Office of Internal Affairs received a new certifications list in May 2016, and completed interviews in June 2016. Currently, candidates for vacant positions are completing the background process. The Office of Internal Affairs also hired special agents using the training and development process and hired temporary retired annuitants pending special agent hiring.

Recommendation 1.3: The OIG recommends the department install video cameras capable of recording in all inmate areas including, but not limited to, exercise yards, dining halls, housing unit dayrooms, patios, program offices, rotundas, and pathways commonly used for escorts.

CDCR Response: Partially Implemented.

In July 2016, the department began the process of installing approximately 210 cameras at High Desert State Prison as a pilot project. The wiring for the cameras was completed July 27, 2016, and installation of the video surveillance system started August 2, 2016. The estimated completion date is September 19, 2016. The department contracted with the University of California Irvine (UC Irvine) to research and analyze the impact and benefits of the system. UC Irvine will conduct research before the system is implemented to develop a baseline, and conduct further research at one month and four to six months to evaluate short-term effects. The anticipated full implementation date is October 3, 2016.

Recommendation 1.4: The OIG recommends the department require custody staff who have direct contact with inmates to use body-worn cameras with audio and video capabilities during any inmate contact likely to involve force.

CDCR Response: Not Implemented.

The department has decided not to implement the use of body cameras at this time. If the department decides to use body cameras in the future, the technology may be integrated with the video surveillance solution currently being developed.

Recommendation 1.5: The OIG recommends that the Office of Internal Affairs modify the allegations in its case management system to mirror those in the CDCR Employee Disciplinary Matrix (DOM, Chapter 3, Article 22, Section 33030.19).

CDCR Response: Pending.

The department met with the OIG regarding this recommendation and established a committee to develop the next generation of the case management system. The goals are to automate many of the manual processes, streamline maintenance, and allow interface with emerging technology. The Office of Internal Affairs is contacting its staff members, hiring authorities, and other stakeholders to seek input regarding desired changes so that all appropriate changes can be implemented at one time rather than piece-meal. The department will continue meeting with the OIG regarding this process.

The OIG recommended the department implement the following recommendations from Volume I of the prior Semi-Annual Report, January through 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.

CDCR Response: Not Implemented.

The Office of Internal Affairs recognizes the importance of commencing investigations as quickly as possible. However, the Office of Internal Affairs must prioritize caseloads to complete cases within statutory time frames. Given current staffing levels, it is not practical to implement a requirement for conducting the first interview within a specified timeframe. The department will reassess this recommendation once the Office of Internal Affairs substantially fills its remaining vacancies.

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.

CDCR Response: Partially Implemented.

In July 2016, the department began the process of installing approximately 210 cameras at HDSP. The wiring for the cameras was completed July 27, 2016, and installation of the video surveillance system started August 2, 2016. The estimated completion date was September 19, 2016. The department contracted with the University of California Irvine (UC Irvine) to research and analyze the impact and benefits of the system. UC Irvine will conduct research before the system is implemented to develop a baseline, and conduct further research at one month and four to six months to evaluate short-term effects. The anticipated full implementation date is October 3, 2016.

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.

CDCR Response: Fully Implemented.

The Office of Internal Affairs completed in-house training to all Office of Internal Affairs sworn staff regarding the protection of compelled statements and documented all training on a CDCR-844 form. The Office of Internal Affairs will maintain the training records within the training unit.

Appendices

Appendix A1 contains the assessments for 74 Pre-Disciplinary Phase cases monitored during this reporting period, listed by geographical region. **Page 34**

Appendix A2 contains the assessments for 18 Investigative Phase (criminal) cases monitored during this reporting period, listed by geographical region. **Page 87**

Appendix B contains the assessments for 79 Disciplinary Phase cases monitored during the reporting period, listed by geographical region. **Page 99**

Appendix C contains the assessments of 152 Combined Phase cases monitored during the reporting period, listed by geographical region. **Page 155**

APPENDIX A1 PRE-DISCIPLINARY PHASE CASES

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2014-08-24 | 15-0320-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Failure to Report 2. Battery 3. Neglect of Duty |

Incident Summary

On August 24, 2014, four officers allegedly punched and choked an inmate. Two of the officers allegedly placed the inmate in a holding cell without prior authorization and failed to complete a holding cell log, and one of these officers allegedly threatened to issue the inmate a rules violation report and have other inmates attack him if he reported the incident. Another of the four officers allegedly failed to report her suspicion that the inmate was intoxicated and a fifth officer allegedly knew that the inmate was battered but failed to report it.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or make the appropriate investigative findings and the special agent did not conduct interviews appropriately and or adequately cooperate with the OIG. Additionally, the underlying incident took place on August 24, 2014. On February 12, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until July 29, 2015, five and one-half months after assignment.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 29, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 6, 2015, 69 days after the date of discovery.
- Were all of the interviews thorough and appropriately conducted?
The special agent did not use a prepared and standardized diagram for each person interviewed.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The OIG informed the special agent almost two months in advance that the OIG would be unable to attend interviews of the complainant and one of the officers. Despite the advance notice, the special agent insisted that these key interviews proceed when the OIG was unavailable, preventing the OIG from real-time monitoring of the interviews.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority neglected to find the four officers battered the inmate and one officer threatened the inmate.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|---|--|
| 2015-02-11 | 15-1171-IR | Direct Action with Subject Only Interview | <ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Neglect of Duty |

Incident Summary

On February 11, 2015, an officer allegedly fired a warning shot from a Mini-14 rifle without justification, failed to immediately report firing the warning shot, and failed to sign his post orders.

CENTRAL REGION

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and consulting with the OIG, did not identify all potential misconduct, neglected to request a full investigation, and did not sufficiently cooperate with the OIG. Also, the Office of Internal Affairs did not make an appropriate determination regarding the hiring authority's request and the special agent did not prepare an appropriate draft investigative report. The department attorney did not provide adequate legal advice to the hiring authority and neglected to timely assess the deadline to take disciplinary action. The employee relations officer did not assess the deadline to take disciplinary action. Additionally, the underlying incident took place on February 11, 2015. On September 3, 2015, the Office of Internal Affairs assigned a special agent to conduct a single interview but he did not conduct the only interview until January 6, 2016.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on February 11, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 12, 2015, 90 days after the date of discovery. Additionally, the hiring authority failed to recognize the need to request an investigation to determine why the officer fired the warning shot.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs inappropriately denied the hiring authority's request for reconsideration to interview the officer.
- Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention?
The Office of Internal Affairs would not have authorized the officer's interview without the OIG's intervention.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 relevant dates before the investigative findings conference and before the department assigned an attorney. Also, the department attorney was assigned on September 8, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 30, 2015, 22 days after assignment.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The summary of the officer's reports contained in the draft investigative report were incomplete, inaccurate, and misleading.
- 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 June 10, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until June 30, 2015, 20 days thereafter.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority improperly deemed the investigation sufficient despite evidence suggesting the officer may have been dishonest during his interview with the Office of Internal Affairs.
- Did the HA properly determine whether additional investigation was necessary?
Initially, the hiring authority improperly decided it was unnecessary to interview the officer to determine whether he was justified in using deadly force. Once the officer was interviewed, the hiring authority improperly decided it was unnecessary to conduct a full investigation to determine whether the officer was dishonest during his interview with the Office of Internal Affairs.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney did not provide appropriate legal advice regarding the officer's use of deadly force and the need to conduct a full investigation to determine whether the officer was dishonest during his interview with the Office of Internal Affairs.
- 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 that the officer used unreasonable force and was dishonest during his interview with the Office of Internal Affairs.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority failed to find that the officer's use of deadly force was unreasonable and that he was dishonest during his interview with the Office of Internal Affairs.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority did not provide the OIG with the request to the Office of Internal Affairs requesting an interview of the officer or the form documenting the investigative findings.

CENTRAL REGION

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not timely refer the matter to the Office of Internal Affairs and delayed conducting the investigative findings conference.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|-----------------------------------|
| 2015-02-26 | 15-0868-IR | Administrative Investigation | 1. Other Failure of Good Behavior |

Incident Summary

On February 26, 2015, a parole agent allegedly hit his girlfriend, held her on the ground, and knocked the phone from her hand as she attempted to call for emergency response from outside law enforcement.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not timely discuss the elements of a thorough investigation, appropriately address modifying the deadline for taking disciplinary action, or provide appropriate feedback regarding the investigative report. The special agent did not adequately prepare for or conduct a timely and thorough investigation, prepare a thorough investigative report, or adequately confer with the department attorney and the OIG. The hiring authority was unable to adequately address the dishonesty allegation because the special agent did not conduct a timely and adequate investigation. Additionally, the underlying incident took place on February 26, 2015. On May 18, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until January 21, 2016.

CENTRAL REGION

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 neglected to contact the special agent and the OIG to discuss the elements of a thorough investigation within 21 days.
- 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 neglected to determine that the deadline for taking disciplinary action should be extended for the time during which the district attorney was considering criminal prosecution.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not recognize the need to have an audio recording enhanced before beginning interviews.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter information into the case management system explaining investigative delays and inactivity or summarizing whether the parole agent's interview supported, refuted, denied, or admitted the allegations.
- 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 neglected to mention the report contained incomplete interview summaries, and that the report did not include whether the parole agent disclosed a prior arrest to the department or police audio and video recordings and photographs, or explain investigative efforts to enhance the police audio recording.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not contain complete interview summaries, information related to the parole agent's prior arrest for domestic violence, or a description of investigative efforts made to analyze and enhance evidence. The special agent also did not attach police dispatch recordings, video recordings, or photographs as exhibits.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not provide information related to the parole agent's prior arrest and whether he disclosed the arrest to the department.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent was not timely and responsive to the OIG's requests for information concerning the status of the investigation.
- Was the investigation thorough and appropriately conducted?
The special agent did not have an audio recording enhanced and did not conduct a second interview of the arresting officer after the parole agent alleged his accuser and the officer were friends. The special agent's lack of diligence in conducting a timely investigation resulted in three critical witnesses not being interviewed.
- If the HA determined additional investigation was necessary, was additional investigation requested?
Although the hiring authority determined that enhanced audio evidence was required to determine whether the parole agent was dishonest, the hiring authority did not request additional investigation because the Office of Internal Affairs provided its report to the hiring authority 15 days before the deadline to take disciplinary action and as a result, there was insufficient time to conduct the necessary additional investigation.
- 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 was not able to adequately address whether the parole agent was dishonest because the special agent did not have the police audio recording enhanced.
- 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 provide the department attorney with timely information regarding the status of the investigation and delays in initiating the investigation.

CENTRAL REGION

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The special agent's lack of diligence in conducting the investigation resulted in audio-recorded evidence not being enhanced in a timely manner and three witnesses not being interviewed.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2015-03-04 | 15-0829-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Discourteous Treatment 3. Dishonesty |

Incident Summary

On March 4, 2015, a lieutenant allegedly raised his voice and used profanity toward a captain, was allegedly dishonest when he documented his work hours, and delayed completing his work to obtain overtime.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney provided inappropriate legal advice to the hiring authority and the hiring authority made inappropriate investigative findings. The hiring authority did not fully cooperate with the OIG and the special agent did not enter all case activity in the case management system. Additionally, the underlying incident took place on March 4, 2015. On May 8, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until December 15, 2015.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent failed to enter into the case management system whether the lieutenant supported, refuted, denied, or admitted the allegations.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority that the facts did not support a dishonesty allegation.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority inappropriately determined that the lieutenant neglected his duty rather than being dishonest when he falsified his time card.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority did not provide the OIG with the form documenting the investigative findings.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2015-03-24 | 15-1513-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Discourteous Treatment 3. Neglect of Duty |

Incident Summary

On March 24, 2015, an officer allegedly used profanity toward an inmate, placed the inmate's personal property in the shower with the water running, and was dishonest about the incident. A second officer allegedly did not take action in response to the first officer's conduct. A sergeant allegedly did not investigate, supervise, or report the first officer's conduct, and was allegedly dishonest about the matter. On October 13, 2015, the first officer was allegedly dishonest during his interview with the Office of Internal Affairs and, on January 6, 2016, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

CENTRAL REGION

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner, adequately prepare for the investigative findings conference, or make appropriate findings. Also, the special agent did not adequately prepare for the investigation, conduct a complete and thorough investigation, prepare a complete investigative report, adequately cooperate with the department attorney and the OIG, or conduct the investigation with due diligence.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 24, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 3, 2015, more than three months after the date of discovery.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent neglected to identify relevant policies and procedures before conducting interviews.
- Were all of the interviews thorough and appropriately conducted?
The special agent neglected to question the officer about departmental policies governing cell searches.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include the second officer's interview.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not include the second officer's interview.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not timely respond to the OIG's recommendations to add the second officer as a subject of the investigation and interview him before he retired.
- Was the investigation thorough and appropriately conducted?
The special agent did not question the first officer about relevant policies or interview a second officer before he retired.
- If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared?
The hiring authority neglected to review audio recordings of inmate interviews before deciding the investigative findings.
- If the HA determined additional investigation was necessary, was additional investigation requested?
The hiring authority did not request the second officer be interviewed because the officer retired.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not sustain appropriate allegations of neglect of duty, dishonesty, and discourteous treatment against the first officer.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The special agent was not responsive to the department attorney's requests to add the second officer as a subject and interview him before his retirement.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs assigned a special agent on August 7, 2015, but the special agent neglected to interview the second officer during three months before the officer retired. Also, the special agent completed interviews on January 6, 2016, but did not provide the investigative report to the hiring authority until March 4, 2016, 58 days thereafter.

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2015-03-27 | 15-1846-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Failure to Report Use of Force 4. Neglect of Duty |

Incident Summary

On March 27, 2015, a lieutenant allegedly failed to properly prepare sergeants and officers for a cell extraction and document the force they used. Two sergeants allegedly dragged two inmates from a cell by their ankles, shirts, and handcuffs, failed to stop the use of unnecessary force by officers, and failed to report the use of unnecessary force. Six officers allegedly dragged, lifted, and attempted to carry the inmates by their restrained arms and legs. Two of the officers were allegedly dishonest in reporting the force used and three of the officers allegedly failed to report the use of force. Two other officers allegedly failed to fully record the cell extraction and an associate warden allegedly failed to intervene and failed to report the use of force.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not attend two interviews, provide written confirmation of discussions with the special agent, provide appropriate legal advice to the hiring authority, or adequately consult with the OIG. The special agent did not timely provide the OIG with a draft report, appropriately draft the investigative report, or adequately consult with the OIG. The hiring authority delayed referring the matter for investigation and did not timely provide the OIG with the form documenting the investigative findings. The hiring authority's supervisor did not make appropriate investigative findings.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 27, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 12, 2015, over four months after the date of discovery.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend the interview of the associate warden or a second interview of an officer.
- 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 provided a supplemental investigative report to the hiring authority without allowing the OIG adequate time to review a draft.
- 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 neglected to provide written confirmation of critical discussions she had with the special agent regarding the need for a supplemental report and additional exhibits, and failed to provide written feedback regarding the supplemental report.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include allegations that two officers failed to adequately record the cell extraction.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not consult with the OIG about whether additional investigation was needed regarding the failure to fully record the cell extraction.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney incorrectly advised the hiring authority that none of the use-of-force allegations should be sustained.
- If an executive review was invoked, was the appropriate decision made?
The hiring authority's supervisor did not make appropriate investigative findings regarding the use of force.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney neglected to consult with the OIG about whether additional investigation was needed regarding the failure to fully record the cell extraction.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority did not timely provide the OIG with the form documenting the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed more than four months before referring the matter to the Office of Internal Affairs.

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2015-04-09 | 15-1169-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty |

Incident Summary

On April 9, 2015, a chief deputy warden allegedly disobeyed an associate director's order to not get involved in an employee's disciplinary case because the chief deputy warden had previously been involved in a romantic relationship with the employee. The chief deputy warden was also allegedly dishonest when he advised a warden, who had been assigned to make decisions regarding the employee's disciplinary case, that the associate director and the chief deputy warden had agreed that the employee's disciplinary case should be resolved with corrective action. On July 23, 2015, the chief deputy warden was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not make a required entry into the case management system and did not contact the special agent and the OIG to discuss the elements of a thorough investigation.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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.
- 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 did not contact the special agent and the OIG to discuss the elements of a thorough investigation.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2015-04-14 | 15-1327-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Neglect of Duty |

Incident Summary

On April 14, 2015, two floor officers and a control booth officer allegedly failed to timely respond to a fight involving three inmates for more than eight minutes. Additionally, the two floor officers allegedly violated their post orders by being in the control booth without a legitimate purpose.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter for investigation, the special agent did not adequately prepare for the investigation, and the department attorney did not provide timely feedback regarding the draft investigative report.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on April 14, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 2, 2015, 49 days after the date of discovery.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not interview an involved inmate before interviewing the officers despite the OIG's recommendation.
- 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 Office of Internal Affairs provided the draft report to the department attorney on December 24, 2015, but the department attorney did not document reviewing the report in the case management system and did not provide feedback addressing the thoroughness and clarity of the report until January 22, 2016, 29 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-05-09 | 15-1324-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Threat/Intimidation 2. Discourteous Treatment 3. Other Failure of Good Behavior 4. Dishonesty 5. Misuse of Authority |

Incident Summary

On May 9, 2015, an officer was allegedly drunk and fighting on the street with his brother. The officer also allegedly physically resisted, verbally abused, and threatened outside law enforcement, attempted to use his status as a peace officer to obtain preferential treatment, and was dishonest to outside law enforcement and the hiring authority.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney did not correctly assess the deadline for taking disciplinary action and provided inappropriate legal advice, and the Office of Internal Affairs did not conduct a thorough investigation. The special agent neglected to enter activity in the case management system.

CENTRAL REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 applied a statutory tolling provision to determine the 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?
The department attorney neglected to modify the deadline for taking disciplinary action once the criminal case concluded.
- Did the special agent appropriately enter case activity in the case management system?
The special agent neglected to enter a summary in the case management system explaining whether the officer's interview supported, refuted, denied, or admitted the allegations.
- Was the investigation thorough and appropriately conducted?
The Office of Internal Affairs did not interview a witness the officer threatened to kill.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised against interviewing a jailer whom the officer threatened to kill.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|---|
| 2015-05-12 | 15-1419-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty |

Incident Summary

On May 12, 2015, a lieutenant allegedly left the institution without approval, was dishonest to an associate warden by claiming he attempted to notify the watch commander before leaving, and reported on his timesheet that he worked a full shift. On February 23, 2016, the lieutenant was allegedly dishonest during his investigative interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make appropriate determination regarding the hiring authority's first reconsideration request and the special agent did not conduct a timely and thorough investigation or prepare an appropriate investigative report. Also, the hiring authority improperly deemed the investigation sufficient and did not pursue a request for additional investigation, and the department attorney did not provide appropriate legal advice to the hiring authority.

CENTRAL REGION

Assessment Questions

- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs inappropriately denied the first request for reconsideration after improperly determining that there was no violation of the lieutenant's procedural due process rights.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include information that should have been obtained regarding the lieutenant's prior complaints against the associate warden. The Office of Internal Affairs did not obtain these complaints despite the OIG's recommendation to do so.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not include information that should have been obtained regarding the lieutenant's prior complaints against the associate warden. The Office of Internal Affairs did not obtain these complaints despite the OIG's recommendation to do so.
- Was the investigation thorough and appropriately conducted?
The special agent refused to investigate the lieutenant's claim the allegations were part of ongoing retaliation and could not interview the associate warden because he suffered a major illness 86 days after the special agent was assigned.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority improperly deemed the investigation sufficient.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority improperly determined additional investigation was not necessary.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney refused to provide legal advice regarding whether the hiring authority should sustain one of the dishonesty allegations and incorrectly advised the hiring authority the investigation was sufficient.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs delayed 70 days before finally approving an investigation. Additionally, the Office of Internal Affairs assigned a special agent on November 25, 2015, but he did not conduct the first interview until February 23, 2016, by which time the associate warden, who was most knowledgeable about the alleged misconduct, was incapable of being interviewed.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-05-26 | 16-0487-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Threat/Intimidation 2. Other Failure of Good Behavior |

Incident Summary

On May 26, 2015, a parole agent allegedly pushed his wife to the ground, injuring her shoulder, and threatened to kill his wife and her son if she reported the incident.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not correctly assess the deadline for taking disciplinary action or provide the OIG with written confirmation regarding the investigative report, and the special agent did not enter activity in the case management system. Also, the hiring authority neglected to conduct the investigative findings conference in a timely manner.

CENTRAL REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as September 10, 2016, when the deadline was actually June 22, 2016.
- Did the special agent appropriately enter case activity in the case management system?
The special agent neglected to enter a summary in the case management system indicating whether the parole agent's interview supported, refuted, denied, or admitted the allegations.
- 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 a copy of his feedback about the investigative report to the OIG.
- 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 May 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 2, 2016, 23 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|---|---|
| 2015-06-12 | 15-1564-IR | Direct Action with Subject Only Interview | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty |

Incident Summary

On June 12 and June 14, 2015, an officer allegedly slept in a chair while at the institution and on June 17, 2015, was allegedly dishonest to a sergeant when he denied sleeping.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs initially declined to open a full investigation and the hiring authority did not timely conduct the investigative findings conference.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not open a full investigation because the witnesses should have been thoroughly questioned regarding the facts.
- 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, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings until May 31, 2016, 46 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-08-30 | 15-2284-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment 4. Other Failure of Good Behavior |

Incident Summary

Between August 30, 2015, and August 31, 2015, an officer allegedly helped her uncle, a fugitive, unlawfully enter the country and made false statements to outside law enforcement during the investigation. When outside law enforcement asked for the phone number to the institution where the officer works, she told them to conduct a computer search for the information. On November 19, 2015, and January 21, 2016, the officer was allegedly dishonest during interviews with the Office of Internal Affairs.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not cooperate with the special agent or provide written confirmation of critical discussions to the OIG and was not adequately prepared during critical discussions. The special agent did not appropriately conduct an interview, enter activity in the case management system, or complete the investigation before the officer became a permanent employee. The hiring authority did not adequately cooperate and consult with the OIG.

Assessment Questions

- Were all of the interviews thorough and appropriately conducted?
The special agent inappropriately provided the officer with outside law enforcement reports for review before obtaining her answers to critical questions.
- Did the special agent appropriately enter case activity in the case management system?
The special agent neglected to enter a summary in the case management system indicating whether the officer's interviews supported, refuted, denied, or admitted the allegations.
- 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 neglected to provide the special agent and the OIG with written feedback regarding the investigative report.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The department attorney did not cooperate with the special agent in scheduling the initial case conference and was not prepared to discuss whether the officer could be rejected on probation.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The hiring authority and the department attorney conducted the first investigative findings conference without notifying the OIG. The department attorney neglected to consult with the OIG regarding changed recommendations to the hiring authority.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority and the department attorney conducted the first investigative findings conference without notifying the OIG.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not complete the investigation before the officer's probationary status expired and she became a permanent employee.

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--|
| 2015-10-07 | 15-2870-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Misuse of Authority 2. Insubordination/Willful Disobedience 3. Intoxication |

Incident Summary

On October 7, 2015, a sergeant allegedly drove while under the influence of alcohol and while on probation for a conviction of a prior similar offense. The sergeant also allegedly sought leniency from outside law enforcement based on his status as a peace 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 |
|---------------|-----------------|--------------------------------------|--|
| 2015-12-19 | 16-0620-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Neglect of Duty |

Incident Summary

Between December 19, 2015, and January 4, 2016, an officer allegedly did not report that an inmate attempted to blackmail him and failed to preserve evidence related to the blackmail attempts.

Predisciplinary Assessment

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

The department did not comply with the policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate initial determination regarding the case and inappropriately denied the hiring authority's request to reconsider its decision. The hiring authority did not request additional investigation and did not conduct the investigative findings conferences in a timely manner.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to return the case to the hiring authority without an investigation because there were questions supporting the need for a full investigation.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs neglected to grant the hiring authority's request for further investigation.
- 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 February 24, 2016. However, 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 8, 2016, 44 days thereafter. After the hiring authority requested reconsideration, the Office of Internal Affairs returned the case to the hiring authority on April 12, 2016. However, the hiring authority did not consult with the OIG and the department attorney until May 16, 2016, 34 days thereafter.
- Did the HA properly determine whether additional investigation was necessary?
Although the hiring authority recognized the need for further investigation, she did not request it because the Office of Internal Affairs denied two previous requests.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conferences in a timely manner.

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|-----------------------------------|
| 2016-02-05 | 16-1310-IR | Direct Action (No Subject Interview) | 1. Other Failure of Good Behavior |

Incident Summary

On February 5, 2016, an officer allegedly kicked his girlfriend during an argument.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, conduct the investigative findings conference in a timely manner, or properly determine the need for an investigation, and the department attorney did not provide appropriate legal advice.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on February 5, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 22, 2016, 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 returned the case to the hiring authority on April 20, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until 37 days thereafter.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority did not properly determine that an investigation was necessary because State law prohibits taking action against officers based solely on reports from outside law enforcement.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney neglected to recommend an investigation and advise the hiring authority that State law prohibits taking action against officers based solely on reports from outside law enforcement.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs and the department did not conduct the investigative findings conference in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--|
| 2016-02-09 | 16-0926-IR | Direct Action (No Subject Interview) | 1. Misuse of Authority 2. Neglect of Duty 3. Discourteous Treatment 4. Intoxication |

Incident Summary

On February 9, 2016, an officer allegedly failed to properly document his timesheet when leaving work early, became intoxicated, used his badge in an attempt to gain access to a bar, threatened a police officer, and attempted to use his position as a peace officer to avoid arrest.

Predisciplinary Assessment

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

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

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|-------------------------|
| 2016-02-19 | 16-0927-IR | Direct Action (No Subject Interview) | 1. Controlled Substance |

Incident Summary

On February 19, 2016, an officer allegedly tested positive for cocaine.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney improperly advised the hiring authority, causing the hiring authority not 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 returned the case to the hiring authority on March 23, 2016. However, 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, 2016, 51 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney improperly advised the hiring authority regarding the timeframes for conducting the investigative findings conference and, as a result, the hiring authority did not hold the investigative findings conference timely.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2012-05-01 | 15-1919-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Contraband 4. Misuse of State Equipment or Property 5. Failure to Report 6. Neglect of Duty |

Incident Summary

On May 1, 2012, an officer allegedly failed to notify the department his brother was incarcerated and visited his brother without proper authorization. Between August 13, 2015, and August 19, 2015, the officer allegedly brought food for inmates, allowed inmates to possess potentially dangerous items, brought movies into the institution for personal use, and was dishonest to a sergeant when he stated he never brought food for inmates before. Between May 1, 2015, and August 19, 2016, the officer allegedly watched movies on his State computer multiple times. On December 3, 2015, the officer allegedly admitted that he regularly allowed inmates to take leftover food back to their cells. On August 13, 2015, a cook allegedly failed to report that the officer brought food for the inmates and allowed inmates to possess food.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not accurately assess the deadline for taking disciplinary action and the Office of Internal Affairs did not timely complete the investigation.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as August 18, 2016, when the earliest possible deadline was actually May 1, 2015.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on May 12, 2016, over a year after the earliest deadline to take disciplinary action.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?
The Office of Internal Affairs did not complete its report until over a year after the earliest deadline to take disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not timely complete the investigation.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--|
| 2013-05-23 | 16-0994-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Failure to Report 2. Misuse of State Equipment or Property |

Incident Summary

Between May 23, 2013, and January 29, 2014, a sergeant allegedly used a State computer to exchange sexual email messages with a psychiatric technician and failed to report the psychiatric technician's misconduct.

NORTH REGION

| | |
|--|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not enter the deadline for taking disciplinary action into the case management system and did not provide appropriate legal consultation.</p> | |
| Assessment Questions | |
| <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 department attorney did not make an entry into the case management system confirming the deadline for taking disciplinary action.</i> Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney did not provide feedback that the draft investigative findings form contained an incorrect deadline for taking disciplinary action and that an allegation omitted the word "intentionally."</i> | |

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2014-04-01 | 15-1648-IR | Administrative Investigation | <ol style="list-style-type: none"> Dishonesty Contraband Discourteous Treatment |

Incident Summary

Between April 1, 2014, and April 30, 2015, an officer allegedly brought tobacco into the institution. On May 10, 2015, the officer allegedly introduced and used tobacco on institutional grounds, used improper language toward inmates, and spit into an inmate drinking fountain. On May 16, 2015, the officer was allegedly dishonest to a sergeant.

| | |
|--|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Insufficient |
| <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely request an investigation, the department attorney incorrectly assessed the date of discovery, and the special agent did not make required entries in the case management system.</p> | |
| Assessment Questions | |
| <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 10, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 13, 2015, 64 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 department attorney incorrectly assessed the date of discovery as May 16, 2015, when the date of discovery was actually May 10, 2015.</i> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether interviews supported, refuted, denied, or admitted the allegations.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not timely request an investigation.</i> | |

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|---|---------------|
| 2014-10-12 | 16-0759-IR | Direct Action with Subject Only Interview | 1. Dishonesty |

Incident Summary

On October 12, 2014, and October 14, 2014, an officer allegedly registered his two dogs to vote. On November 4, 2014, the officer allegedly attempted to vote using an alias.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not adequately cooperate with the department attorney, and the special agent did not make required entries in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on July 22, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 24, 2016, seven months after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the department attorney to allow for feedback before it was forwarded to the HA or prosecuting agency?
The Office of Internal Affairs provided the draft report to the department attorney on May 6, 2016, but forwarded the report to the hiring authority on May 11, 2016, without waiting for the department attorney's feedback.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The Office of Internal Affairs did not provide sufficient time to the department attorney to review the draft investigative report before forwarding the report to the hiring authority.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--------------------|
| 2014-12-08 | 15-1219-IR | Administrative Investigation | 1. Neglect of Duty |

Incident Summary

On December 8, 2014, a nurse issued non-standard athletic shoes to an inmate as a medical accommodation. On March 3, 2015, a captain, without resolving the medical accommodation needs of the inmate, allegedly determined the shoes were contraband and ordered officers to seize the shoes from the inmate. Officers subsequently seized the shoes from the inmate.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the case to the Office of Internal Affairs or timely consult with the OIG regarding the investigative findings. Also, the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation and did not make an appropriate initial determination.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on March 3, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 14, 2015, 72 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on May 14, 2015, but did not take action until June 17, 2015, 34 days after receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The OIG disagreed with the Office of Internal Affairs' decision there was no potential misconduct and that an investigation was not needed because there was sufficient evidence of misconduct but the facts needed to be explored. The OIG elevated the matter and the Office of Internal Affairs agreed to open an investigation.
- Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention?

The Office of Internal Affairs originally determined that there was no potential misconduct and, therefore, an investigation was not needed. The OIG disagreed and elevated the matter. After the OIG elevated the matter, the Office of Internal Affairs agreed to open an investigation.
- 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 22, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 19, 2016, 28 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely refer the case to the Office of Internal Affairs, the Office of Internal Affairs did not timely make a determination regarding the hiring authority's request for an investigation, and the hiring authority did not timely consult with the OIG.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2014-12-11 | 15-0764-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Disclosure of Confidential Information 2. Discourteous Treatment 3. Other Failure of Good Behavior 4. Dishonesty |

Incident Summary

On December 11, 2014, a sergeant allegedly disclosed a confidential complaint about an officer directly to him. On February 5, 2015, the sergeant was allegedly dishonest when he denied disclosing the complaint to the officer. On February 4, 2015, the officer allegedly refused to open a housing unit door for a senior psychiatric technician.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation, the special agent did not properly conduct interviews or the investigation, and the department attorney neglected to attend key witness interviews.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on March 10, 2015, but did not take action until April 15, 2015, 36 days after receipt of the request.
- Were all of the interviews thorough and appropriately conducted?
The special agent frequently asked leading questions, unnecessarily revealed information obtained from other witnesses, inappropriately explained why he was asking questions, and failed to bring a copy of a document to an interview so the witness who drafted it could authenticate it. The special agent also disclosed to an officer that another investigation was pending against him.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney failed to attend interviews of two complaining witnesses.
- Was the investigation thorough and appropriately conducted?
The interviews were not appropriately conducted and the special agent disclosed to an officer that another investigation was pending against him.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not take action on the request for investigation in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-01-06 | 15-0626-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Insubordination/Willful Disobedience 3. Dishonesty 4. Neglect of Duty |

Incident Summary

On January 6, 2015, an officer used force on an inmate and allegedly failed to report using force and was allegedly dishonest to supervisors when he denied using force. On July 21, 2015, the officer was allegedly dishonest during his interview with the Office of Internal Affairs. A second officer also allegedly used force and failed to report it. A third officer allegedly witnessed the use of force and failed to report it, and on September 17, 2015, failed to appear for an interview with the Office of Internal Affairs. On January 6, 2015, a sergeant allegedly told the first officer not to report the use of force and failed to have officers prepare reports.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 6, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 5, 2015, 58 days after the date of discovery.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2015-01-07 | 15-0703-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Discourteous Treatment 3. Use of Force 4. Failure to Report |

Incident Summary

On January 7, 2015, an officer allegedly argued with an inmate and pulled his food tray away from him multiple times. The inmate pushed the officer in the chest and a second officer deployed pepper spray at the inmate. As the first officer attempted to secure the inmate, the inmate grabbed the officer and struggled with him while the second officer allegedly failed to assist the first officer. A third officer allegedly witnessed the use of force but failed to report it. Two additional officers also allegedly failed to report their involvement in the incident.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation, the department attorney did not timely assess the deadline for taking disciplinary action, the special agent did not appropriately interview witnesses or appropriately draft the investigative reports, and the hiring authority did not preserve evidence.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on February 26, 2015, but did not take action until April 8, 2015, 41 days after receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 16, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until May 11, 2015, 25 days after assignment.
- Were all of the interviews thorough and appropriately conducted?
The special agent suggested answers to witnesses, did not appropriately ask questions the department attorney and the OIG suggested, and did not describe for the audio recording what witnesses were referencing when reviewing visual recordings or diagrams.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not objectively describe the evidence and interviews or include admissions one officer made, contained inappropriate commentary on the evidence, and referenced policies and documents not applicable at the time of the alleged misconduct.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not include admissions one officer made, contained inappropriate commentary on the evidence, and referenced training not applicable at the time of the alleged misconduct.
- Was the investigation thorough and appropriately conducted?
The hiring authority did not preserve a relevant visual recording of the incident captured by a second camera. The visual recording would likely have shown when three of the officers arrived.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the request for investigation.

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|---|
| 2015-03-20 | 15-2593-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Disclosure of Confidential Information 2. Neglect of Duty 3. Misuse of State Equipment or Property |

Incident Summary

On March 20, 2015, and September 28, 2015, a lieutenant allegedly used a State computer to send personal email messages containing confidential information.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not timely or correctly assess the deadline for taking disciplinary action, the special agent did not make required entries in the case management system, and the hiring authority did not timely conduct the investigative findings conference.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 December 8, 2015, but did not make an entry into the case management system regarding the deadline to take disciplinary action until March 8, 2016, 91 days after assignment. In addition, the entry did not reference the date of discovery.
- 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 changed the deadline for taking disciplinary action from the correct date to an incorrect date and made the change without consulting with the OIG. The department attorney assessed the deadline as March 19, 2016, when the deadline was actually September 28, 2016.
- 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 December 2, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until 98 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely conduct the investigative findings conference.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-03-25 | 15-1121-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Other Failure of Good Behavior 2. Misuse of State Equipment or Property |

Incident Summary

On March 25, 2015, an off-duty officer allegedly touched a nurse's breasts and buttocks, and then choked her when she declined his sexual advances. Between September 1, 2014, and March 27, 2015, the officer allegedly used his State computer to send email messages containing sexual innuendoes to female staff members.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on April 30, 2015, but did not take action until June 3, 2015, 34 days after receipt of the request.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-04-25 | 15-1208-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Unreasonable Use of Force 4. Failure to Report Use of Force 5. Failure to Report 6. Neglect of Duty |

Incident Summary

On April 25, 2015, seven officers allegedly physically picked up an inmate from his wheelchair, threw him into a cell, and threw the wheelchair against the cell door. The seven officers also allegedly failed to report their own and the other's uses of force. The control booth officer also allegedly failed to report the force he observed. On September 14, 2015, and September 15, 2015, three of the officers were allegedly dishonest multiple times during their interviews with the Office of Internal Affairs. On March 12, 2016, one of the officers allegedly violated an order from the Office of Internal Affairs to not discuss the investigation and on April 15, 2016, was dishonest to a special agent regarding the discussion.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs delayed in completing its investigation.

Assessment Questions

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on April 22, 2016, six days before the deadline to take disciplinary action.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not timely complete its investigation.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-04-25 | 15-1476-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty |

Incident Summary

On April 25, 2015, an officer allegedly failed to carry his personal alarm and radio during an incident and was allegedly dishonest when he reported why he failed to activate his personal alarm during the incident.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and the special agent did not make required entries in the case management system.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on April 25, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 22, 2015, 58 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether interviews of the witnesses and officer supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--------------------|
| 2015-04-26 | 15-1755-IR | Direct Action (No Subject Interview) | 1. Neglect of Duty |

Incident Summary

On April 26, 2015, an officer allegedly failed to timely release an inmate from his cell for a family visit.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference and did not notify the OIG of the investigative findings conference. Also, the employee relations officer did not enter relevant dates into the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on May 1, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 22, 2015, 52 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authority on July 22, 2015. However, the hiring authority did not make a determination regarding the sufficiency of the investigation and the investigative findings until more than six months thereafter and did not consult with the OIG prior to making a determination.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority did not notify the OIG and conducted the investigative findings conference without consulting the OIG.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--------------------|
| 2015-04-30 | 16-0617-IR | Direct Action (No Subject Interview) | 1. Neglect of Duty |

Incident Summary

On April 30, 2015, an officer allegedly counted a dead inmate as being alive.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs did not timely act upon or make appropriate determinations regarding the referral. The employee relations officer did not confirm relevant dates in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on April 30, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 22, 2016, more than eight months after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on January 22, 2016, but did not take action until February 24, 2016, 33 days after the receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decisions to not include a second officer as a subject, add a dishonesty allegation, and authorize an investigation because there was sufficient evidence to include the officer and add the allegation but additional questions needed exploring.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs denied the hiring authority's request to interview the officer. Therefore, four potential acts of misconduct were not addressed.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 department conduct the pre-disciplinary/investigative phase 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 timely act on the referral.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--|
| 2015-05-01 | 16-0312-IR | Direct Action (No Subject Interview) | 1. Sexual Misconduct 2. Failure to Report |

Incident Summary

During May 2015, an Office of Internal Affairs' office technician allegedly engaged in sexual intercourse multiple times with a 15-year-old girl. On January 13, 2016, outside law enforcement arrested the office technician but he allegedly failed to report his arrest.

NORTH REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Insufficient |
| The department did not comply with policies and procedures governing the pre-disciplinary process because neither the Office of Internal Affairs nor the hiring authority added a dishonesty allegation supported by the evidence and the hiring authority delayed conducting the investigative findings conference. | |

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| Assessment Questions |
| <ul style="list-style-type: none"> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The OIG disagreed with the Office of Internal Affairs' decision to not add a dishonesty allegation because the evidence showed the office technician was dishonest to outside law enforcement when he denied having sexual intercourse with a minor. He subsequently admitted that he did engage in sexual intercourse with the minor.</i> 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 returned the case to the hiring authority on January 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 29, 2016, 35 days thereafter.</i> Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence? <i>The hiring authority did not add a dishonesty allegation supported by the evidence.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department delayed conducting the investigative findings conference.</i> |

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--------------------|
| 2015-05-11 | 15-1754-IR | Administrative Investigation | 1. Neglect of Duty |

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| Incident Summary |
| On May 11, 2015, and July 27, 2015, a control booth officer allegedly closed cell doors on four separate occasions striking four different inmates, some of whom sustained minor injuries. |

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and neglected to timely consult with the OIG and the department attorney. The department attorney did not enter the incident dates into the case management system. Also, the special agent did not make required entries in the case management system. | |

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on May 14, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 4, 2015, 82 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 confirming the date of the reported incidents.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- 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 25, 2016. However, 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 27, 2016, 33 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority delayed referring the incident to the Office of Internal Affairs and did not conduct the investigative findings conference in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2015-05-16 | 15-1435-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Dishonesty 4. Unreasonable Use of Force 5. Failure to Report 6. Discourteous Treatment 7. Other Failure of Good Behavior |

Incident Summary

On May 16, 2015, an officer allegedly slapped an inmate and two other officers allegedly failed to intervene or report the incident. On May 25, 2015, the first officer allegedly assaulted another inmate and the other two officers and a fourth officer allegedly failed to intervene. On June 12, 2015, the two officers who allegedly witnessed the slap were allegedly dishonest in memoranda describing the incident. Between February 1, 2016, and February 14, 2016, the first officer allegedly discussed the investigation with another employee after the special agent instructed him not to do so.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney incorrectly assessed the deadline for taking disciplinary action. Also, the special agent did not make required entries in the case management system.

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 assessed the deadline for taking disciplinary action as May 24, 2016, when the deadline was actually May 21, 2016.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether interviews of the witnesses and officers supported, refuted, denied, or admitted the allegations.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-05-21 | 15-1783-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of State Equipment or Property |

Incident Summary

On May 21, 2015, a parole agent allegedly used a State vehicle to travel to and from his residence without authorization. On June 19, 2015, the parole agent allegedly used a State vehicle for personal business and was allegedly dishonest to a supervising parole agent and to outside law enforcement. On April 21, 2016, the parole agent was allegedly dishonest during an interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation and the department attorney did not appropriately assess or modify the deadline for taking disciplinary action. Additionally, the underlying incident took place on June 19, 2015. On September 8, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but a special agent did not conduct the first interview until February 4, 2016.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on July 28, 2015, but did not take action until September 2, 2015, 36 days after the receipt of the request.

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as June 22, 2016, when the deadline was actually June 19, 2016.

- 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 amend the deadline to take disciplinary action until after the OIG's intervention.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--------------------|
| 2015-05-23 | 15-2451-IR | Direct Action (No Subject Interview) | 1. Neglect of Duty |

Incident Summary

On May 23, 2015, an officer allegedly failed to properly conduct an inmate count and a sergeant and two other officers allegedly failed to timely act in an effort to locate a missing inmate.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent did not make required entries in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on May 23, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 26, 2015, five months after the date of discovery.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely refer the matter to the Office of Internal Affairs.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-05-31 | 15-1439-IR | Administrative Investigation | 1. Failure to Report 2. Sexual Misconduct 3. Discourteous Treatment |

Incident Summary

On May 31, 2015, an officer allegedly told an inmate that he liked "bad girls" and referred to the inmate as his "bad girl." On June 2, 2015, the officer allegedly commented to a second inmate about tattoos on her breasts, stared at the legs and breasts of a third inmate, brushed his groin area against the leg of a fourth inmate, and failed to timely report that another inmate had exposed her breasts and touched the officer's buttocks.

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 |
|---------------|-----------------|------------------------------|---|
| 2015-06-01 | 15-2106-IR | Administrative Investigation | 1. Dishonesty 2. Retaliation 3. Discrimination/Harassment |

Incident Summary

On June 1, 2015, a parole agent allegedly sexually harassed another parole agent and a program technician. On September 4, 2015, the parole agent allegedly retaliated against a third parole agent for filing a complaint against him. On September 9, 2015, the parole agent was allegedly dishonest when he reported the misconduct of the third parole agent.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on June 20, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 14, 2015, 86 days after the date of discovery.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely refer the matter to the Office of Internal Affairs.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-06-06 | 15-1442-IR | Administrative Investigation | <ol style="list-style-type: none"> Medical-Denied Care Failure to Report Neglect of Duty |

Incident Summary

On June 6, 2015, after learning an inmate cut himself and swallowed a broken razor blade, two sergeants allegedly failed take appropriate action, seek medical attention for the inmate, or report the incident.

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 |
|---------------|-----------------|---|---|
| 2015-06-13 | 15-1733-IR | Direct Action with Subject Only Interview | <ol style="list-style-type: none"> Neglect of Duty Dishonesty |

Incident Summary

On June 13, 2015, an officer allegedly miscounted the number of inmate workers and a second officer allegedly documented the incorrect count. After the incorrect count led to the overall count not clearing, a third officer allegedly falsified the count so that it would clear after a fourth officer allegedly told her to do so.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not sustain a dishonesty allegation supported by the evidence and the department attorney provided improper legal advice to the hiring authority.

Assessment Questions

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

The department attorney recommended that the hiring authority not sustain the fourth officer's dishonesty allegation despite a preponderance of evidence the fourth officer was an experienced officer advising an officer with less than a week of experience to falsify a count.

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

The hiring authority failed to sustain the dishonesty allegation against the fourth officer.

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2015-06-18 | 15-1918-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Misuse of State Equipment or Property 2. Dishonesty 3. Other Failure of Good Behavior |

Incident Summary

On June 18, 2015, a sergeant allegedly used his State computer for personal use. On June 22, 2015, the sergeant allegedly called the outside law enforcement emergency number and falsely reported that someone was trying to break into his home and filed a false police report regarding the event. The sergeant subsequently pled no contest to disturbing the peace. Between June and September 2015, another sergeant allegedly used his State computer for the first sergeant's and his own personal use.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conference and did not sustain an appropriate allegation. Also, the Office of Internal Affairs did not make a timely determination regarding the request for investigation and the department attorney provided inappropriate legal advice to the hiring authority.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on June 23, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 11, 2015, 49 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on August 11, 2015, but did not take action until September 16, 2015, 36 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 5, 2016. However, 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 27, 2016, 22 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney wrongly advised the hiring authority that there was insufficient evidence to support the dishonesty allegations.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority failed to sustain the dishonesty allegations despite a preponderance of evidence to support them.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and timely conduct the investigative findings conference. The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-06-21 | 15-1921-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty |

Incident Summary

On June 21, 2015, three officers allegedly failed to assist an inmate who expressed suicidal ideations. One of the officers also allegedly opened the inmate's cell door without other officers present. On June 30, 2015, one of the other officers allegedly provided false information during an appeal inquiry. On July 4, 2015, the third officer also allegedly provided false information during an appeal inquiry.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and did not timely consult with the OIG and the department attorney.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on June 22, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 19, 2015, 58 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 February 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 6, 2016, 86 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and did not timely conduct the investigative findings conference.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--|
| 2015-09-13 | 15-2258-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Dishonesty 2. Threat/Intimidation 3. Misuse of Authority 4. Discourteous Treatment 5. Other Failure of Good Behavior 6. Intoxication |

Incident Summary

On September 13, 2015, an officer allegedly fought with a security guard, attempted to use his status as a peace officer to gain favorable treatment, used derogatory language, and threatened outside law enforcement. The officer was also allegedly intoxicated in public and dishonest with outside law enforcement.

Predisciplinary Assessment

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

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

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|--|
| 2015-10-13 | 15-2665-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience |

Incident Summary

On October 13, 2015, an officer allegedly refused an order to work involuntary overtime and falsely reported to a sergeant that he was unable to work the shift due to a pre-scheduled physician's appointment. On October 14, 2015, and October 15, 2015, the officer allegedly failed to provide medical substantiation of the appointment as ordered and falsely reported to his sergeant that he had forgotten the 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 |
|---------------|-----------------|--------------------------------------|--|
| 2015-10-14 | 15-2736-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Neglect of Duty |

Incident Summary

On October 14, 2015, a sergeant allegedly authorized an immediate cell extraction of an inmate without ensuring that staff had the necessary equipment and inappropriately ordered that a spit mask be placed on the inmate during an escort.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not accurately assess the deadline to take disciplinary action and the hiring authority did not conduct the investigative findings conference in a timely manner.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 correctly assess the deadline for taking disciplinary action. The department attorney assessed the deadline for taking disciplinary action as October 19, 2016, when the deadline was actually October 15, 2016.
- 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 December 9, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until 54 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|---|---|
| 2015-10-24 | 16-0313-IR | Direct Action with Subject Only Interview | <ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty |

Incident Summary

Between October 24, 2015, and December 9, 2015, an officer allegedly wore an unauthorized stab-resistant vest inside the institution, failed to notify a sergeant that his stab-resistant vest was lost or stolen, and dishonestly completed a form regarding the vest.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney entered incorrect information into the case management system. Also, the department did not conduct the investigative findings conference in a timely manner.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 correctly assessed the date of discovery but entered incorrect information into the case management system regarding the deadline to take disciplinary action.
- 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 30, 2016. However, 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 18, 2016, 19 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|---|
| 2015-11-01 | 15-2591-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Other Failure of Good Behavior |

Incident Summary

On November 1, 2015, an officer allegedly illuminated a deer decoy with a light and was cited by outside law enforcement for spotlighting.

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 |
|---------------|-----------------|---|---|
| 2015-11-12 | 16-0270-IR | Direct Action with Subject Only Interview | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty |

Incident Summary

On November 12, 2015, an officer allegedly falsely documented that she issued a rules violation report to an inmate and failed to correct the report once she learned the inmate was released on parole. A second officer allegedly instructed the first officer to improperly complete the rules violation report. On March 10, 2016, the second officer was allegedly dishonest in his investigative interview.

NORTH REGION

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| 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 |
|---------------|-----------------|--------------------------------------|---|
| 2015-11-27 | 16-0264-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Weapons |

Incident Summary

On November 27, 2015, an officer allegedly possessed a firearm while extremely intoxicated, left the firearm unsecured in the center console of his vehicle in plain view, and needed outside law enforcement to take him to his residence because he was unable to care for himself.

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| 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 |
|---------------|-----------------|--------------------------------------|---|
| 2015-12-16 | 16-0384-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Over-Familiarity 2. Neglect of Duty |

Incident Summary

On December 16, 2015, an officer allegedly stopped a transport vehicle at a restaurant to buy food for an inmate. The officer, armed with handgun, allegedly opened the secured door to give the food to the inmate.

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| 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 |
|---------------|-----------------|--------------------------------------|---|
| 2016-01-10 | 16-0614-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Other Failure of Good Behavior |

Incident Summary

On January 10, 2016, an officer was arrested for false imprisonment and battery after he allegedly fought with his wife.

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Insufficient |
| The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not add an allegation of domestic violence or open an investigation and the hiring authority did not timely conduct the investigative findings conference. | |

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The Office of Internal Affairs improperly decided not to allege domestic violence and returned the case to the hiring authority without an investigation. The evidence supported a domestic violence allegation and unanswered questions required an investigation.

- 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 February 24, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 19, 2016, 85 days thereafter.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely conduct the investigative findings conference.

SOUTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2014-04-01 | 15-2261-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Battery 2. Dishonesty |

Incident Summary

On April 1, 2014, and April 7, 2014, an officer was allegedly dishonest to outside law enforcement regarding an alleged domestic violence incident involving his girlfriend, and on April 15, 2014, he allegedly provided a false memorandum to the warden regarding the incident. On August 29, 2015, the officer allegedly punched and slapped his girlfriend, causing injuries requiring fourteen sutures. On August 31, 2015, the officer allegedly falsely told a lieutenant that he did not own a personal firearm even though he owns several firearms.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation and the hiring authority did not conduct the investigative findings conference in a timely manner. The special agent did not appropriately enter activity in the case management system and the department attorney did not provide written confirmation regarding the investigative report.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on September 18, 2015, but did not take action until October 28, 2015, 40 days after receipt of the request.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.
- 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 to the OIG summarizing critical discussions about the investigative report.
- 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 May 5, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 7, 2016, 33 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs delayed making a determination regarding the request for investigation and the hiring authority delayed conducting the investigative findings conference.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2014-06-01 | 15-2448-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Discourteous Treatment 2. Misuse of State Equipment or Property |

Incident Summary

In June 2014, an employee relations officer and a captain involved in a romantic relationship allegedly exchanged inappropriate email messages, some of which made disparaging comments regarding another departmental employee.

SOUTH REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner and the department attorney did not assess relevant dates or provide timely feedback to the special agent regarding the draft investigative report. Also, the special agent did not include all relevant information in the case management system or draft investigative report.</p> | |

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on February 9, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 3, 2015, 114 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 neglected to make an entry into the case management system confirming relevant dates.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter any information into the case management system regarding interviews conducted.
- 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 Office of Internal Affairs provided the draft investigative report to the department attorney on November 17, 2015, but the attorney did not provide feedback until December 10, 2015, 23 days thereafter.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The investigative draft report did not reference the applicable government code section and departmental policy.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2014-08-26 | 15-1613-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Insubordination/Willful Disobedience 4. Failure to Report 5. Neglect of Duty |

Incident Summary

On August 26, 2014, an investigative services unit officer allegedly instructed an inmate to purchase narcotics and allowed the inmate's wife to communicate with him via text messages. On September 11, 2014, the officer allegedly submitted a false report regarding the discovery of narcotics. On November 13, 2014, the officer allegedly falsified a rules violation report regarding the inmate's possession of narcotics and on December 16, 2014, the officer was allegedly dishonest during the rules violation hearing. On August 29, 2014, a second investigative services unit officer allegedly failed to report that the first officer instructed an inmate to purchase narcotics. On December 16, 2014, a lieutenant allegedly failed to report that the first officer instructed an inmate to purchase narcotics and that the first officer was dishonest during the rules violation hearing. On December 23, 2015, the lieutenant allegedly discussed the Office of Internal Affairs investigation with a witness after being instructed not to do so. On June 8, 2015, an investigative services unit lieutenant allegedly failed to provide relevant information to supervisors regarding the first officer's alleged misconduct. On July 31, 2015, the investigative services unit lieutenant allegedly failed to provide requested information to the Office of Internal Affairs. On December 15, 2014, a warden allegedly failed to take appropriate action after being informed of the first officer's alleged misconduct.

SOUTH REGION

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and did not sustain allegations the evidence supported, and the Office of Internal Affairs did not timely take action on the hiring authority's request for investigation and did not complete the investigation until after the deadline to take disciplinary action for one allegation expired. The special agent did not make all required entries in the case management system and the employee relations officer did not properly complete the form documenting the investigative findings.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on December 15, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 26, 2015, 193 days after the date of discovery.

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on June 26, 2015, but did not take action until August 12, 2015, 47 days after receipt of the request.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the investigative services unit lieutenant or warden supported, refuted, denied, or admitted the allegations.

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its investigation on February 10, 2016, 57 days after the deadline to take disciplinary action on one of the allegations against the first officer.

- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?

The deadline to take disciplinary action for one of the allegations against the first officer was December 15, 2015. The Office of Internal Affairs completed its investigation on February 10, 2016, 57 days thereafter.

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

The OIG disagreed with the hiring authority's decisions to not sustain the allegations against the second investigative services unit officer and the warden, the allegation that a lieutenant failed to report the first officer's misconduct, and that the investigative services unit lieutenant failed to provide relevant information to supervisors. The OIG did not seek a higher level of review because even though there was evidence supporting the allegations, there were also sufficient evidentiary questions to support the hiring authority's determinations and the department held the primary subject of the investigation responsible.

- Was the CDCR Form 402 documenting the findings properly completed?

The forms documenting the investigative findings contained incorrect deadlines to take disciplinary action.

- Did the department conduct the pre-disciplinary/investigative phase 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 regarding the hiring authority's request or timely complete the investigation.

SOUTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2014-10-30 | 15-0750-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty 4. Other Failure of Good Behavior |

Incident Summary

Between October 30, 2014, and March 10, 2015, a lieutenant allegedly sent and received racially and sexually inappropriate email messages on a State computer. From November 12, 2014, to February 18, 2015, the lieutenant allegedly engaged in an overly familiar relationship with an inmate and communicated with the inmate using a mobile phone. On March 4, 2015, the lieutenant allegedly failed to remain alert while on duty. On March 18, 2015 and June 1, 2015, the lieutenant was allegedly dishonest during his interviews with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the draft investigative report included confidential information, had significant factual errors, and omitted critical evidence.

Assessment Questions

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

The draft investigative report included detailed information about a confidential informant that was specific enough to allow for identification of the informant even though the informant's information was sealed by a court order in a related criminal case. The draft report did not include a copy of the forensic examiner's report regarding the inmate's mobile phone or a report from the special agent who extracted email messages from the State computer. The draft report also overstated the number of text communications between the inmate and the lieutenant and did not include a report or interview of the officer who found and collected the inmate's mobile phone.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2014-11-24 | 15-1779-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report Use of Force 3. Misuse of Authority 4. Neglect of Duty |

Incident Summary

Between November 24, 2014, and June 24, 2015, a parole agent allegedly failed to properly supervise a parolee. On June 24, 2015, the parolee was being detained at a hospital on a psychiatric hold when the parole agent came to the hospital and allegedly took the parolee from the hospital without authorization and against the instructions of hospital staff. Once in the parole agent's vehicle, the parolee forcefully took the parole agent's firearm, exited the vehicle and began randomly shooting while standing in a busy intersection during rush hour. The parole agent allegedly was not wearing his required ballistics vest. The parole agent allegedly failed to include all relevant information in his report of the incident and made dishonest statements to his direct supervisor and outside law enforcement during the investigation. On December 11, 2015, the parole agent was allegedly dishonest during an interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not take action on the hiring authority's request for investigation in a timely manner. Also, the department did not conduct the investigative findings conference in a timely manner.

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on July 29, 2015, but did not take action until September 2, 2015, 35 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 December 29, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 27, 2016, 29 days thereafter.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not take action on the hiring authority's request for investigation in a timely manner and the department did not conduct the investigative findings conference in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2014-12-16 | 15-0501-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Insubordination/Willful Disobedience |

Incident Summary

On December 16, 2014, an officer allegedly disobeyed a sergeant's order to conduct a cell search, informed the sergeant he had completed the search when he had not, and failed to document completion of the search.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on December 16, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 10, 2015, 56 days after the date of discovery.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely refer the matter to the Office of Internal Affairs.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--|
| 2014-12-23 | 15-2449-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Disclosure of Confidential Information 2. Discourteous Treatment 3. Misuse of State Equipment or Property |

Incident Summary

Between December 23, 2014, and February 4, 2015, a nurse allegedly made derogatory comments about a second nurse. Between January 20, 2015, and February 15, 2015, the nurse and an investigative services unit sergeant allegedly used State computers to exchange non-work related email messages, including messages containing derogatory statements about the second nurse. On February 15, 2015, the second nurse allegedly printed the email messages without the permission of the first nurse and the sergeant. On February 4, 2015, the sergeant allegedly shared confidential information about the second nurse with the first nurse.

SOUTH REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to Office of Internal Affairs and conducting the investigative findings conference. The Office of Internal Affairs delayed making a determination regarding the hiring authority's request. Also, the employee relations officer for the nurses did not provide the form documenting the investigative findings to the OIG.</p> | |
| Assessment Questions | |
| <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 20, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 15, 2015, 237 days after the date of discovery.</i> Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on October 15, 2015, but did not take action until November 18, 2015, 34 days after the receipt of the request.</i> 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 returned the case to the hiring authority on February 1, 2016. However, the hiring authority for the nurses did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until March 22, 2016, 50 days thereafter.</i> Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase? <i>The employee relations officer for the nurses failed to send the form documenting the investigative findings to the OIG.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs delayed making a determination regarding the request, and the department delayed conducting the investigative findings conference.</i> | |

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|------------------------------|
| 2015-02-17 | 15-1215-IR | Administrative Investigation | 1. Unreasonable Use of Force |

Incident Summary

On February 17, 2015, a sergeant allegedly slammed an inmate to the ground after she hit the sergeant with a door.

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation and the hiring authority did not conduct the investigative findings conference in a timely manner.</p> | |

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 10, 2015, but did not take action until June 17, 2015, 68 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 December 16, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until January 22, 2016, 37 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the request for investigation and the hiring authority did not conduct the investigative findings conference in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-03-24 | 15-1751-IR | Administrative Investigation | <ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty |

Incident Summary

On March 24, 2015, a youth counselor allegedly opened the door of a ward's room and removed a sheet covering the window without proper notice to security staff, proper equipment, and sufficient backup and allegedly used force to keep the ward in her room while the door was open. A second youth counselor allegedly failed to notify security staff, have proper equipment when the door was opened, and timely document the force the first youth counselor used.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because 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 regarding the hiring authority's request and refused to add a dishonesty allegation. The special agent did not appropriately enter activity in the case management system and the department attorney did not timely assess the deadline for taking disciplinary action or timely contact the special agent or the OIG.

SOUTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on March 27, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 17, 2015, 112 days later.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on July 17, 2015, but did not take action until August 26, 2015, 40 days after receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The Office of Internal Affairs' improperly refused to add a dishonesty allegation for the first youth counselor because he reported two other youth counselors were present when he opened the door, contrary to other youth counselors' reports.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 September 10, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 2, 2015, 22 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 September 10, 2015, but did not contact the special agent or the OIG until October 2, 2015, 22 days later.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request, and the department attorney did not timely contact the special agent or the OIG.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-04-01 | 15-1321-IR | Administrative Investigation | <ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Discourteous Treatment |

Incident Summary

On April 1, 2015, an officer allegedly slammed a handcuffed inmate against a wall, yelled obscenities at the inmate, and submitted a false report regarding the incident.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and did not timely conduct or adequately prepare for the investigative findings conference. The special agent did not appropriately enter activity in the case management system and the employee relations officer did not make any entry into the case management system confirming relevant dates.

SOUTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on April 1, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 1, 2015, 61 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.
- 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 February 4, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until March 14, 2016, 39 days thereafter.
- If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared?
The hiring authority neglected to review all investigative case materials and, therefore, was not adequately prepared to discuss the sufficiency of the investigation and the meeting was rescheduled.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs and delayed conducting the investigative findings conference.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---------------------------|
| 2015-05-19 | 15-1550-IR | Administrative Investigation | 1. Discourteous Treatment |

Incident Summary

On May 19, 2015, an officer, whom a sergeant had previously counseled for inappropriate behavior, allegedly sent threatening text messages to the sergeant.

Predisciplinary Assessment

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

The department did not sufficiently comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on July 3, 2015, but did not take action until August 5, 2015, 33 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

SOUTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--------------------------------------|-----------------------------------|
| 2015-06-03 | 15-2049-IR | Direct Action (No Subject Interview) | 1. Failure to Report Use of Force |

Incident Summary

On June 3, 2015, a sergeant allegedly failed to notify a lieutenant that he had used force on an inmate and an officer allegedly failed to timely document his use of force on the same inmate.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request and did not open an investigation, and the hiring authority did not timely conduct the investigative findings conference. Also, the employee relations officer did not assess the deadline for taking disciplinary action.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on June 5, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 3, 2015, 90 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on September 3, 2015, but did not take action until October 7, 2015, 34 days after receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly refused to open a full investigation even though an investigation was warranted because officers' reports concerning the incident were inconsistent and unclear.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authority on October 7, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the investigative findings until February 19, 2016, 135 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not make a timely decision regarding the hiring authority's request, and the department did not conduct the investigative findings conference in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|-------------------------------------|
| 2015-07-16 | 15-2048-IR | Administrative Investigation | 1. Dishonesty 2. Neglect of Duty |

Incident Summary

On July 16, 2015, an officer allegedly entered an inaccurate inmate count into the department's database. A second and third officer allegedly moved inmates during the same count and the second officer allegedly allowed the third officer to use his log-in password to enter bed-move information into the department's database. On July 22, 2015, the second officer allegedly submitted a false memorandum regarding the incident.

SOUTH REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not timely open the investigation and the special agent did not appropriately enter activity in the case management system. | |

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| Assessment Questions |
| <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 16, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 1, 2015, 47 days after the date of discovery.</i> Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on September 1, 2015, but did not take action until October 7, 2015, 36 days after receipt of the request.</i> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department delayed submitting and processing the request for investigation.</i> |

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|---|
| 2015-07-23 | 15-1922-IR | Administrative Investigation | <ol style="list-style-type: none"> Neglect of Duty Dishonesty |

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| Incident Summary |
| On July 23, 2015, an officer allegedly made personal phone calls and failed to maintain continuous observation of an inmate on suicide watch. The officer allegedly falsely reported he asked another officer to check on the inmate when the inmate squatted down out of his view. The inmate attempted suicide while out of view of the officer. |

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| 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 |
|---------------|-----------------|--------------------------------------|---|
| 2015-08-18 | 15-2264-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> Failure to Report |

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| Incident Summary |
| On August 18, 2015, an officer grabbed an inmate by his collar and arm but allegedly failed to report his use of force. A sergeant and office assistant allegedly failed to timely report witnessing the use of force. |

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request and the hiring authorities did not timely conduct the investigative findings conferences. The employee relations officer did not make an entry in the case management system confirming relevant dates. | |

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on September 21, 2015, but did not take action until October 28, 2015, 37 days after receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authorities on October 28, 2015. However, the hiring authority for the officers did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until March 10, 2016, 134 days thereafter, and the hiring authority for the office assistant did not consult with the OIG until March 22, 2016, 146 days after the Office of Internal Affairs returned the case to the hiring authority.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the request for investigation and the department delayed conducting the investigative findings conference.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|--|--|
| 2015-08-31 | 15-2438-IR | Direct Action with Subject Only Interview | 1. Dishonesty 2. Other Failure of Good Behavior |

Incident Summary

On August 31, 2015, an officer allegedly grabbed his wife, forced her into a bedroom, threw her on a bed, and displayed a knife while advancing toward her. On April 5, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs refused to open up an investigation. The special agent did not appropriately enter activity in the case management system.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs failed to open an investigation and interview the officer's wife because a complete investigation cannot be completed without the victim's statement.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------------|--------------------|
| 2015-09-02 | 15-2733-IR | Administrative Investigation | 1. Neglect of Duty |

Incident Summary

On September 2, 2015, a lieutenant allegedly failed to notify an administrator of suspicions that an inmate swallowed drugs and a sergeant allegedly failed to notify the lieutenant that the inmate admitted to swallowing the drugs.

SOUTH REGION

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| 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 |
|---------------|-----------------|------------------------------|--|
| 2015-09-16 | 15-2436-IR | Administrative Investigation | <ol style="list-style-type: none"> Insubordination/Willful Disobedience Discourteous Treatment Dishonesty |

Incident Summary

On September 16, 2015, an officer allegedly falsely stated that he went to a pre-scheduled medical appointment, provided inadequate verification of the medical appointment when directed to do so by a sergeant, and angrily spoke to the sergeant when presenting the inadequate verification.

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| 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 |
|---------------|-----------------|---|---|
| 2015-11-02 | 15-2843-IR | Direct Action with Subject Only Interview | <ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior Neglect of Duty |

Incident Summary

On November 2, 2015, an officer was arrested after he allegedly rammed his vehicle into the back of his estranged wife's vehicle while his four-year-old daughter and three-year-old niece were in his car. He allegedly was dishonest to outside law enforcement about the incident and subsequently failed to report his arrest to the department. On April 5, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

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| 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 |
|---------------|-----------------|--------------------------------------|---|
| 2015-11-20 | 16-0391-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> Neglect of Duty |

Incident Summary

On November 20, 2015, an officer allegedly failed to notify the department of a firearms prohibition.

| | |
|---|---|
| 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 |
|---------------|-----------------|--------------------------------------|---|
| 2015-12-18 | 16-0550-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Discourteous Treatment |

Incident Summary

On December 18, 2015, a youth counselor, in front of wards and officers, allegedly called a ward a derogatory term for those who report misconduct.

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 |
|---------------|-----------------|--------------------------------------|--|
| 2016-03-28 | 16-1530-IR | Direct Action (No Subject Interview) | <ol style="list-style-type: none"> 1. Neglect of Duty |

Incident Summary

On March 28, 2016, an officer allegedly failed to notify the department of a firearms prohibition.

Predisciplinary Assessment

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

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

APPENDIX A2 INVESTIGATIVE PHASE CASES

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2008-03-03 | 15-0084-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On March 3, 4, and 6, 2008, an officer allegedly signed an affidavit of eligibility under penalty of perjury that his girlfriend was his dependent cousin, making her eligible to receive benefits under his health and dental coverage. The girlfriend subsequently received benefits. 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 did not comply with policies and procedures governing the investigative process. The special agent did not adequately prepare for the investigation, conduct a thorough investigation, timely provide the OIG with the draft investigative report, or appropriately prepare the draft and final investigative reports.

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?

The special agent did not adequately familiarize himself with medical, dental, and vision benefits and coverage, and incorrectly assumed benefits had terminated five years prior to the actual termination date.
- 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 timely provide a draft copy of the investigative report to the OIG with sufficient time for feedback before forwarding it to the district attorney.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The draft investigative report neglected to specify the monetary value of the dental benefits the officer's girlfriend received. The report also failed to include an allegation that the officer attempted to obtain additional dental benefits for his girlfriend in October 2013.
- Was the final investigative report thorough and appropriately drafted?

The final investigative report neglected to specify the monetary value of the dental benefits the officer's girlfriend received. The report also failed to include an allegation that the officer attempted to obtain additional dental benefits for his girlfriend in October 2013.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent did not timely provide the draft investigative report to the OIG.
- Was the investigation thorough and appropriately conducted?

The investigation failed to adequately determine when medical, dental, and vision benefits were applied for and terminated. The investigation also did not confirm the monetary value of dental benefits provided and the extent of vision benefits the girlfriend received.

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2013-05-03 | 15-0424-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

Between May 3, 2013, and June 24, 2014, six physicians allegedly fraudulently overbilled call-back hours. 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 |
|---------------|-----------------|------------------------|-----------------|
| 2013-09-30 | 14-0795-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

From September 30, 2013, to January 12, 2014, an officer allegedly sold mobile phones and narcotics to inmates. 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 department dismissed the officer in an unrelated case. Therefore, the Office of Internal Affairs did not open an administrative investigation.

Investigative Assessment

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

The department did not comply with policies and procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs did not adequately cooperate with the OIG, timely complete the investigation, or timely refer the matter to the district attorney. The Office of Internal Affairs also violated rules that prohibit obtaining compelled information from an administrative investigation for use in a criminal investigation.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 25, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 23, 2014, 90 days after the date of discovery.
- Did the Office of Internal Affairs appropriately protect compelled statements obtained in the administrative case from being improperly used in a criminal case?
The special agent inappropriately obtained and used information from a compelled statement another special agent obtained from the officer during an administrative investigation.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent in-charge did not consult with or respond to the OIG after being advised that the special agent failed to complete the investigative report two months after completing the investigation.
- Was the investigation thorough and appropriately conducted?
The special agent inappropriately obtained and used information obtained from the officer during a compelled statement in an administrative investigation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent delayed four months in completing the investigation and submitting the report to the district attorney.

CENTRAL REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2014-01-15 | 15-1394-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

Between January 15, 2014, and January 27, 2015, two physicians allegedly fraudulently overbilled call-back hours. 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 |
|---------------|-----------------|------------------------|-----------------|
| 2014-02-13 | 14-0796-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On February 13, 2014, a library technician allegedly introduced heroin, methamphetamine, marijuana, and mobile phones 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 library technician resigned before the criminal investigation was completed. Therefore, the Office of Internal Affairs did not open an administrative investigation. The hiring authority placed a letter in the library technician's official personnel file indicating he resigned under adverse circumstances.

Investigative Assessment

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

The department did not comply with policies and procedures governing the investigative process because the Office of Internal Affairs unreasonably delayed seeking a search warrant and the warrant was only sought after the OIG intervened. The search warrant affidavit, search warrant, and draft investigative report were inadequate. The special agent in-charge refused to provide a copy of the warrant to the OIG until his managers ordered him to do so. The Office of Internal Affairs did not complete the investigation in a timely manner and referred the case to the district attorney after the deadline for filing misdemeanor charges expired.

CENTRAL REGION

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?

The special agent delayed eight months before seeking a search warrant. The special agent did not realize he omitted material information concerning probable cause from his search warrant affidavit and had included inappropriate opinions about the reliability of an informant.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The draft investigative report contained inappropriate opinions of the special agent concerning an informant's reliability that would have exposed the special agent to difficult cross-examination at the time of trial.
- 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 Office of Internal Affairs did not complete the investigation until after the deadline for filing misdemeanor criminal charges expired.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?

The deadline for filing misdemeanor charges expired before the investigation was completed.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

A senior special agent would not permit the OIG to retain a copy of his draft search warrant. Upon the OIG's request, the special agent in-charge failed to provide the draft warrant or a copy of the warrant the court issued. This failure to cooperate was elevated because there was no valid basis to deny the OIG access to these documents. The special agent in-charge was ordered to provide the documents. A senior special agent failed to promptly consult with the OIG concerning the evidence obtained in response to the search warrant.
- Was the investigation thorough and appropriately conducted?

Between June 19, 2014, and December 23, 2014, the Office of Internal Affairs advised the OIG that the investigative report was being finalized and it would file the case with the district attorney within weeks. However, the Office of Internal Affairs did not conclude the investigation and submit the case to the district attorney until March 30, 2015. When the OIG raised concern that the one-year deadline for filing misdemeanor charges was about to expire, the special agent in-charge claimed that a felony investigation was being conducted and directed that a search warrant be sought. The search warrant was based on information received in June 2014, but the warrant was not requested until February 20, 2015. This resulted in an eight month delay in seeking a search warrant in a felony investigation the Office of Internal Affairs had repeatedly represented was complete. The Office of Internal Affairs presented the investigation to the district attorney one month after the search warrant failed to result in any useful information.
- Was the pre-disciplinary/investigative phase conducted with due diligence?

The special agent delayed eight months before obtaining a search warrant and delayed nine months before completing his investigative report and submitting it to the district attorney.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2015-04-12 | 15-1030-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On April 12, 2015, an officer allegedly delivered a mobile phone to an inmate inside an 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 from State service.

Investigative Assessment

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

The department did not comply with policies and procedures governing the investigative process because the special agent did not consult with the OIG and the investigation was not thorough. Also, the draft investigative report was not complete.

CENTRAL REGION

Assessment Questions

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not include two critical inmate interviews.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not notify and consult with the OIG before interviewing the officer's brother who was an inmate at another institution.
- Was the investigation thorough and appropriately conducted?
The special agent did not interview other inmates in the housing unit or investigate additional potential staff member involvement.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2015-06-22 | 15-1931-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On June 22, 2015, a parole agent allegedly pushed his wife to the ground and injured her shoulder. The parole agent also allegedly threatened to kill his wife and her son if she reported the assault. 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 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 |
|---------------|-----------------|------------------------|-----------------|
| 2015-07-30 | 15-1762-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On July 30, 2015, an officer allegedly negligently discharged a firearm while in a classroom in the presence of several other staff members. The OIG responded to the scene. The Office of Internal Affairs did not respond to the scene but conducted a criminal investigation. The Office of Internal Affairs did not identify criminal misconduct, but did not refer the matter to the district attorney's office for review as required by departmental policy. 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 did not comply with procedures governing the investigative process because the Office of Internal Affairs did not respond to the scene, did not timely conduct interviews, did not timely complete the investigation, and did not refer the matter to the district attorney's office as required by departmental policy. | |

CENTRAL REGION

Assessment Questions

- Upon arrival at the scene, did the Deadly Force Investigation Team special agent adequately perform the required preliminary tasks?
The Office of Internal Affairs did not respond to the scene on the day of the incident.
- Did the criminal Deadly Force Investigation Team special agent conduct all interviews within 72 hours?
The criminal Deadly Force Investigation Team neglected to conduct any interviews until December 10, 2015, four months after the incident.
- Did the OIA adequately consult with the OIG, department attorney (if designated), and the appropriate prosecuting agency to determine if an administrative investigation should be conducted concurrently with the criminal investigation?
The Office of Internal Affairs did not consult with the district attorney's office to determine whether an administrative investigation should be conducted concurrently with the criminal investigation.
- Did the Office of Internal Affairs 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 did not refer the case to the district attorney's office as departmental policy requires.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The incident occurred on July 30, 2015, and the Office of Internal Affairs assigned a special agent on August 27, 2015. However, the Office of Internal Affairs did not conduct any interviews until December 10, 2015, four months after the incident, and did not complete the investigation until April 18, 2016, more than seven months after assigning a special agent.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2015-08-24 | 15-1761-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On August 24, 2015, a sergeant conducting firearms training negligently discharged a round from his unauthorized personal firearm using State ammunition. An officer was allegedly aware the sergeant was using the unauthorized personal firearm and did not report it. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to department policy, it referred the matter to the district attorney's office for review. 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 did not sufficiently comply with procedures governing the investigative process because the Office of Internal Affairs delayed completing the interviews.

Assessment Questions

- Did the criminal Deadly Force Investigation Team special agent conduct all interviews within 72 hours?
The incident occurred August 24, 2015, and the interviews were not completed until September 21, 2015, 28 days later.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not complete the interviews within 72 hours.

CENTRAL REGION

| Incident Date 2015-12-01 | OIG Case Number 15-2815-IR | Case Type Criminal Investigation | Allegations 1. Criminal Act |
|--|-------------------------------|-------------------------------------|---|
| <p>Incident Summary</p> <p>Between December 1, 2015, and December 22, 2015, a sergeant allegedly brought a firearm and ammunition onto institutional grounds, possessed an illegal firearm, stole State property, and physically abused his wife. 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.</p> | | | |
| <p>Investigative Assessment</p> | | | <p>Procedural Rating: Insufficient Substantive Rating: Insufficient</p> |
| <p>The department did not comply with policies and procedures governing the investigative process because the special agent did not adequately consult with the OIG or prepare a proper search warrant.</p> | | | |
| <p>Assessment Questions</p> <ul style="list-style-type: none"> Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan? <i>The special agent did not provide the OIG sufficient time to review the draft search warrant affidavit, did not return phone messages from the OIG, and did not inform the OIG the warrant had been approved and when it was to be served.</i> Did the special agent adequately prepare for all aspects of the investigation? <i>The search warrant affidavit was inadequate because it did not contain the sergeant's relevant employment information and the warrant did not seek authority to search for information connecting the sergeant with the residence to be searched.</i> Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent obtained and served a search warrant without providing the OIG sufficient time to provide feedback regarding its adequacy.</i> | | | |

NORTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2015-10-01 | 15-2257-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On October 1, 2015, an officer allegedly conspired with inmates and brought heroin inside the institution to sell to the 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: **Sufficient**
Substantive Rating: **Sufficient**

The department sufficiently complied with policies and procedures governing the investigative process.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2015-10-01 | 15-2909-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On October 1, 2015, a supervising cook allegedly gave an inmate food, disclosed personal information, and allowed the inmate to fondle her breasts. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG did not concur with the probable cause determination because the special agent did not conduct an independent investigation or consult with the district attorney. The Office of Internal Affairs did not open an administrative investigation because the supervising cook resigned before the investigation was completed. A letter indicating the supervising cook resigned under adverse circumstances was placed in her official personnel file.

Investigative Assessment

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

The department did not comply with policies and procedures governing the investigative process because the special agent did not conduct any investigation or interviews and submitted an incomplete report.

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not consult with the prosecuting agency or conduct, or attempt to conduct, any substantive investigative work.
- Were all of the interviews thorough and appropriately conducted?
The special agent did not conduct, or attempt to conduct, any interviews.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The special agent merely summarized information the hiring authority previously obtained and did not conduct any further investigation.
- Was the final investigative report thorough and appropriately drafted?
The special agent merely summarized information the hiring authority previously obtained and did not conduct any further investigation.
- Did the Office of Internal Affairs 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?
Because the special agent did not conduct an independent investigation, probable cause could not be appropriately determined.
- Was the investigation thorough and appropriately conducted?
The special agent neglected to conduct an independent investigation.

NORTH REGION

| Incident Date 2015-11-08 | OIG Case Number 15-2908-IR | Case Type Criminal Investigation | Allegations 1. Criminal Act |
|---|-------------------------------|-------------------------------------|---|
| <p>Incident Summary</p> <p>Between November 8, 2015, and November 10, 2015, an officer allegedly conspired with inmates to introduce cigarettes into the institution and unlawfully communicated with an inmate. 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 accepted for monitoring.</p> | | | |
| <p>Investigative Assessment</p> <p>The department sufficiently complied with policies and procedures governing the investigative process.</p> | | | <p>Procedural Rating: Sufficient Substantive Rating: Sufficient</p> |

SOUTH REGION

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2013-12-01 | 14-1230-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

Between December 1, 2013, and January 31, 2014, an officer allegedly had a sexual relationship with an inmate. Between April 1, 2014, and July 31, 2014, the officer allegedly had a sexual relationship with another inmate. On August 11, 2014, the officer allegedly allowed an inmate to have mobile phones and encouraged the inmate to destroy the mobile phones and potential DNA evidence related to the alleged sexual relationship. 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 opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

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

The department did not comply with policies and procedures governing the investigative process because the special agent neglected to conduct a thorough interview and the Office of Internal Affairs delayed preparing the draft investigative report and identifying information that could form the basis for administrative disciplinary action. The draft investigative report did not contain all relevant information.

Assessment Questions

- Were all of the interviews thorough and appropriately conducted?
The special agent neglected to ask a witness about her observations of an injury an inmate reported as being inflicted during a sexual act with the officer.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not contain adequate information regarding the location of inmate witnesses during relevant times and did not include a summary of all relevant facts.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The special agent delayed nearly five months from the last investigative effort to complete the draft investigative report. The Office of Internal Affairs failed to recognize the potential significance of statements the officer made during a surreptitious recording which could form the basis for administrative disciplinary action.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2014-04-26 | 15-0705-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

Between April 26, 2014, and January 24, 2015, an officer allegedly communicated and conspired with an inmate to introduce drugs into an 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 referred the case to the hiring authority to consider an administrative investigation. The hiring authority chose not to refer the matter for investigation but imposed a letter of instruction for possession of contraband. The OIG concurred.

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 |
|---------------|-----------------|------------------------|-----------------|
| 2015-03-17 | 15-0893-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On March 17, 2015, an officer allegedly allowed an inmate to attack another inmate, resulting in life-threatening injuries. 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: **Sufficient**

The department did not comply with procedures governing the investigative process because the Office of Internal Affairs did not timely complete the investigation.

Assessment Questions

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline for referring the case to the district attorney for possible misdemeanor charges and opening an administrative investigation was March 17, 2016. The Office of Internal Affairs did not complete its investigation until March 11, 2016, six days before the deadline.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to complete the investigation in a timely manner.

| Incident Date | OIG Case Number | Case Type | Allegations |
|---------------|-----------------|------------------------|-----------------|
| 2015-07-27 | 15-1995-IR | Criminal Investigation | 1. Criminal Act |

Incident Summary

On July 27, 2015, while participating in a timed live-fire training exercise, a parole agent allegedly negligently discharged his firearm while moving the firearm in the holster. A bullet struck the parole agent in his thigh, causing an injury requiring sutures. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify any criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. 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 did not comply with policies and procedures governing the investigative process because the special agent did not timely complete the investigation and did not properly analyze the case as a criminal investigation.

Assessment Questions

- Did the criminal Deadly Force Investigation Team special agent conduct all interviews within 72 hours?
The special agent did not attempt to conduct the interview of the parole agent who fired the weapon within 72 hours.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report referenced the department's use-of-force policy instead of criminal allegations.

SOUTH REGION

| Incident Date 2015-07-29 | OIG Case Number 15-2329-IR | Case Type Criminal Investigation | Allegations 1. Criminal Act |
|--|-------------------------------|-------------------------------------|---|
| <p>Incident Summary</p> <p>On July 29, 2015, an officer allegedly attempted to strike an inmate in the head and upper body 17 times with a baton while the inmate was held against the wall by a cell extraction shield and not resisting. 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.</p> | | | |
| <p>Investigative Assessment</p> <p>The department did not comply with policies and procedures governing the investigative process because the hiring authority delayed referring the matter to the Office of Internal Affairs and neglected to request a criminal investigation and the Office of Internal Affairs did not approve a criminal investigation in a timely manner.</p> | | | <p>Procedural Rating: Insufficient Substantive Rating: Insufficient</p> |
| <p>Assessment Questions</p> <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged criminal act on July 29, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs for a criminal investigation when requesting an administrative investigation on September 14, 2015, 47 days after the date of discovery.</i> Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days? <i>The Office of Internal Affairs received the request for an administrative investigation on September 14, 2015, but did not open a criminal investigation until November 4, 2015, 51 days after the receipt of the request.</i> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs initially approved an administrative investigation rather than a criminal investigation.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed approving a criminal investigation.</i> | | | |

APPENDIX B DISCIPLINARY PHASE CASES

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2012-07-19 | 12-2398-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment 4. Other Failure of Good Behavior 5. Dishonesty 6. Neglect of Duty 7. Other Failure of Good Behavior | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained | Dismissal | Dismissal |

Incident Summary

On July 19, 2012, a counselor allegedly made a rude gesture to a private citizen at a restaurant, which instigated a concerted effort by five departmental employees to allegedly assault the private citizen. During the altercation, a second counselor allegedly pushed two restaurant employees to the side in order to chase after the private citizen and then chest-bumped, grabbed, and forced the private citizen backwards. A third counselor allegedly punched the private citizen in the face. The second and third counselors allegedly failed to intervene to stop each other from attacking the private citizen and were dishonest to outside law enforcement. Five counselors and a captain were allegedly dishonest in their written reports. The captain also allegedly failed to intervene and stop the counselor who punched the private citizen. The counselor who initiated the incident, another counselor, and a lieutenant allegedly assisted in the assault by holding the private citizen against a wall. The captain, three of the counselors, and the lieutenant allegedly submitted untimely or inaccurate reports. On April 2, 2013, the counselor who chest-bumped and forced the private citizen to the ground was allegedly dishonest to the Office of Internal Affairs. On March 12, 2013, and June 6, 2013, three other counselors allegedly were dishonest to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations that the first counselor made a rude gesture, held the private citizen against the wall, and submitted a false report and demoted him. The hiring authority sustained the allegations that the second counselor pushed two restaurant employees, chased and battered the citizen, submitted a false report, and was dishonest with the Office of Internal Affairs and dismissed him. The hiring authority sustained the allegations that the third counselor punched the citizen, failed to stop the second counselor from battering the citizen, was dishonest to outside law enforcement, and submitted a false report and dismissed him. The hiring authority sustained the allegations that a fourth counselor submitted a false report and was dishonest with the Office of Internal Affairs and dismissed him. The hiring authority sustained the allegation that a fifth counselor submitted an inaccurate report and imposed a 10 percent salary reduction for 24 months. The hiring authority sustained the allegations that the captain submitted a false report and demoted him. The hiring authority sustained the allegations that the lieutenant submitted an inaccurate report and imposed a 5 percent salary reduction for 13 months. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations. The captain retired before the disciplinary action took effect and the hiring authority placed a letter in his official personnel indicating he retired under unfavorable circumstances. The counselors and the lieutenant filed appeals with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement with the first counselor reducing the demotion to one year. The OIG did not concur, but did not seek a higher level of review due to conflicting evidence. After the hearing, the State Personnel Board upheld the penalties against the lieutenant and remaining counselors. The counselors and lieutenant filed petitions for rehearing, which the State Personnel Board denied. Three counselors filed petitions for writ of administrative mandamus, which a superior court judge denied.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department's agreement to modify a counselor's discipline was not consistent with departmental policy and the department attorney did not appropriately represent the department in writ proceedings and neglected to cooperate and consult with the OIG.

CENTRAL REGION

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The agreement to reduce a counselor's permanent demotion to a one-year demotion with automatic reinstatement to counselor after one-year was not consistent with departmental policy because no new evidence, flaws, or risks were identified to support the settlement.
- 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 agreement to reduce a counselor's penalty because no new evidence, flaws, or risks were identified to support the reduction.
- Did the department attorney appropriately represent the department in writ proceedings?

The department attorney filed a brief with the court that was factually inaccurate despite recommendations from the OIG to correct the inaccuracies.
- 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 provide the OIG with the administrative record for four months and a counselor's opening brief for three weeks. She did not provide the OIG with a draft of the department's first opposition brief for review until the morning it was to be filed, and filed the brief with the court without consulting with the OIG. The department attorney also did not provide the OIG with the final memorandum regarding writ proceedings.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2013-08-28 | 13-2214-IR | <ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Over-Familiarity Insubordination Neglect of Duty Unreasonable Use of Force Over-Familiarity Failure to Report Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Sustained Not Sustained Not Sustained Not Sustained Not Sustained | Dismissal | Dismissal |

Incident Summary

On August 28, 2013, two officers allegedly initiated an improper search of an inmate's locker, assaulted the inmate with their fists and batons, and failed to accurately report their use of force. On May 1, 2014, and May 14, 2014, the two officers were allegedly dishonest with the Office of Internal Affairs regarding the incident. A third officer also allegedly failed to report the assault. Between August 29, 2013, and September 16, 2013, a teacher allegedly revealed confidential information to inmates and conducted an unauthorized investigation regarding the incident, engaged in inappropriate contact with an inmate, and refused to provide documents concerning the alleged officer misconduct.

Disposition

The hiring authority sustained the dishonesty and neglect of duty allegations against the first officer and the dishonesty, neglect of duty, and unreasonable use of force allegations against the second officer and dismissed both officers. The OIG concurred. The officers filed appeals with the State Personnel Board. The first officer resigned at his State Personnel Board hearing. Due to problems with the credibility of a witness that developed after service of the disciplinary action, the department entered into a settlement agreement with the second officer reducing his penalty from a dismissal to a suspension without pay for ten months and removing the disciplinary action from the officer's official personnel file after 18 months. The OIG concurred because of the evidentiary problems. The hiring authority sustained allegations that the teacher engaged in inappropriate contact with an inmate and refused to provide documents concerning alleged misconduct and imposed a 60-working-day suspension. The OIG concurred. The teacher filed an appeal with the State Personnel Board but failed to appear at the hearing and the State Personnel Board dismissed the appeal. The hiring authorities found insufficient evidence to sustain the remaining allegations and the OIG concurred.

CENTRAL REGION

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| Disciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely consult regarding the disciplinary determinations and the department attorney did not adequately cooperate with the OIG.

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 July 22, 2014. However, the hiring authority for two of the officers did not consult with the OIG and the department attorney regarding the disciplinary determinations until August 12, 2014, 21 days thereafter. The hiring authority for the third officer did not consult with the OIG and department attorney until August 19, 2014, 28 days thereafter. The hiring authority for the teacher initially consulted with the OIG and department attorney on August 14, 2014, 23 days after the Office of Internal Affairs completed the investigation, but did not make disciplinary determinations until August 25, 2015, 13 months after the investigation was completed.
- 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 timely provide the OIG with the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting three disciplinary findings conferences.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|-----------------------|
| | | | | INITIAL | FINAL |
| 2013-12-15 | 14-2607-IR | 1. Dishonesty 2. Code of Silence 3. Contraband 4. Discourteous Treatment 5. Neglect of Duty | 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained | Dismissal | Letter of Instruction |

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.

Disposition

The hiring authority sustained the allegations against the first officer who brought in the device and dismissed him. The hiring authority found insufficient evidence to sustain allegations against the other four officers but issued each of them a letter of instruction. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal.

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|--------------------------------|---|
| Disciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not provide written confirmation for all penalty discussions and was unable to subpoena, prepare, and present all necessary evidence and witnesses at the State Personnel Board hearing. The hiring authority did not conduct the disciplinary findings conference in a timely manner and the employee relations officer did not cooperate with the OIG.

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 authority on March 3, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until March 26, 2015, 23 calendar days thereafter.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide the hiring authority and the OIG written confirmation of penalty discussions involving one of the officers.
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?

The department attorney did not timely attempt to subpoena two critical witnesses and, therefore, was unable to produce them at the hearing.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?

The department attorney was unable to compel the attendance of two critical witnesses because they evaded service. A third critical witness was not called to testify because of credibility issues. During the investigation, the Office of Internal Affairs refused to interview three additional witnesses, who the department attorney did not call to testify.
- 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 because the department did not call witnesses who could have impeached and discredited the officer.
- If the penalty modification was the result of an SPB decision, did the OIG concur with the modification?

The OIG concurred with the State Personnel Board decision to revoke the dismissal because the department did not present sufficient evidence at the hearing to support 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 employee relations officer did not provide the OIG with the form documenting the disciplinary determinations in a timely manner.
- Was the disciplinary phase conducted with due diligence by the department?

The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2013-12-17 | 14-0279-IR | 1. Neglect of Duty 2. Neglect of Duty 3. Neglect of Duty | 1. Sustained 2. Not Sustained 3. Unfounded | Salary Reduction | Modified Salary Reduction |

Incident Summary

On December 17, 2013, an officer allegedly failed to take appropriate action after discovering an inmate had been beaten in his cell, which allowed the beating to continue. A second officer allegedly ignored inmates yelling "man down," thereby failing to protect that same inmate. A third officer allegedly failed to conduct adequate security checks at the time. Additionally, a sergeant allegedly failed to tour the housing unit while the inmate was being beaten. On December 18, 2013, the first and second officers allegedly failed to fully document the incident.

CENTRAL REGION

Disposition

The hiring authority sustained the allegations against the first two officers and imposed a 10 percent salary reduction for 24 months on each officer. The hiring authority determined there was insufficient evidence to sustain the allegation against the third officer and the investigation conclusively proved the sergeant did not engage in misconduct. The OIG concurred with the hiring authority's determinations. The first two officers filed appeals with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the second officer reducing the penalty to a 10 percent salary reduction for 14 months because a critical witness was likely unavailable for hearing. The OIG concurred because of the witness unavailability. Following a hearing for the first officer, the State Personnel Board upheld the original 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 |
| 2013-12-27 | 14-1000-IR | 1. Dishonesty 2. Neglect of Duty | 1. Sustained 2. Sustained | Dismissal | Dismissal |

Incident Summary

On December 27, 2013, an officer allegedly failed to properly conduct required welfare checks on an inmate housed in administrative segregation. The officer also allegedly failed to conduct adequate inmate count procedures when the officer failed to notice the same inmate had committed suicide and was hanging in his cell. The officer was allegedly dishonest when she noted in tracking reports that the inmate had been lying down. A sergeant allegedly failed to review and sign the tracking report regarding that inmate's welfare checks, failed to note discrepancies in the tracking report, and failed to conduct rounds in administrative segregation. A lieutenant allegedly failed to review and sign the tracking report. On August 4, 2014, the officer was allegedly dishonest in her interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations against the officer and dismissed her. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The hiring authority also sustained the allegations against the sergeant and lieutenant and issued letters of reprimand to both. The OIG concurred. The sergeant and lieutenant did not file appeals 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 |
| 2014-02-11 | 14-0798-IR | 1. Discourteous Treatment | 1. Sustained | Suspension | Suspension |

Incident Summary

On February 11, 2014, a captain allegedly made verbal threats against a warden.

Disposition

The hiring authority sustained the allegation and issued a 48-working-day suspension. The OIG concurred with the hiring authority's determinations. The captain filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the suspension.

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 |
| 2014-03-13 | 14-1167-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report Use of Force 3. Neglect of Duty 4. Discourteous Treatment 5. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained | Dismissal | Suspension |

Incident Summary

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.

Disposition

The hiring authority sustained the allegations against the officers and dismissed them. The hiring authority sustained the allegation that the lieutenant was discourteous to the officers, but not the other allegations, and determined the appropriate penalty was a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. However, the lieutenant resigned and ultimately retired prior to the completion of the investigation. A letter was placed in the lieutenant's official personnel file noting that he retired pending disciplinary action. The department attorney sought a higher level of review after the officers were served with letters of intent that failed to accurately set forth the dishonesty allegations. At the higher level of review, the hiring authority's supervisor sustained one dishonesty allegation against one officer and did not sustain the remaining dishonesty allegations. The hiring authority's supervisor dismissed the first officer and imposed a 10 percent salary reduction for 15 months on the second officer. The OIG concurred because the letters of intent were improperly drafted. Both officers filed appeals with the State Personnel Board. At the State Personnel Board hearing, the department entered into a settlement agreement with the first officer reducing his dismissal to a 12-month suspension and agreeing to remove the disciplinary action from his official personnel file after 24 months. The hiring authority also entered into a settlement agreement with the second officer reducing his penalty to a 10 percent salary reduction for 12 months and agreeing to remove the disciplinary action from his official personnel file after 24 months. Both officers waived back pay. The OIG did not concur with the settlement; however, the settlement terms did not merit a higher level of review because of deficiencies in the investigation and errors in the letters of intent.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not provide the hiring authority with appropriate legal consultation, the letters of intent to take disciplinary action were not appropriately drafted, and the hiring authority improperly agreed to reduce the officers' penalties. The department attorney and the employee relations officer did not adequately cooperate with the OIG.

CENTRAL REGION

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

The department attorney inappropriately advised the hiring authority that dishonesty allegations should not be sustained. The department attorney did not draft or review the letters of intent before they were served on the officers.
- Was the Letter of Intent to take disciplinary action served on the subject(s) appropriately drafted?

The letters of intent did not notify the officers that the hiring authority had sustained dishonesty allegations regarding their use-of-force reports.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The department attorney neglected to provide the OIG with a draft pre-hearing settlement conference statement for review before filing.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The agreement to reduce the officers' penalties was not consistent with departmental policy because there was no new evidence, flaws, or risks identified to support the modification.
- 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 agreement reducing the officers' penalties because there was no new evidence, flaws, or risks identified to support the modification.
- 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 did not provide the OIG with drafts of the letters of intent for review before they were served. The department attorney did not provide the OIG with adequate notice of a pre-hearing settlement conference and did not provide the OIG with the department's pre-hearing settlement conference statement. The employee relations officer did not cooperate when the OIG inquired about the letters of intent and the department did not timely provide the OIG with the case settlement report.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2014-04-24 | 14-1400-IR | <ol style="list-style-type: none"> Dishonesty Neglect of Duty Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Not Sustained | Dismissal | Dismissal |

Incident Summary

On April 24, 2014, an officer allegedly asked a licensed vocational nurse to sign medical examination forms even though the licensed vocational nurse had not conducted the necessary medical examinations on three inmates. The officer was also allegedly dishonest when he completed the forms and submitted them for review. Additionally, the licensed vocational nurse was allegedly dishonest when he signed the medical examination forms without conducting the necessary medical examinations.

Disposition

The hiring authority sustained the allegations against the licensed vocational nurse and served him with a notice of dismissal. The OIG concurred. However, the licensed vocational nurse retired before the disciplinary action took effect. The hiring authority placed a letter in the licensed vocational nurse's official personnel file indicating he retired pending disciplinary action. The hiring authority sustained the allegations against the officer, except a neglect of duty allegation, and dismissed him. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the allegations, except dishonesty and discourteous treatment, and modified the penalty to a two-month suspension.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney did not call necessary witnesses for hearing, did not elicit critical testimony from a witness, and did not appropriately object.

CENTRAL REGION

Assessment Questions

- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?

The department attorney called one witness in addition to the involved officer, and that was insufficient to support the department's allegations against the officer. The department attorney did not properly prepare the witness and the witness could not recall relevant details concerning the incident.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?

The department attorney did not present necessary and available evidence at the hearing regarding the impact of the officer's misconduct.
- Did the department's advocate appropriately object to evidence presented by appellant(s) at the hearing?

The department attorney did not object to any of the inappropriate evidence at the hearing, including multiple layers of hearsay offered by the officer.
- 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 decision dismissing the dishonesty and discourtesy allegations because the department did not provide sufficient available evidence to prove the allegations.
- If the penalty modification was the result of an SPB decision, did the OIG concur with the modification?

The OIG concurred with the State Personnel Board decision to modify the penalty because the department did not provide sufficient available evidence to prove all allegations.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2014-05-12 | 14-1758-IR | <ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior | <ol style="list-style-type: none"> Sustained Sustained | Dismissal | Dismissal |

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.

Disposition

The hiring authority sustained the allegation the officer pushed his wife, but refused to add dishonesty allegations, and imposed a 10 percent salary reduction for 13 months. The OIG did not concur with the penalty or the hiring authority's failure to add dishonesty allegations and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the allegations and penalty would remain the same. The OIG did not concur and elevated the matter to the director who agreed with the OIG, added and sustained dishonesty allegations, and dismissed the officer. 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: **Insufficient**

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conferences and did not select the appropriate charges, causes for discipline, or penalty, causing the OIG to seek a higher level of review. The department attorney provided inappropriate legal advice to the hiring authority, caused a delay in conducting the disciplinary findings conference, neglected to present necessary evidence and appropriately object to evidence at hearing, and did not adequately cooperate with the OIG.

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 authority on February 13, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until March 10, 2015, 25 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

The department attorney improperly advised the hiring authority not to add and sustain dishonesty allegations and to impose a salary reduction instead of dismissal.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

The hiring authority did not select appropriate dishonesty charges from the department's disciplinary matrix.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The hiring authority did not select dismissal as the penalty.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The department attorney did not provide the OIG with the draft pre-hearing settlement conference statement for review before filing.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?

The department attorney neglected to impeach a key witness with her prior inconsistent statements to outside law enforcement and attempted to introduce into evidence a blank compact disc that was supposed to contain recorded interviews.
- Did the department's advocate appropriately object to evidence presented by appellant(s) at the hearing?

The department attorney neglected to appropriately object to an inappropriate witness who the officer listed.
- If an executive review was invoked in the case, did OIG request the executive review?

The OIG sought a higher level of review to recommend sustaining dishonesty and dismissing the officer.
- 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 would not respond to repeated OIG requests to consult regarding her legal advice and continued to refuse even after her supervisor directed her to consult. The department attorney met with the hiring authority regarding the case without including the OIG and her refusals to consult caused the hiring authority to delay making final disciplinary determinations. The department attorney also neglected to provide the OIG with the department's pre-hearing settlement conference statement.
- Was the disciplinary phase conducted with due diligence by the department?

The department did not conduct the initial disciplinary findings conference in a timely manner and then the department attorney's refusal to consult with the OIG resulted in an additional 24-day delay in holding a second disciplinary findings conference.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---------------|--------------|----------|----------|
| | | | | INITIAL | FINAL |
| 2014-06-06 | 15-1032-IR | 1. Dishonesty | 1. Sustained | Demotion | Demotion |

Incident Summary

On June 6, 2014, June 7, 2014, and June 30, 2014, a sergeant allegedly forged the signatures of five officers on benefit acknowledgment forms.

CENTRAL REGION

Disposition

The hiring authority sustained the allegation and demoted the sergeant to officer instead of dismissing him because he had an otherwise unblemished record and was attempting to confer a benefit on a former co-worker's family. The OIG did not concur but did not seek a higher level of review because of the mitigating factors. The sergeant filed an appeal with the State Personnel Board. At a pre-hearing settlement conference, the department entered into a settlement agreement to remove the disciplinary action from the sergeant's official personnel file one year early. The OIG did not concur with the settlement. However, the settlement did not merit a higher level of review because the discipline remained unchanged and there was a low risk of recurrence.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney did not provide appropriate legal consultation to the hiring authority and the hiring authority did not select an appropriate cause for discipline or appropriate penalty and agreed to a penalty modification that was not consistent with policy. Also, the department attorney did not adequately cooperate with the OIG.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not advise the hiring authority that the sergeant should be disciplined for grand theft.
- 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 select grand theft as a cause for discipline.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority inappropriately demoted the sergeant when dismissal was warranted.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department did not identify any new evidence, flaws, or risks to warrant a settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur because no new evidence, flaws, or risks in the case were identified.
- 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 timely provide the OIG with the case settlement report.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|------------------------------|-----------|------------|
| | | | | INITIAL | FINAL |
| 2014-07-05 | 14-1904-IR | 1. Dishonesty 2. Other Failure of Good Behavior | 1. Sustained 2. Sustained | Dismissal | Suspension |

Incident Summary

On July 5, 2014, an officer allegedly grabbed his girlfriend by the neck, pushed her out the door of a recreational vehicle, and was dishonest to outside law enforcement.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. After the pre-hearing settlement conference, the department learned the outside law enforcement officer's testimony would not be consistent with his report. Due to this development, the department entered into a settlement agreement reinstating the officer and reducing the penalty to a suspension of 140 working days. The OIG did not concur with the settlement but did not seek a higher level of review because of the evidentiary problems.

CENTRAL REGION

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|--------------------------------|---|
| Disciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and inappropriately modified the penalty. The department attorney was not prepared for the pre-hearing settlement conference and did not adequately cooperate with the OIG.

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 21, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until September 19, 2015, 29 days thereafter.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?

The department attorney was not adequately prepared to respond to the judge's specific questions regarding anticipated testimony.
- 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 sufficient evidence to sustain 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 did not provide the OIG with a copy of the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?

The department delayed conducting the disciplinary findings conference.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|--------------------------|------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2014-07-12 | 14-2257-IR | 1. Unreasonable Use of Force 2. Neglect of Duty 3. Unreasonable Use of Force 4. Failure to Report Use of Force | 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Salary Reduction | Salary Reduction |

Incident Summary

On July 12, 2014, an officer allegedly struck an inmate in the abdomen twice with her knee as a second officer allegedly forced the inmate's handcuffed arms upward, causing the inmate to bend over at the waist. Both officers allegedly failed to report their uses of force. A lieutenant allegedly failed to immediately intervene to stop the unreasonable use of force.

Disposition

The hiring authority sustained allegations against the first officer for unreasonable use of force and failing to activate her personal alarm, but not the other allegations, and imposed a 5 percent salary reduction for 12 months. The hiring authority also sustained an allegation against the second officer for failing to activate his personal alarm, but not the other allegations, and issued a letter of reprimand. The OIG concurred with these determinations. The officers did not file appeals with the State Personnel Board. The hiring authority also sustained the allegation against the lieutenant and issued a letter of instruction. The OIG did not concur but did not seek a higher level of review because the penalty was within departmental guidelines.

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|--------------------------------|---|
| Disciplinary Assessment | Procedural Rating: Sufficient |
| | Substantive Rating: Insufficient |

The department's handling of the disciplinary process was substantively insufficient because the hiring authority did not select the appropriate disciplinary charges or penalty for the lieutenant.

CENTRAL REGION

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 did not select all appropriate charges from the department's disciplinary matrix when considering the lieutenant's misconduct.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority's failure to select all appropriate charges resulted in the lieutenant only receiving a letter of instruction when he should have received a letter of reprimand.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|--------------|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2014-07-24 | 14-2465-IR | 1. Neglect of Duty | 1. Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On July 24, 2014, two officers allegedly made a barefooted inmate walk over hot concrete, resulting in burns to the inmate's feet.

Disposition

The hiring authority sustained the allegations and imposed 5 percent salary reductions for six months against each officer. The OIG concurred. The officers filed appeals with the State Personnel Board. Due to evidentiary problems related to the inadequately drafted pre-hearing settlement conference statements, the department entered into settlement agreements reducing the penalties for each officer to a 5 percent salary reduction for five months and removing certain language from the disciplinary actions. The OIG did not concur with the settlements. However, the settlement terms did not merit a higher level of review because the penalties were within departmental guidelines.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not properly prepare a pre-hearing settlement conference statement, was not properly prepared at the settlement conference, did not sufficiently cooperate with the OIG, and did not ensure settlement agreements were appropriately drafted. Also, the department's agreement to modify the penalties was not consistent with policy.

CENTRAL 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 neglected to identify the treating physician as a witness and did not list all medical reports regarding the inmate's injuries in the pre-hearing settlement conference statement despite the OIG's recommendations to do so.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?

The department attorney did not have the officers' pre-hearing settlement conference statements at the conference and had to ask the judge for copies of the disciplinary actions he prepared and had served on the officers. The department attorney also was unable to respond to the judge's questions regarding the inmate's anticipated testimony due to his failure to speak with the inmate prior to the conference.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The settlement agreements were not consistent with department policy because no new evidence, flaws, or risks were identified to support reduced penalties.
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?

The department attorney inappropriately agreed to include unnecessary language regarding the officers' ages.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?

The department attorney prevented the OIG from monitoring discussions with the hiring authority regarding settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not agree with the reduced penalties because no new evidence, flaws, or risks were identified to support the reductions.
- 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 permit the OIG to monitor his discussions with the hiring authority regarding settlement and did not provide the OIG with the case settlement report.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|----------------------------------|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2014-08-02 | 14-2433-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On August 2, 2014, two officers were allegedly armed during an inmate transport in violation of departmental policy and failed to notify a supervisor when they took breaks. One of the officers allegedly failed to notify a supervisor of a mechanical problem with the locking mechanism of the transport van's holding cell and failed to obtain documents required for transporting inmates. Additionally, two lieutenants and a sergeant allegedly failed to ensure the transport officers had the documents required for transporting inmates.

CENTRAL REGION

Disposition

The hiring authority sustained all allegations against the first officer, except for being armed in violation of policy, and imposed a 5 percent salary reduction for nine months. The hiring authority also sustained an allegation against the second officer for failing to notify a supervisor when taking breaks, but not that he was armed in violation of policy, and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The first officer did not file an appeal with the State Personnel Board but the second officer did. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the second officer reducing the penalty to a 5 percent salary reduction for four months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty was within the appropriate penalty range for the misconduct. The hiring authority sustained allegations against one of the lieutenants and the sergeant for failing to ensure proper transportation documentation was provided and issued letters of instruction to both. The OIG concurred with the hiring authority's findings but not the penalty determination. However, the OIG did not seek a higher level of review because the deadline to take disciplinary action was about to expire. The hiring authority found insufficient evidence to sustain allegations against the second lieutenant and the OIG concurred.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney did not provide appropriate legal consultation, and the hiring authority did not select appropriate discipline for the lieutenant and sergeant and entered into a settlement agreement without sufficient justification. Also, the department did not adequately cooperate with the OIG.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney should have recommended letters of reprimand rather than letters of instruction for the lieutenant and sergeant.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority did not select the appropriate penalty for one of the lieutenants and the sergeant when deciding to issue letters of instruction instead of letters of reprimand.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The penalty reduction for one of the officers was not consistent with policy because no new evidence, flaws, or risks were identified to support a reduction.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not agree with the penalty reduction for one of the officers because no new evidence, flaws, or risks were identified to support the reduction.
- 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 provide the OIG with the case settlement report.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------|--------------|---------------------|---------------------|
| | | | | INITIAL | FINAL |
| 2014-08-14 | 15-0983-IR | 1. Weapons | 1. Sustained | Letter of Reprimand | Letter of Reprimand |

Incident Summary

On August 14, 2014, an officer shot himself in the foot with his department-issued firearm during a training exercise.

Disposition

The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred with sustaining the allegation but did not concur regarding the penalty. The OIG did not elevate the matter to the hiring authority's supervisor because the penalty was within departmental guidelines despite the OIG opinion that suspension was appropriate. The officer filed an appeal with the State Personnel Board but later withdrew his appeal.

CENTRAL REGION

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| 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 |
| 2014-08-19 | 14-2537-IR | 1. Unreasonable Use of Force 2. Neglect of Duty 3. Failure to Report Use of Force 4. Neglect of Duty | 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On August 19, 2014, an officer allegedly rammed his chest into an inmate's back during a clothed body search and failed to timely and accurately report the use of force. A second officer allegedly failed to timely and accurately report the use of force he observed. A lieutenant and two sergeants allegedly failed to intervene, failed to report the force they observed, and failed to ensure custody staff timely submitted reports. Ten additional officers allegedly failed to accurately report the use of force they observed.

Disposition

The hiring authority sustained allegations that the first officer used unreasonable force and failed to timely report the force he used, but not the remaining allegation, and imposed a 5 percent salary reduction for six months. The hiring authority did not sustain the allegation that the second officer failed to report the force he observed, but added and sustained an allegation that the second officer failed to timely report the force he used. The hiring authority issued the second officer a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the lieutenant, two sergeants, and the remaining officers. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement wherein the hiring authority reduced the penalty to a 5 percent salary reduction for four months and to remove the agreement from the officer's official personnel file in 18 months. The OIG concurred because the officer accepted responsibility and the penalty was within the department's guidelines. The second officer did not file an appeal.

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| Disciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Sufficient |
| The department sufficiently complied with policies and procedures governing the predisciplinary process. | |

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|------------------------------|-----------|------------|
| | | | | INITIAL | FINAL |
| 2014-08-20 | 14-2463-IR | 1. Dishonesty 2. Controlled Substance | 1. Sustained 2. Sustained | Dismissal | Suspension |

Incident Summary

On August 20, 2014, outside law enforcement allegedly found an officer in possession of testosterone and hypodermic syringes for which he did not have a prescription. On August 22, 2014, the officer was allegedly dishonest in a memorandum to a supervisor regarding the matter. On June 26, 2015, the officer was allegedly dishonest during his 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. While the appeal was pending, the hiring authority wanted to settle the matter by removing the dishonesty allegations and reducing the penalty to a suspension. The OIG did not agree and elevated the matter to the hiring authority's supervisor, who determined the allegations and penalty would remain as initially determined. At the State Personnel Board hearing, the department entered into a settlement agreement with the officer reducing the penalty to a suspension without pay from the date of the dismissal to the date of the settlement, followed by unpaid administrative leave while a disability retirement application was pending. The settlement also provided that if retirement were approved within one year, the penalty would remain a suspension. However, if retirement were not approved within one year, the penalty would be a dismissal. The officer agreed not to seek future employment with the department. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the ultimate goal of ensuring the officer did not work for the department was achieved.

CENTRAL REGION

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| Disciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Insufficient |
| The department's handling of the disciplinary process was substantively insufficient because the hiring authority's decision to enter into a settlement agreement was not consistent with departmental policy. The department attorney did not properly prepare the draft disciplinary action and did not fully cooperate with the OIG. | |

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| Assessment Questions |
| <ul style="list-style-type: none"> Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action neglected to advise the officer of his right to respond to a manager who was not involved in the disciplinary action taken against him.</i> If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The agreement to modify the penalty was not consistent with departmental policy because no new evidence, flaws, or risks were identified to support the modification.</i> If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the modification because no new evidence, flaws, or risks were identified to support a settlement.</i> If an executive review was invoked in the case, did OIG request the executive review? <i>The OIG requested a higher level of review when the hiring authority decided to reduce the penalty from dismissal to a suspension.</i> Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The department attorney did not provide the OIG with the case settlement report.</i> |

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|---------------------|---------------------|
| | | | | INITIAL | FINAL |
| 2014-09-06 | 14-2613-IR | 1. Unreasonable Use of Force 2. Dishonesty 3. Unreasonable Use of Force 4. Failure to Report Use of Force 5. Neglect of Duty | 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained | Letter of Reprimand | Letter of Reprimand |

Incident Summary
 On September 6, 2014, an officer allegedly sprayed an inmate in the face with pepper spray without justification and was allegedly dishonest when he failed to accurately report his need to use force. A second officer allegedly failed to activate his alarm, and he and a third officer were allegedly dishonest when they failed to accurately report the first officer's use of force. A fourth officer also allegedly failed to accurately report the first officer's use of force.

Disposition
 The hiring authority found insufficient evidence to sustain any allegations. The OIG concurred except as to the officer who allegedly sprayed the inmate with the pepper spray without justification, failed to accurately report his use of force, and was dishonest during his investigative interview. The OIG sought a higher level of review. The associate director determined the officer used unnecessary force and issued a letter of reprimand, but found insufficient evidence to sustain the remaining allegations. The OIG did not concur with the determination to not sustain the remaining allegations but did not seek a higher level of review because the deadline to take disciplinary action was about to expire. The officer did not file an appeal with the State Personnel Board.

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| Disciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Insufficient |
| The department's handling of the disciplinary process was substantively insufficient because the hiring authority did not select the appropriate penalty, the assistant chief counsel did not provide appropriate legal advice to the hiring authority, and the disciplinary action did not advise the officer of all of his rights. Also, the hiring authority failed to timely conduct the disciplinary findings conference. | |

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 authority on July 22, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until August 13, 2015, 22 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The assistant chief counsel did not advise the hiring authority of the appropriate aggravating and mitigating factors and recommended a penalty lower than appropriate. The assistant chief counsel also provided inappropriate advice regarding the reasonable of the force used.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority issued a letter of reprimand to the officer when a greater penalty was appropriate.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not notify the officer of his right to respond to the hiring authority.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The final disciplinary action did not notify the officer of his right to respond to the hiring authority.
- 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 Salary Reduction | FINAL Salary Reduction |
| 2014-09-21 | 14-2801-IR | 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty | 1. Sustained 2. Not Sustained 3. Not Sustained | | |

Incident Summary

On September 21, 2014, two officers allegedly slept while on duty. One of the officers was allegedly dishonest in a memorandum to a supervisor denying that he was less than alert while on duty.

Disposition

The hiring authority sustained the allegation that one of the officers was sleeping on duty and imposed a 5 percent salary reduction for eight months. The OIG concurred. The hiring authority found insufficient evidence the second officer was sleeping and dishonest. The OIG did not concur but did not seek a higher level of review because the second officer retired.

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 Letter of Instruction | FINAL Letter of Reprimand |
| 2014-10-16 | 14-2857-IR | 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty | 1. Sustained 2. Not Sustained 3. Not Sustained | | |

Incident Summary

On October 16, 2014, two officers allegedly collaborated when writing their use-of-force reports. A lieutenant allegedly failed to properly review the use-of-force reports and altered the reports.

CENTRAL REGION

Disposition
 The hiring authority sustained the allegation the lieutenant failed to properly review the report and decided to issue a letter of instruction. The OIG did not concur with the penalty and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor decided to issue a letter of reprimand. The OIG did not concur but did not seek a higher level of review because the deadline to take disciplinary action was about to expire. The lieutenant did not file an appeal with the State Personnel Board. The hiring authority found insufficient evidence to sustain the remaining allegations against the lieutenant. The OIG did not concur but did not seek a higher level of review because of conflicting evidence. The hiring authority found insufficient evidence to sustain the allegations against the officers and the OIG concurred.

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| Disciplinary Assessment The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not provide appropriate legal advice and consultation, neither the hiring authority nor the hiring authority's supervisor selected the appropriate penalty, and the department did not conduct the higher level of review in a timely manner. | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney inappropriately recommended a penalty lower than policy provides. At the higher level of review, the assistant chief counsel was not adequately prepared and incorrectly represented the facts and the hiring authority's decisions.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority inappropriately selected a letter of instruction instead of a salary reduction as policy provides.
- 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 imposed a penalty lower than policy provides.
- If an executive review was invoked, was the appropriate decision made?
Although the hiring authority's supervisor decided to issue a letter of reprimand instead of a letter of instruction, the letter of reprimand was still a lower penalty than a salary reduction, as policy recommends.
- Was the disciplinary phase conducted with due diligence by the department?
The OIG requested a higher level of review on September 14, 2015, but the higher level of review did not take place until October 13, 2015, 29 days later.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|--------------|------------------|------------------|
| | | | | INITIAL | FINAL |
| 2014-10-19 | 15-0830-IR | 1. Neglect of Duty | 1. Sustained | Salary Reduction | Salary Reduction |

Incident Summary
 On October 19, 2014, an officer allegedly failed to discover an inmate she noted as being secure and alive during multiple security checks was actually dead for more than two hours. The officer also allegedly left her post early without her sergeant's approval.

Disposition
 The hiring authority sustained 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. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the department agreed to remove the disciplinary action from the officer's official personnel file after 18 months. The OIG concurred because the penalty remained the same and could be used for progressive discipline.

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| Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not adequately cooperate with the OIG. | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

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 authority on July 28, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until September 10, 2015, 44 days thereafter.
- 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 provide the OIG with the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|----------------------------------|------------|------------|
| | | | | INITIAL | FINAL |
| 2014-12-30 | 15-0409-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | Suspension | Suspension |

Incident Summary

On December 30, 2014, a sergeant and a lieutenant allegedly failed to initiate Prison Rape Elimination Act protocols when an inmate claimed an unidentified staff member sexually assaulted him during a wheelchair escort.

Disposition

The hiring authority sustained the allegation against the lieutenant and imposed a one-working-day suspension. The hiring authority found insufficient evidence to sustain the allegation against the sergeant but ordered training to reinforce the Prison Rape Elimination Act policies. The OIG concurred with the hiring authority's determinations. The lieutenant 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 |
| 2015-03-05 | 15-1029-IR | 1. Failure to Report Use of Force 2. Neglect of Duty | 1. Sustained 2. Sustained | Suspension | Suspension |

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.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for three months on the sergeant and a five-working-day suspension on the captain. The OIG concurred. The sergeant and captain filed appeals with the State Personnel Board. At the pre-hearing settlement conference for the sergeant, the department entered into a settlement agreement wherein the department agreed to remove the disciplinary action from the sergeant's official personnel after three months. The OIG did not concur but did not seek a higher level of review because the penalty remained the same and the disciplinary action could still be used for progressive discipline. After a hearing, the State Personnel Board upheld the captain's suspension.

CENTRAL REGION

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference, entered into a settlement agreement improperly modifying the sergeant's penalty, and did not adequately cooperate with the OIG. The department attorney did not adequately cooperate with the OIG, misrepresented the substance of the captain's *Skelly* hearing to the OIG, and neglected to adequately prepare for and address legal issues during the hearing. Also, the department attorney neglected to prepare an appropriate draft disciplinary action and provide the OIG with a case settlement report.

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 May 13, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 11, 2015, 29 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The department attorney did not include the correct duty statement or a complete training history for the captain.
- If there was a Skelly hearing, was it conducted pursuant to DOM?
The department did not inform the OIG of the Skelly hearing, thus preventing the OIG from monitoring the hearing.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney did not provide the OIG with a draft pre-hearing settlement conference statement for the sergeant.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department agreed to remove the disciplinary action from the sergeant's official personnel file early even though there were no changed circumstances to justify the agreement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with removing the sergeant's disciplinary action from his official personnel file after three months.
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?
The department attorney did not contact necessary witnesses before hearing and call a witness to authenticate use-of-force reports.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The department attorney did not object to improper questions asked by the captain's attorney.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department attorney did not offer use-of-force reports into evidence.
- 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 neglected to notify the OIG of the Skelly hearing for the captain and misrepresented to the OIG that the captain had expressed remorse at the Skelly hearing when he had not. The department attorney also amended the effective date of a disciplinary action without consulting the OIG, did not notify the OIG of the time and date of the pre-hearing settlement conference for the sergeant, preventing the OIG from real-time monitoring, and did not provide the case settlement report for the sergeant to the OIG despite multiple requests.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The hiring authority did not notify the OIG of the Skelly hearing and amended the effective date of a disciplinary action without consulting the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority did not conduct the disciplinary findings conference in a timely manner.

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2015-05-02 | 15-1273-IR | <ol style="list-style-type: none"> 1. Discourteous Treatment 2. Other Failure of Good Behavior 3. Dishonesty 4. Misuse of Authority | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On May 2, 2015, a sergeant allegedly vandalized his ex-wife's residence with toilet paper and eggs and cursed at her. The sergeant was also allegedly belligerent and dishonest to outside law enforcement and attempted to gain leniency by identifying himself as a sergeant.

Disposition

The hiring authority sustained the allegations, except that the sergeant was dishonest to outside law enforcement and attempted to gain leniency, and imposed a 5 percent salary reduction for 12 months. The OIG did not concur with the determination that the sergeant was not dishonest or with the penalty and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the allegations and penalty would remain as initially determined. The sergeant filed an appeal with the State Personnel Board. Before the hearing, the department entered into a settlement agreement with the sergeant reducing the penalty to a 5 percent salary reduction for six months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained within departmental guidelines for the sustained misconduct.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the investigative findings conference, did not select the appropriate charges for discipline or penalty, and modified the penalty without adequate justification. Also, the department attorney did not prepare an appropriate draft or final disciplinary action, was not fully familiar with the case at the pre-hearing settlement conference, and did not cooperate with the OIG.

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 returned the case to the hiring authority on June 17, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 23, 2015, 36 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

By not finding the sergeant was dishonest, the hiring authority did not select the appropriate charges and causes for discipline.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

By not finding the sergeant was dishonest, the hiring authority did not select the appropriate penalty.
- 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 notification to the sergeant that he was entitled to respond to a manager who was not involved in the investigation.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

The disciplinary action did not include notification to the sergeant that he was entitled to respond to a manager who was not involved in the investigation.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?

When questioned by the administrative law judge at the pre-hearing settlement conference, the department attorney was not fully familiar with the arresting officer's anticipated testimony.
- 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 no new evidence, flaws, or risks were identified to justify a penalty reduction.
- 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 permit the OIG to monitor the discussion with the hiring authority regarding the proposed settlement at the State Personnel Board.
- Was the disciplinary phase conducted with due diligence by the department?

The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|------------|
| | | | | INITIAL | FINAL |
| 2015-05-21 | 15-1328-IR | 1. Dishonesty 2. Neglect of Duty 3. Intoxication | 1. Sustained 2. Sustained 3. Sustained | Dismissal | Suspension |

Incident Summary

On May 21, 2015, an officer was arrested after allegedly driving his vehicle in excess of 100 miles per hour while under the influence of alcohol. The officer was also allegedly dishonest to outside law enforcement. The officer was also allegedly dishonest on May 22, 2015, when he reported the details of the incident to a lieutenant and on May 26, 2015, when he reported the incident in a memorandum to a captain.

CENTRAL REGION

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Due to deficiencies in the drafting of the disciplinary action, the department entered into a settlement agreement with the officer reducing the penalty to a suspension without pay for nine months. The officer agreed to waive all back pay and accept an automatic dismissal, waiving any appeal rights, if any disciplinary action was sustained against him in the next three years. The officer also agreed to attend a substance abuse recovery program for 52 weeks. The OIG concurred with the settlement because the disciplinary action was not properly drafted.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the employee relations officer delayed providing the OIG with the form documenting the disciplinary findings. The department attorney did not properly draft the disciplinary action and did not cooperate with the OIG.

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 July 1, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until October 16, 2015, more than three months 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 adequately describe the factual basis for the dishonesty allegations.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

The disciplinary action did not adequately describe the factual basis for the dishonesty allegations.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The department attorney did not provide the OIG with a draft of the pre-hearing settlement conference statement for review before it was filed.
- 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 provide the OIG with adequate time to review the draft disciplinary action and provide feedback before it was served on the officer, and did not provide a draft of the pre-hearing settlement conference statement for review.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

The department did not provide the OIG with the form documenting the disciplinary determinations in a timely manner.
- Was the disciplinary phase conducted with due diligence by the department?

The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|------------|------------------|
| | | | | INITIAL | FINAL |
| 2015-08-29 | 15-2092-IR | 1. Misuse of Authority 2. Other Failure of Good Behavior 3. Intoxication | 1. Sustained 2. Sustained 3. Sustained | Suspension | Salary Reduction |

Incident Summary

On August 29, 2015, an officer allegedly drove his vehicle while under the influence of alcohol and while on probation for a conviction of the same offense. The officer also allegedly sought leniency from outside law enforcement based on his peace officer status. After he was arrested, the officer allegedly used profanity and was discourteous to outside law enforcement.

CENTRAL REGION

Disposition

The hiring authority sustained the allegations and imposed a 60-working-day suspension. The OIG concurred. Prior to the effective date, the department entered into a settlement agreement with the officer modifying the suspension to a 10 percent salary reduction for 30 months. The officer agreed to seek alcohol treatment, not drive under the influence, not violate terms of his court-ordered probation, and not test positive for any non-prescribed drug or alcohol if tested. The officer also agreed that if he breached the agreement, he will be deemed to have resigned from the department. The OIG concurred with the settlement because the agreement brought finality to the officer's employment if the behavior were to reoccur.

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 |
| 2013-04-15 | 14-2851-IR | 1. Neglect of Duty 2. Dishonesty | 1. Sustained 2. Not Sustained | Salary Reduction | Salary Reduction |

Incident Summary

Between April 15, 2013, and April 19, 2013, three sergeants allegedly worked another sergeant's shift without required documentation, signed that sergeant's name to timesheets rather than their own names, failed to sign in or out on their time sheets, and failed to complete the supervisor's log book. Two of the sergeants also allegedly failed to complete required security checks.

Disposition

The hiring authority sustained the allegations, except for dishonesty, and issued two of the sergeants letters of reprimand. The OIG concurred. The hiring authority determined a salary reduction of 10 percent for nine months was the appropriate penalty for the third sergeant because there were no mitigating factors and the sergeant had received prior discipline. The OIG concurred. However, disciplinary action could not be taken because the hiring authority already dismissed the sergeant for other misconduct. One of the first two sergeants filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the sergeant wherein the department agreed to remove the letter of reprimand from his official personnel file one year from its effective date. The OIG concurred because the sergeant was serving in an acting capacity at the time, had not received formal training, and received training after the incident thereby reducing the likelihood of recurrence. The other sergeant did not file an appeal.

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 |
| 2013-05-01 | 15-0858-IR | 1. Confidential Information 2. Dishonesty | 1. Sustained 2. Not Sustained | Suspension | Suspension |

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.

Disposition

The hiring authority sustained the allegation that the officer failed to report receiving confidential information, but not that he was dishonest, and imposed a 14-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to a hearing, the department entered into a settlement agreement with the officer wherein the penalty remained the same but the disciplinary action would be removed from the officer's official personnel file after one year. The OIG did not concur but did not seek a higher level of review because the penalty remained the same.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the settlement agreement did not include all required key clauses and there were no changed circumstances to justify modifying the discipline. The department attorney did not provide written confirmation of penalty discussions.

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.
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?
The settlement did not include one of the required key clauses.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with removing the disciplinary action from the officer's official personnel file early because there were no new mitigating factors and no significant risks to justify the modification.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2013-05-01 | 15-0859-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Disclosure of Confidential Information 3. Insubordination/Willful Disobedience | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained | Dismissal | Dismissal |

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.

Disposition

The hiring authority sustained the allegations and dismissed the labor relations analyst and imposed a 5 percent salary reduction for 12 months against the office assistant. The OIG concurred. The office assistant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the office assistant wherein the penalty was reduced to a 5 percent salary reduction for ten months. The OIG concurred because the office assistant expressed remorse and accepted responsibility and the penalty reduction was not significant. The labor relations analyst 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 |
| 2013-09-19 | 15-0214-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained | Dismissal | Resignation in Lieu of Termination |

Incident Summary

Between September 19, 2013, and November 12, 2014, a parole agent allegedly failed to supervise numerous parolees assigned to her caseload and falsified documents to conceal her failure to supervise. On November 12, 2014, the parole agent was allegedly dishonest to her supervisor when she denied issuing a falsified arrest warrant for a parolee.

Disposition

The hiring authority sustained the allegations and dismissed the parole agent. The OIG concurred. Following a *Skelly* hearing, the department entered into a settlement agreement wherein the parole agent resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of ensuring the parole agent did not work for the department.

NORTH REGION

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|-------------------------|---------------------------------------|
| 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 |
| 2013-12-09 | 14-0779-IR | <ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Insubordination 4. Neglect of Duty 5. Discourteous Treatment 6. Unreasonable Use of Force 7. Failure to Report Use of Force | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Not Sustained | Suspension | Modified Salary Reduction |

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.

Disposition

The hiring authority sustained the allegations against the first officer, except that he grabbed an inmate by the neck, pushed him out of his wheelchair, slapped the inmate's cellmate, and failed to report that use of force, and imposed a 48-working-day suspension. The hiring authority sustained the allegation that the lieutenant failed to conduct a proper use-of-force interview and issued a letter of instruction. The hiring authority sustained the allegation that the second officer improperly attempted to discuss an Office of Internal Affairs interview and imposed a salary reduction of 10 percent for three months. The hiring authority did not sustain the allegation that the two officers and the lieutenant threatened the wheelchair-bound inmate. The OIG concurred with the hiring authority's determinations. The officers filed appeals with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement reducing the second officer's penalty to a salary reduction of 5 percent for three months. The OIG did not concur but did not seek a higher level of review because the likelihood of reoccurrence was low. After a hearing, the State Personnel Board revoked the first officer's disciplinary action.

| | |
|-------------------------|---|
| Disciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the disciplinary process. The hiring authority did not select the appropriate cause for discipline and inappropriately settled one of the cases. The department attorney did not appropriately advise the hiring authority, provide written confirmation of penalty discussions, or properly draft the draft disciplinary action. The department attorney further did not adequately prepare for the hearing or represent the department before the State Personnel Board.

NORTH REGION

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not properly advise the hiring authority regarding the application of the disciplinary matrix and the meaning of terms in the use of force policy.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
Even though the hiring authority sustained an allegation that an officer used unreasonable force, the hiring authority did not sustain the allegation that the officer failed to report the same unreasonable use of force and instead sustained an allegation that the officer failed to report his use of force, which carried a lower penalty.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide to the hiring authority or the OIG 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 for one of the officers repeatedly inaccurately alleged that the officer had used force against two inmates when the sustained allegations only included use of force against one inmate.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The department reduced the second officer's penalty from a 10 percent salary reduction for three months to a 5 percent salary reduction for three months without new evidence to support a reduced penalty.
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?
The department attorney did not timely ask the special agent to review transcripts of Office of Internal Affairs interviews. The special agent was required to do so after his normal work hours.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The department attorney did not timely file a motion to amend the pre-hearing settlement conference statement to add a witness and a motion for a protective order. The department attorney further did not adequately question the officer and some witnesses regarding conflicting statements made during Office of Internal Affairs interviews. The department attorney was not prepared to cite the appropriate code section to declare a hostile witness even though the department attorney knew the witness previously stated he would refuse to testify.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department attorney did not properly cross examine the officer. Therefore, the officer's prior inconsistent statements and the Office of Internal Affairs interview transcript were not admitted into evidence. The department attorney also did not call a witness to testify regarding proper procedures at the institution and explain why the officer's actions were unusual.
- Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence?
The department attorney did not offer the transcript of the officer's Office of Internal Affairs interview into evidence even after the officer gave conflicting testimony at the State Personnel Board hearing.
- 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 denied the department's motion to amend the pre-hearing settlement conference statement to add a witness because the filing was untimely, the need for the witness was foreseeable, and the department attorney did not attach an amended pre-hearing settlement conference statement. The State Personnel Board further denied the department's request for a protective order partially because it was untimely.
- 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 State Personnel Board's decision was reasonable given the department attorney's failure to appropriately cross examine the officer and have the officer's conflicting statements entered into evidence.
- If the penalty modification was the result of an SPB decision, did the OIG concur with the modification?
The OIG concurred with the decision to revoke the disciplinary action because the department attorney failed to appropriately impeach the officer and other witnesses.

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2013-12-13 | 15-1989-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Disclosure of Confidential Information 4. Misuse of State Equipment or Property 5. Dishonesty 6. Misuse of Authority 7. Disclosure of Confidential Information 8. Misuse of State Equipment or Property | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained | Dismissal | Dismissal |

Incident Summary

Between December 13, 2013, and April 28, 2014, an Office of Internal Affairs special agent allegedly accessed confidential law enforcement information for a family member and was allegedly dishonest with the Department of Justice regarding why he needed to access the confidential information.

Disposition

The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. Following a *Skelly* hearing, the hiring authority decided to demote the special agent rather than dismiss him. The OIG did not agree with the demotion and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the allegations and penalty would remain as initially determined. The special agent did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department did not prepare an appropriate draft or final disciplinary action.

Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action contained an inefficiency cause of action the facts did not support.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action served on the special agent contained an inefficiency cause of action not supported by the facts.
- 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 decided, after a Skelly hearing, to withdraw the dismissal and instead demote the special agent.

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|------------|
| | | | | INITIAL | FINAL |
| 2013-12-24 | 14-0541-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Sexual Misconduct 4. Contraband | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Dismissal | Suspension |

Incident Summary

On December 24, 2013, an officer allegedly engaged in sexual misconduct with several inmates. She was also allegedly overly familiar with inmates by engaging in conversations of a personal nature and bringing contraband to an inmate. During her investigative interview with the Office of Internal Affairs, the officer was allegedly dishonest to the special agents about her overly-familiar conduct.

Disposition

The hiring authority sustained the allegations that the officer was overly familiar with two inmates and dishonest during her interview with the Office of Internal Affairs, but not the remaining allegations, and dismissed the officer. 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, due to evidentiary issues, the department entered into a settlement agreement with the officer removing the dishonesty allegations from the disciplinary action, reducing the penalty to a suspension without pay for seven months, and paying the officer more than six months of back pay. The OIG concurred with removing the dishonesty allegations and reducing the penalty due to evidentiary issues and because the officer agreed to withdraw other legal claims she had filed against the department. The OIG did not concur with the determination to grant back pay but did not seek a higher level of review because the penalty 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.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|------------|-----------------------|
| | | | | INITIAL | FINAL |
| 2014-01-01 | 14-1752-IR | <ol style="list-style-type: none"> 1. Disclosure of Confidential Information | <ol style="list-style-type: none"> 1. Sustained | Suspension | Letter of Instruction |

Incident Summary

Between January 1, 2014, and June 14, 2014, a labor relations specialist allegedly disclosed confidential information about employee disciplinary actions to co-workers.

Disposition

The hiring authority sustained the allegation and served a two-working-day suspension. The OIG concurred. However, the hiring authority subsequently withdrew the disciplinary action to investigate a retaliation claim the labor relations specialist filed against the hiring authority. After the State Personnel Board dismissed the retaliation complaint, the hiring authority issued a letter of instruction. The OIG did not concur but did not seek a higher level of review because the hiring authority did not consult with the OIG before issuing the letter of instruction.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the disciplinary action was inappropriately drafted, the employee relations officer and hiring authority did not adequately cooperate with the OIG, and the hiring authority reduced the penalty to corrective action without justification.

NORTH REGION

Assessment Questions

- 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 and consult with the OIG.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action failed to include reference to all applicable departmental policy violations, dates of alleged misconduct, sufficient detail regarding the alleged disclosures, a sufficient proof of service, and a list of documents served.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
After the hiring authority served a notice of a two-working-day suspension, the hiring authority withdrew the disciplinary action pending investigation into a retaliation complaint the labor relations specialist filed. Without consulting the OIG, the hiring authority subsequently issued a letter of instruction after the State Personnel Board dismissed the retaliation complaint.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
There were no changed circumstances or factors justifying a modification.
- 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 did not provide the draft disciplinary action or letter of instruction to the OIG before serving the documents.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The hiring authority did not consult with the OIG before modifying the penalty to a letter of instruction.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2014-01-01 | 15-1958-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Insubordination/Willful Disobedience 4. Neglect of Duty 5. Dishonesty 6. Over-Familiarity | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained | Dismissal | Dismissal |

Incident Summary

Between January 1, 2014, and November 22, 2014, a lieutenant allegedly falsified rules violation hearing findings, failed to charge inmates who admitted rules violations, planted methamphetamine on an inmate to induce him to become an informant, and was overly familiar with an inmate. On January 13, 2015, the lieutenant allegedly went to his old work station after being transferred to the mailroom and on January 15, 2015, was allegedly overly familiar with a second inmate. On October 6, 2015, the lieutenant was allegedly dishonest during his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations, except that the lieutenant planted methamphetamine on an inmate and was overly familiar with the first inmate, and determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the lieutenant retired before the disciplinary action took effect. 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.

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2014-01-08 | 14-0704-IR | <ol style="list-style-type: none"> Dishonesty Disclosure of Confidential Information | <ol style="list-style-type: none"> Sustained Sustained | Dismissal | Dismissal |

Incident Summary

On January 8, 2014, a senior psychologist allegedly provided an inmate suicide report and a death review summary report to a newspaper. On January 8, 2014, the senior psychologist also allegedly provided a death review summary report regarding a second inmate to the newspaper. On March 9, 2014, the senior psychologist allegedly released a suicide report regarding the second inmate to the newspaper. On February 18, 2015, the senior psychologist was allegedly dishonest during his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and dismissed the senior psychologist. The OIG concurred with the hiring authority's determinations. The senior psychologist filed an appeal with the State Personnel Board but later withdrew his appeal.

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 |
| 2014-01-23 | 14-0973-IR | <ol style="list-style-type: none"> Dishonesty Neglect of Duty Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Not Sustained | Dismissal | Suspension |

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.

Disposition

The hiring authority sustained the allegations against the first officer and imposed a 5 percent salary reduction for four months. The hiring authority sustained all of the allegations against the second officer, except that he failed to determine what happened during part of the incident and that he failed to report the incident to his relief officer, and dismissed him. The OIG concurred with the hiring authority's determinations. Each officer filed an appeal with the State Personnel Board. Prior to hearing, the department entered into a settlement with the first officer reducing the penalty to a 5 percent salary reduction for three months. The OIG concurred because the officer accepted responsibility. Following a hearing, the State Personnel Board did not sustain the dishonesty allegations against the second officer and reduced the penalty to a one-year suspension on the basis that the second officer's inaccuracies were mistakes and not deliberate attempts to deceive the department.

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 |
| 2014-05-25 | 14-1548-IR | <ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty Discourteous Treatment Dishonesty | <ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained | Salary Reduction | Salary Reduction |

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.

Disposition

The hiring authority sustained the allegations, except that the officer was dishonest, and imposed a 10 percent salary reduction for 24 months. The OIG concurred with the sustained allegations and penalty but not the hiring authority's determination to not sustain dishonesty. The OIG did not seek a higher level of review because the hiring authority based the decision on the officer's perception of the events. The officer filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board upheld the disciplinary action.

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 |
| 2014-06-01 | 15-1082-IR | <ol style="list-style-type: none"> Contraband Failure to Report Insubordination/Willful Disobedience Neglect of Duty Failure to Report Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained Not Sustained | Dismissal | Dismissal |

Incident Summary

Between June 2014 and January 21, 2015, five officers allegedly watched movies while on duty and failed to report that other officers watched movies. A sixth officer allegedly knew other officers were watching movies but failed to report it. On January 21, 2015, the first officer also allegedly brought a knife, mobile phone, charger, and movies into the institution, and allegedly refused to tell a captain which other officers watched movies with him. On June 24, 2015, the officer also allegedly refused to tell the Office of Internal Affairs during an interview which officers watched movies with him. Four of the five officers and a seventh officer allegedly shared their computer access or passwords. An eighth officer allegedly failed to report the misconduct of the other officers and allegedly shared his computer password.

Disposition

The hiring authority sustained the allegations against the first officer and served a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action. The hiring authority sustained the allegations against the second and third officers and imposed 5 percent salary reductions for three months on each. The hiring authority sustained the allegations against the fourth and fifth officers and served letters of reprimand. They received lower penalties than the second and third officers because they did not bring movies into the institution. The hiring authority sustained the allegation against the sixth officer and issued a letter of instruction. The hiring authority sustained the allegation against the seventh officer and provided training. The hiring authority found insufficient evidence to sustain the allegations against the eighth officer. The OIG concurred with all of the hiring authority's determinations except for the decision to issue a letter of instruction to the sixth officer. However, the OIG did not seek a higher level of review because the officer's misconduct did not warrant a monetary penalty and the letter of instruction can be used for progressive discipline. None of the officers filed an appeal with the State Personnel Board.

NORTH REGION

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|---|---------------------------------------|
| 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 |
| 2014-08-28 | 15-0533-IR | <ol style="list-style-type: none"> Neglect of Duty Dishonesty Neglect of Duty | <ol style="list-style-type: none"> Sustained Not Sustained Not Sustained | Suspension | Suspension |

Incident Summary

On August 28, 2014, an associate warden allegedly failed to ensure that staff completed initial housing reviews, failed to ensure that an initial housing review was completed for two specific inmates, failed to examine documentation regarding the initial housing reviews for the two inmates before providing that information to an outside stakeholder, and falsely represented to the outside stakeholder that the two inmates were approved for double-cell housing based on their initial housing reviews.

Disposition

The hiring authority sustained the allegations that the associate warden provided inaccurate information to an outside stakeholder and that he failed to ensure department staff were completing initial housing reviews, but not the remaining allegations, and imposed a five-working-day suspension. The OIG concurred with the hiring authority's determinations. The associate warden filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the associate warden wherein the department agreed to remove two legal causes of action and the allegation that the associate warden failed to ensure initial housing reviews were conducted. The OIG concurred because the penalty remained the same.

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| Disciplinary Assessment | Procedural Rating: Sufficient |
| | Substantive Rating: Insufficient |
| The department's handling of the disciplinary process was substantively insufficient because the department attorney did not provide appropriate legal advice to the hiring authority and recommended the hiring authority enter into an impermissible settlement agreement. The department attorney also included inaccurate information in the draft disciplinary action. | |

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not recommend appropriate aggravating factors and recommended only a letter of reprimand instead of a suspension. Additionally, the department attorney recommended a settlement for a penalty not allowed based on the associate warden's position.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action contained an inaccurate statement as to what the associate warden admitted in his investigative interview.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2014-08-29 | 14-2544-IR | <ol style="list-style-type: none"> Misuse of Authority Discourteous Treatment | <ol style="list-style-type: none"> Sustained Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On August 29, 2014, two officers allegedly yelled profanities at a range master at a shooting range. In addition, one of the officers allegedly told the range master and customers that correctional officers are more important than other shooters. That officer also allegedly yelled profanities at the shooting range manager over the telephone.

NORTH REGION

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months against each officer. The OIG concurred. Both officers filed appeals with the State Personnel Board. After a hearing for the officer whose only allegation was that he yelled the profanities at the range master, the State Personnel Board modified the penalty to a 10 percent salary reduction for 12 months. Prior to the State Personnel Board proceedings for the other officer, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 12 months. The OIG concurred because some witnesses were unavailable, the officer expressed remorse, and the modified penalty was within the department's guidelines.

Disciplinary Assessment

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

The department did not comply with procedures regarding the disciplinary process because the hiring authority neglected to inform the OIG of the Skelly hearing.

Assessment Questions

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

The hiring authority did not inform the OIG of the Skelly hearing preventing the OIG from attending.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|------------|------------|
| | | | | INITIAL | FINAL |
| 2014-09-04 | 15-1649-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty 4. Attendance | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained | Suspension | Suspension |

Incident Summary

On September 4, 2014, an officer allegedly failed to inform the hiring authority that his driver's license had been suspended. On July 5, 2015, the officer allegedly arrived for duty without his state identification card or driver's license, was dishonest to a lieutenant when he stated he had a temporary driver's license, and insubordinate when he failed to return to work and provide the identification card and driver's license as directed.

Disposition

The hiring authority sustained the allegations and imposed a 60-working-day suspension because the hiring authority did not believe the misconduct warranted dismissal. The OIG did not concur with the penalty. However, the decision did not merit a higher level of review because the discipline was consistent with principles of progressive discipline. The officer filed an appeal with the State Personnel Board but did not appear at the pre-hearing settlement conference. The State Personnel Board dismissed the appeal.

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 |
| 2014-09-09 | 14-2540-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained | Dismissal | Resignation in Lieu of Termination |

Incident Summary

On September 9, 2014, an officer allegedly failed to report the discovery of tattoo paraphernalia found during a cell search and failed to properly confiscate and dispose of the tattoo paraphernalia. On July 9, 2015, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.

NORTH REGION

Disposition

The hiring authority sustained the allegations and 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 officer resigned in lieu of termination. The OIG concurred because it accomplished the goal of ending the officer's employment with 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 |
| 2014-09-10 | 14-2890-IR | <ol style="list-style-type: none"> Dishonesty Traffic-Related Incident Neglect of Duty Driving Under the Influence | <ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained | Dismissal | Dismissal |

Incident Summary

Between September 10, 2014, and September 15, 2014, a parole agent allegedly left her loaded firearm in an unlocked desk drawer in her cubicle without permission. On September 15, 2014, the parole agent allegedly hit a sand-filled median barrier while driving a State vehicle under the influence of prescription medications and then allegedly backed up and rammed the barrier a second time. On June 4, 2015, the parole agent was allegedly dishonest during her interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations, except that the parole agent drove under the influence of prescription medications, and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board but failed to appear for the pre-hearing settlement conference. The administrative law judge dismissed the appeal.

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 |
| 2014-09-23 | 14-2705-IR | <ol style="list-style-type: none"> Attendance Dishonesty Neglect of Duty | <ol style="list-style-type: none"> Sustained Not Sustained Not Sustained | Letter of Reprimand | Letter of Instruction |

Incident Summary

On September 23, 2014, an officer allegedly signed a second officer's name on a form certifying that the second officer had agreed to trade shifts when the second officer had never agreed. The second officer allegedly allowed the first officer to sign his name on the form, allegedly failed to ensure that the shift he agreed to work was covered, and was allegedly dishonest to a supervisor regarding the matter. On July 15, 2015, the second officer was also allegedly dishonest during his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegation that the second officer failed to ensure the shift was covered and issued a letter of reprimand. The hiring authority found insufficient evidence to sustain the remaining allegations. 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 hiring authority withdrew the letter of reprimand and replaced it with a letter of instruction because of an ambiguity in the Memorandum of Understanding with the employee's union regarding whether disciplinary action can be imposed for a missed shift. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because of the ambiguity and the misconduct was unlikely to recur as the officer had accepted responsibility during his *Skelly* hearing.

NORTH REGION

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| 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 |
| 2014-10-15 | 15-0177-IR | <ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty Unreasonable Use of Force Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On October 15, 2014, two officers allegedly failed to follow departmental handcuffing procedures when removing an inmate from an exercise yard. One of the officers allegedly opened the exercise yard door in violation of departmental procedures. The second officer and twelve other officers allegedly failed to stop the first officer from opening the exercise yard door. The second officer and six of the twelve other officers allegedly entered the exercise yard, took the inmate to the ground, and applied restraints when there was no imminent threat.

Disposition

The hiring authority sustained the allegations that the first two officers failed to follow handcuffing procedures prior to removing the inmate from the exercise yard. The hiring authority also sustained the allegation that the first officer improperly opened the exercise yard door and that the second officer and three of the other officers failed to intervene to stop him from doing so. The hiring authority found insufficient evidence to sustain the remaining allegations. The hiring authority imposed a salary reduction of 5 percent for ten months on the officer who failed to follow handcuffing procedures and opened the door and a salary reduction of 5 percent for seven months on the officer who failed to follow handcuffing procedures and failed to intervene. The hiring authority issued letters of reprimand to two of the remaining officers because they failed to intervene and were leaders in the misconduct, and a letter of instruction to the third officer who failed to intervene because he simply followed along in the misconduct. The OIG concurred with the hiring authority's determinations. The officer who failed to follow handcuffing procedures and failed to intervene filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer reducing the penalty to a salary reduction of 5 percent for four months. The OIG concurred because the officer had expressed remorse at the *Skelly* hearing, the misconduct was not likely to recur, and the penalty remained within the same range of the disciplinary matrix for the misconduct.

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| Disciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |
| The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference. The hiring authority also failed to identify the specific penalties on the forms documenting 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 returned the case to the hiring authority on August 12, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until September 18, 2015, 37 days thereafter.
- Was the CDCR Form 403 documenting the penalty properly completed?
The hiring authority did not include the specific penalties on the form documenting the disciplinary determinations.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority did not timely conduct the disciplinary findings conference.

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2014-11-03 | 15-0175-IR | <ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Insubordination/Willful Disobedience 3. Unreasonable Use of Force 4. Failure to Report Use of Force | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On November 3, 2014, an officer allegedly kicked an inmate in the head, struck him in the head with a pepper spray canister, and failed to report his uses of force. A second officer allegedly observed the incident but failed to report it. On August 14, 2015, the first officer allegedly discussed his Office of Internal Affairs interview with another officer after he was ordered not to.

Disposition

The hiring authority sustained the allegation that the first officer discussed his interview with another officer and imposed a 5 percent salary reduction for nine months. The hiring authority sustained the allegation that the second officer failed to report the force he observed and imposed a 10 percent salary reduction for five months. The hiring authority found insufficient evidence to sustain the other allegations. 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 hiring authority entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for six months and agreeing to remove the disciplinary action from the officer's official personnel file after 18 months. The OIG concurred with the settlement because the officer acknowledged the seriousness of the misconduct. 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 |
| 2014-11-25 | 15-0052-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On November 25, 2014, a captain allegedly failed to properly review a rules violation report and directed a lieutenant to falsify the report. The lieutenant allegedly failed to timely adjudicate a rules violation report, directed an officer to falsify the report, and led the officer to believe she should change the report. The officer allegedly falsified a date on the rules violation report.

Disposition

The hiring authority sustained the allegation that the captain failed to properly review the rules violation report, but not the other allegation, and issued a letter of instruction. The OIG concurred. The hiring authority sustained the allegations against the lieutenant, except that he was dishonest, and identified a 10 percent salary reduction for 12 months as the appropriate penalty. The OIG did not concur with the hiring authority's determination regarding the dishonesty allegation but the determination did not merit a higher level of review because the lieutenant retired before disciplinary action could be imposed. The hiring authority placed a letter in the lieutenant's official personnel file indicating he retired pending investigation. The hiring authority sustained the allegation against the officer and imposed a 10 percent salary reduction for 13 months. The hiring authority did not impose dismissal based on the officer's prior outstanding performance evaluations and poor direction from her supervisor. The OIG did not concur with the penalty determination but did not seek a higher level of review because the penalty was within the department's disciplinary guidelines. 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 reducing the penalty to a 10 percent salary reduction for ten months. Although the OIG did not concur with the initial penalty determination, the OIG concurred with the settlement because a critical witness no longer worked for the department.

NORTH REGION

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| Disciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not impose a penalty commensurate with a sustained dishonesty allegation for an officer and the department attorney did not provide the OIG with a draft pre-hearing settlement conference statement.

Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority did not impose a penalty commensurate with a sustained dishonesty allegation for the officer.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney did not provide the OIG with a draft pre-hearing settlement conference statement prior to filing.
- 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 provide the OIG with a draft pre-hearing settlement conference statement prior to filing.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|------------------|------------------|
| | | | | INITIAL | FINAL |
| 2014-12-06 | 15-0217-IR | <ol style="list-style-type: none"> Neglect of Duty Failure to Report Weapons Neglect of Duty | <ol style="list-style-type: none"> Sustained Not Sustained Not Sustained Not Sustained | Salary Reduction | Salary Reduction |

Incident Summary

On December 6, 2014, an officer allegedly drove a State vehicle to a softball tournament while on duty, removed a Mini-14 rifle from the vehicle, and displayed it to individuals at the tournament. A second officer allegedly observed the misconduct and failed to intervene or report it. Both officers also allegedly failed to document the return of their weapons on an inventory log.

Disposition

The hiring authority sustained the allegations against the first officer, except that he displayed a weapon in public, and imposed a 5 percent salary reduction for three months. The hiring authority sustained the allegations against the second officer, except that he failed to intervene or report the display of a weapon in public, and issued a letter of reprimand. The OIG concurred with the hiring authority's determinations. The officers did not file appeals with the State Personnel Board.

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| 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 |
| 2015-01-31 | 15-0529-IR | <ol style="list-style-type: none"> Neglect of Duty Neglect of Duty | <ol style="list-style-type: none"> Sustained Not Sustained | Letter of Reprimand | Letter of Reprimand |

Incident Summary

On January 31, 2015, two sergeants and three officers allegedly released two inmates prior to their parole release dates.

NORTH REGION

Disposition

The hiring authority sustained the allegations, except against the second sergeant, and issued letters of reprimand to the officers and the first sergeant. The hiring authority found insufficient evidence to sustain the allegation against the second sergeant but provided training. The OIG concurred with the hiring authority's determinations. The first sergeant and the officers filed appeals with the State Personnel Board. Before the pre-hearing settlement conference, one officer withdrew his appeal. The sergeant and remaining two officers entered into settlement agreements with the department wherein the department agreed to remove the disciplinary actions from their official personnel files after one year. 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 |
| 2015-02-02 | 15-1243-IR | 1. Neglect of Duty | 1. Sustained | Suspension | Modified Suspension |

Incident Summary

On February 2, 2015, a sergeant allegedly failed to notify a lieutenant after receiving an inmate note containing a threat against other inmates.

Disposition

The hiring authority sustained the allegation and identified a 30-working-day suspension as the appropriate penalty. However, the hiring authority combined the disciplinary action with another disciplinary action involving dishonesty and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department received new information that the sergeant was not dishonest. Based on the new information, the department entered into a settlement agreement with the sergeant reducing the penalty to a 140-working-day suspension and removing dishonesty from the disciplinary action. The OIG concurred based on the new evidence.

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 |
| 2015-02-04 | 15-0654-IR | 1. Neglect of Duty 2. Dishonesty | 1. Sustained 2. Not Sustained | Salary Reduction | Salary Reduction |

Incident Summary

On February 4, 2015, an officer allegedly abandoned his post without being properly relieved and was dishonest in completing the sign-out sheet.

Disposition

The hiring authority sustained the allegation that the officer abandoned his post, but not the dishonesty allegation, and imposed a 5 percent salary reduction for one month. 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.

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|---|-----------------------|-----------------------|
| | | | | INITIAL | FINAL |
| 2015-03-10 | 15-1179-IR | <ol style="list-style-type: none"> Discourteous Treatment Unreasonable Use of Force Use of Force-Failure to Report | <ol style="list-style-type: none"> Sustained Not Sustained Not Sustained | Letter of Instruction | Letter of Instruction |

Incident Summary

On March 10, 2015, an officer allegedly punched an inmate, grabbed him by the neck, pushed his face into the back of a telephone booth, and then failed to report the use of force. The officer also allegedly directed obscenities at the inmate.

Disposition

The hiring authority sustained the allegation that the officer used obscenities toward an inmate and issued a letter of instruction and ordered the officer to attend training. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The OIG concurred with 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 | FINAL |
| 2015-04-03 | 15-1085-IR | <ol style="list-style-type: none"> Dishonesty | <ol style="list-style-type: none"> Sustained | Dismissal | Suspension |

Incident Summary

On April 3, 2015, a sergeant was allegedly late for his shift and subsequently altered the sign-out sheet of the sergeant he was relieving to make it appear as if the first sergeant had reported to work timely. The first sergeant allegedly falsified a second document to avoid having his pay docked and attempted to coerce the second sergeant to help cover up his tardiness.

Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The hiring authority combined the disciplinary action with another action and served a notice of dismissal. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department received new mitigating information regarding the standard of practice of other sergeants at the institution. Based on the new information, the department entered into a settlement agreement with the sergeant reducing the penalty to a 140-working-day suspension and removing the dishonesty allegations from the disciplinary action. 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 |
| 2015-05-23 | 15-1441-IR | <ol style="list-style-type: none"> Neglect of Duty Neglect of Duty | <ol style="list-style-type: none"> Sustained Not Sustained | Salary Reduction | Salary Reduction |

Incident Summary

On May 23, 2015, two officers allegedly failed to perform required welfare checks and inappropriately utilized the security welfare check device in violation of departmental policy.

NORTH REGION

Disposition

The hiring authority sustained the allegations against the first officer and imposed a 5 percent salary reduction for six months. The OIG concurred. The hiring authority found insufficient evidence to sustain the allegations against the second officer. The OIG concurred that there was insufficient evidence that the second officer failed to conduct welfare checks. However, the OIG did not concur with the decision regarding the remaining allegation because the second officer admitted he inappropriately used the security welfare check device. The OIG did not seek a higher level review because there was no evidence the second officer was trained regarding the security welfare check device, his post orders did not include any instruction regarding the device, and during the investigation, the officer demonstrated a lack of understanding regarding the requirements of the process. Moreover, the hiring authority provided training to that officer. The first officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney failed to identify all facts in support of the causes for discipline in the disciplinary action.

Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action failed to include that an inmate committed suicide around the time the first officer was responsible for conducting welfare checks.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action failed to include that an inmate committed suicide around the time the first officer was supposed to conduct welfare checks, thereby omitting the harm or potential harm of the officer's negligence and the justification for the imposed penalty. Although the OIG repeatedly recommended that the disciplinary action include the suicide, the department attorney refused to do so. The department attorney argued that if the suicide was included, the department would have to spend time proving the timing of the inmate's death, the suicide would become the focal point in the case, and the department would be subject to liability because the inmate's family may try to recover damages due to the officer's negligence.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------------|--------------|--------------------------|------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2015-06-16 | 15-1651-IR | 1. Other Failure of Good Behavior | 1. Sustained | | |

Incident Summary

On June 16, 2015, a counselor allegedly grabbed his wife by the throat and threw her on a bed several times during an argument, and was subsequently arrested. On June 20, 2015, the counselor allegedly violated a court order when he sent her text messages and left her a voicemail.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The counselor filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the counselor withdrew the appeal.

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 |
| 2015-06-18 | 15-1646-IR | 1. Intoxication-Driving Under the Influence 2. Intoxication | 1. Sustained 2. Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On June 18, 2015, an officer allegedly drove while under the influence of alcohol, collided with a fence, fled the scene, and then drove onto institution grounds.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 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 reducing the penalty to a 10 percent salary reduction for 18 months because the officer successfully completed rehabilitation. The OIG concurred with the settlement because the officer accepted responsibility and completed substance abuse treatment.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department served an incorrect disciplinary action, prepared an incomplete pre-hearing settlement conference statement and incomplete case settlement report, and did not adequately cooperate with the OIG.

Assessment Questions

- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The employee relations officer initially served a disciplinary action containing incorrect effective dates.
- 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 filed pre-hearing settlement conference statement did not include critical witnesses or the officer's record of conviction.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department did not provide the OIG with a draft of the pre-hearing settlement conference statement.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The case settlement report did not include a significant reason for settlement.
- 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 did not timely notify the OIG of the Skelly hearing, did not provide the OIG with the amended disciplinary action until after the OIG made repeated requests, and did not provide the OIG with the draft pre-hearing settlement conference statement.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---------------------------|---------------------|-------------------------|----------------------------------|
| | | | | INITIAL | FINAL |
| 2015-06-23 | 15-1781-IR | 1. Neglect of Duty | 1. Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On June 23, 2015, two officers allegedly failed to conduct an unclothed body search of an inmate who subsequently stabbed another inmate.

NORTH REGION

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for six months against each officer. The OIG concurred. At the first officer's *Skelly* hearing, the officer expressed remorse and accepted responsibility. Based on this factor, the hiring authority entered a settlement agreement with the first officer reducing the penalty to a 5 percent salary reduction for three months and the OIG concurred. The second officer filed an appeal with the State Personnel Board. At the second officer's *Skelly* hearing, the hiring authority believed the officer expressed remorse and, therefore, entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for four months. The OIG concurred because the penalty was 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.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------|--------------|------------|------------|
| | | | | INITIAL | FINAL |
| 2015-08-13 | 15-2177-IR | 1. Confidential Information | 1. Sustained | Counseling | Counseling |

Incident Summary

On August 13, 2015, a parole agent allegedly improperly accessed and printed confidential information about a high-profile inmate.

Disposition

The hiring authority sustained the allegation and issued the parole agent an employee counseling record. The OIG concurred.

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 |
| 2012-02-24 | 15-0178-IR | <ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Other Failure of Good Behavior 4. Dishonesty 5. Neglect of Duty 6. Other Failure of Good Behavior | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained | | |

Incident Summary

Between February 24, 2012, and December 15, 2012, and between May 29, 2014, and April 13, 2015, an officer allegedly failed to report that his brother was an inmate at one of the department's institutions. On November 27, 2014, the officer was arrested by outside law enforcement for allegedly pointing his personal firearm at family members. The officer allegedly failed to report his arrest, failed to comply with the qualification requirements prior to carrying his personal firearm concealed, and failed to comply with an order to produce documentation regarding his qualifications. On April 13, 2015, and May 7, 2015, the officer was allegedly dishonest in interviews with the Office of Internal Affairs.

Disposition

The hiring authority sustained allegations of failure to qualify to carry a concealed firearm, failure to comply with an order to produce firearms qualification documentation, and failure to notify the department of his arrest, but not the remaining allegations, and imposed a 10 percent salary reduction for 15 months. The OIG concurred. The officer filed an appeal with the State Personnel Board, which he subsequently withdrew.

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 |
| 2012-06-08 | 14-2285-IR | <ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty 5. Neglect of Duty 6. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Unfounded 6. No Finding | | |

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.

SOUTH REGION

Disposition

The hiring authority sustained the allegations that the employee relations officer disregarded the hiring authority's order to contact him, failed to timely submit her time sheets, failed to prepare and timely serve multiple disciplinary and corrective actions, and failed to schedule a findings and penalty conference. The hiring authority found the evidence conclusively proved that the employee relations officer did not fail to file letters of instruction and determined there was insufficient evidence to sustain the remaining allegations. The hiring authority imposed a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations. The employee relations officer filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the department entered into a settlement agreement with the employee relations officer reducing the penalty to a salary reduction of 10 percent for 13 months and agreeing to remove the disciplinary action from her official personnel file upon completion of the penalty. The OIG concurred because the hiring authority instituted new policies and procedures to prevent lapses as occurred in this case and provided support staff assistance. While the matter was pending, the employee was removed from the employee relations officer position. Subsequent to the resolution of this matter, the department reinstated the employee to the employee relations officer position.

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 |
| 2012-12-01 | 14-0425-IR | <ol style="list-style-type: none"> Dishonesty Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained | Dismissal | Dismissal |

Incident Summary

Between December 1, 2012, and December 30, 2013, a parole agent allegedly failed to properly supervise a high-risk sex offender parolee. The parole agent allegedly entered false information on the official caseload roster, failed to maintain required records of supervision, failed to ensure the parolee was fitted and maintained on a global positioning system monitor, and provided his supervisor with inaccurate information regarding his supervision of the parolee.

Disposition

The hiring authority sustained the allegations and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

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 |
| 2013-04-02 | 14-1420-IR | <ol style="list-style-type: none"> Dishonesty Over-Familiarity Misuse of Authority Neglect of Duty Over-Familiarity | <ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained | Dismissal | Dismissal |

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.

SOUTH REGION

Disposition

The hiring authority sustained the allegations, except that the officer attempted to provide legal services to the inmate, 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. However, the Board did not uphold three factual allegations because the department attorney did not introduce available evidence regarding the allegations.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not introduce available evidence at the State Personnel Board hearing to uphold three of the allegations.

Assessment Questions

- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?

The department attorney did not present available evidence that the officer was trained on prohibited transactions with inmates, inmate visiting, and misuse of authority.

- 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 State Personnel Board did not uphold factual allegations arising from prohibited transactions with inmates, inmate visiting, and misuse of authority because the department attorney did not present available evidence of the officer's training in these areas.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|-----------------------------------|
| | | | | INITIAL | FINAL |
| 2013-10-01 | 15-0706-IR | <ol style="list-style-type: none"> Dishonesty Theft Misuse of State Equipment or Property Dishonesty | <ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained | Dismissal | Retirement in Lieu of Termination |

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.

Disposition

The hiring authority sustained all allegations, except that the supervising parole agent was dishonest during an investigative interview, and dismissed the supervising parole agent. The OIG concurred. The supervising parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the supervising parole agent retired in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the supervising parole agent did not work for the department was achieved.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and the department attorney did not complete the case settlement report.

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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 8, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until June 2, 2015, 25 days thereafter.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The department attorney did not complete the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|------------------|------------------|
| | | | | INITIAL | FINAL |
| 2013-10-13 | 15-1402-IR | <ol style="list-style-type: none"> Over-Familiarity Failure to Report Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Sustained | Salary Reduction | Salary Reduction |

Incident Summary

Between October 13, 2013, and May 28, 2015, a parole agent allegedly failed to timely inform the department that he was related to a parolee. The parole agent allegedly socialized with the parolee, allowed the parolee in his home without securing his firearm, badge, and other equipment, and provided the parolee with confidential information about parolees on his caseload.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 30 months. The OIG concurred. The parole agent 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 |
| 2013-11-19 | 15-1750-IR | <ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior | <ol style="list-style-type: none"> Sustained Sustained | Dismissal | Resignation in Lieu of Termination |

Incident Summary

On November 19, 2013, an officer allegedly made dishonest statements to an insurance company about a car accident. On November 20, 2013, and January 3, 2014, the officer again allegedly made dishonest statements to an insurance company.

Disposition

The hiring authority sustained the allegations and 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 whereby the officer agreed to resign in lieu of dismissal. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.

Disciplinary Assessment

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

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

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|--------------------------------|------------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2014-08-12 | 14-2859-IR | <ol style="list-style-type: none"> Insubordination Neglect of Duty Dishonesty | <ol style="list-style-type: none"> Sustained Sustained Not Sustained | | |

Incident Summary

Between August 12, 2014, and September 25, 2014, a parole agent assigned to a global positioning system (GPS) supervision unit allegedly failed to properly resolve a GPS alert on a parolee. Between September 10, 2014, and September 30, 2014, the parole agent allegedly failed to properly document details of GPS track reviews. Between September 17, 2014, and September 25, 2014, the parole agent allegedly noted in an official computer database that a parolee was living at home when the parolee was incarcerated in a local jail. On September 29, 2014, the parole agent allegedly failed to conduct a GPS track review of a parolee but told a manager he had conducted the review. On October 14, 2014, the parole agent allegedly contacted outside law enforcement to arrest a parolee, even though the parole agent's supervisor instructed the parole agent to arrest the parolee in the parole office and not at the parolee's residence. On September 19, 2014, and October 13, 2014, the parole agent allegedly conducted two searches of two different parolees without consulting his supervisor and arrested one of those parolees without consulting his supervisor.

Disposition

The hiring authority sustained the allegations, except dishonesty, and imposed a 5 percent salary reduction for 36 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board but withdrew the appeal prior to the hearing.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney was not adequately prepared at the pre-hearing settlement conference.

Assessment Questions

- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?

The department attorney was neither familiar with nor prepared to discuss the policies, procedures, and facts surrounding the use of the global positioning system.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|--------------------------------|--|
| | | | | INITIAL Salary Reduction | FINAL Modified Salary Reduction |
| 2014-10-21 | 15-0349-IR | <ol style="list-style-type: none"> Neglect of Duty Dishonesty Neglect of Duty | <ol style="list-style-type: none"> Sustained Not Sustained Not Sustained | | |

Incident Summary

On October 21, 2014, three officers allegedly failed to report to a sergeant that an inmate threatened to stab another inmate. Two of the officers were allegedly dishonest to a sergeant when they denied hearing the threat. One of the officers also allegedly heard an argument between the two inmates but failed to investigate the matter.

Disposition

The hiring authority sustained the allegation against the officer who only failed to report the threat and imposed a 10 percent salary reduction for six months. The hiring authority sustained an allegation that the second officer observed but failed to investigate the argument between inmates, but not the remaining allegations against that officer, and provided a letter of instruction. The hiring authority did not sustain the allegations against the third officer. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for three months. The OIG did not concur because there was no change in circumstances to support the reduced penalty but did not seek a higher level of review because the penalty was within departmental guidelines for the misconduct.

SOUTH REGION

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| Disciplinary Assessment | Procedural Rating: Sufficient |
| | Substantive Rating: Insufficient |

The department's handling of the disciplinary process was substantively insufficient because the department entered into a settlement agreement even though there was no change in circumstances to support a reduced penalty.

Assessment Questions

- 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 no change in circumstances existed to warrant a reduced penalty.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|---|------------|------------|
| | | | | INITIAL | FINAL |
| 2014-11-20 | 15-1148-IR | <ol style="list-style-type: none"> Dishonesty Neglect of Duty Dishonesty | <ol style="list-style-type: none"> Sustained Sustained Not Sustained | Suspension | Suspension |

Incident Summary

On November 20, 2014, an officer allegedly asked a licensed vocational nurse to sign his name on the Fair Labor Standards Act form, falsely indicating the officer's timely arrival for his shift, and the licensed vocational nurse was allegedly dishonest when she did so.

Disposition

The hiring authority for the officer sustained a neglect of duty allegation, but not dishonesty, and decided to impose a 5 percent salary reduction for three months. The OIG concurred. The officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action. The hiring authority for the nurse sustained the allegation and imposed a ten-working-day suspension, rather than dismissal, based on the relatively minor nature of the violation and the remorse the nurse demonstrated. The OIG concurred. The nurse did not file an appeal with the State Personnel Board.

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|-------------------------|---------------------------------------|
| 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 |
| 2015-02-08 | 15-0992-IR | <ol style="list-style-type: none"> Discourteous Treatment Other Failure of Good Behavior Dishonesty Threat/Intimidation Misuse of Authority Other Failure of Good Behavior | <ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained Not Sustained Not Sustained | Letter of Reprimand | Letter of Reprimand |

Incident Summary

On February 8, 2015, during a dispute with neighbors, a parole agent allegedly pushed a private citizen, threatened and was discourteous to a group of teenagers, threw and knocked over private property, and misused his authority. The dispute resulted in outside law enforcement response. On February 20, 2015, the parole agent was allegedly dishonest to outside law enforcement regarding the incident.

Disposition

The hiring authority sustained the allegations that the parole agent was involved in a dispute requiring outside law enforcement intervention, was discourteous and unprofessional during the dispute, and threw and knocked over private property, but not the remaining allegations, and issued a letter of reprimand. The OIG concurred with the hiring authority's determinations. The parole agent did not file an appeal with the State Personnel Board.

SOUTH REGION

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|--|---|
| Disciplinary Assessment The department's handling of the disciplinary process was substantively insufficient because the department attorney provided incorrect legal advice to the hiring authority. | Procedural Rating: Sufficient Substantive Rating: Insufficient |
| Assessment Questions <ul style="list-style-type: none"> Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations? <i>The department attorney inappropriately advised the hiring authority regarding how to determine the appropriate penalty pursuant to departmental guidelines..</i> | |

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|------------------------------------|
| | | | | INITIAL | FINAL |
| 2015-03-09 | 15-0993-IR | 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty 4. Neglect of Duty | 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained | Dismissal | Resignation in Lieu of Termination |

Incident Summary

On March 9, 2015, an officer allegedly failed to conduct a proper inmate count, falsely entered inmate count numbers into the institution's computerized data system, and failed to read and acknowledge his post orders. On March 16, 2015, the officer was allegedly dishonest in a memorandum regarding the inmate count.

Disposition

The hiring authority sustained the allegations, except that the officer failed to sign his post orders, and added and sustained an insubordination allegation and 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 wherein the officer resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.

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| Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney prepared an insufficient draft disciplinary action. | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| Assessment Questions <ul style="list-style-type: none"> 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 Office of Internal Affairs returned the case to the hiring authority on May 13, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 6, 2015, 54 days thereafter.</i> Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action did not include the sustained insubordination cause of action which was added by the hiring authority.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department did not conduct the disciplinary findings conference in a timely manner.</i> | |

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2015-04-08 | 15-1468-IR | <ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Misuse of State Equipment or Property 4. Dishonesty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On April 8, 2015, an officer allegedly disobeyed an order to immediately report to a drug testing facility for a random drug test and return to the institution, and was allegedly dishonest to his sergeant.

Disposition

The hiring authority sustained the allegations, except dishonesty, and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the hiring authority reduced the penalty to a 10 percent salary reduction for 17 months. The OIG did not concur with the settlement because there was no change in circumstances warranting a reduction. However, the settlement terms did not merit a higher level of review because the penalty was within the appropriate range for the misconduct.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department entered into a settlement agreement that was not supported by a change in circumstances. Also, the department attorney did not appropriately draft the disciplinary action or provide the OIG with the case settlement report.

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 pertinent facts such as the drug testing process and the time and sequence of the events necessary to properly evaluate the alleged misconduct.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The department attorney did not complete the case settlement report.
- 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 agreement because there was no change in circumstances to support a penalty reduction.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|------------|---------------------|
| | | | | INITIAL | FINAL |
| 2015-04-11 | 15-1213-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Driving Under the Influence | <ol style="list-style-type: none"> 1. Sustained 2. Sustained | Suspension | Modified Suspension |

Incident Summary

On April 11, 2015, a sergeant and an officer were arrested after they allegedly drove while under the influence of alcohol. The officer was also allegedly dishonest to outside law enforcement.

SOUTH REGION

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 24 months against the sergeant and a 60-working-day suspension, rather than dismissal, against the officer because the Office of Internal Affairs rejected the hiring authority's request to interview the officer regarding his dishonest statements and the penalty was within departmental guidelines for the violation. The OIG concurred. After a *Skelly* hearing, pursuant to a settlement agreement, the hiring authority reduced the sergeant's penalty to a 5 percent salary reduction for 13 months because the sergeant accepted responsibility for his actions and was participating in counseling for alcohol abuse. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing. 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 reducing the penalty to a 49-working-day suspension. The administrative law judge handling the matter mistakenly believed the department was not prepared to move forward and talked of dismissing the case. The department believed it was compelled to settle the case under the circumstances. The OIG concurred.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority failed to conduct the investigative findings conference in a timely manner and the department attorney failed to provide the OIG with a draft of the pre-hearing settlement conference statement before it was filed with the State Personnel Board.

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 June 17, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 28, 2015, 41 days thereafter.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney did not provide the OIG with a draft pre-hearing settlement conference statement.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|-----------|------------------------------------|
| | | | | INITIAL | FINAL |
| 2015-04-18 | 15-2047-IR | <ol style="list-style-type: none"> Dishonesty Insubordination/Willful Disobedience Attendance | <ol style="list-style-type: none"> Sustained Sustained Sustained | Dismissal | Resignation in Lieu of Termination |

Incident Summary

Between April 18, 2015, and August 30, 2015, an officer allegedly failed to accept work assignments on 26 occasions. On June 29, 2015, the officer allegedly failed to report to an assignment as his sergeant instructed and was dishonest when he told another sergeant he was not instructed to report to the assignment.

Disposition

The hiring authority sustained the allegations and 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 officer agreed to resign in lieu of termination. The OIG concurred because the settlement achieved the ultimate goal of ensuring the officer did not work for the department.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner. The department attorney did not complete the case settlement report.

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 Office of Internal Affairs returned the case to the hiring authority on October 7, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until November 30, 2015, 54 days thereafter.

- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?

The department attorney did not complete the case settlement report.

- Was the disciplinary phase conducted with due diligence by the department?

The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|------------|------------|
| | | | | INITIAL | FINAL |
| 2015-05-26 | 15-1467-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Misuse of State Equipment or Property 4. Dishonesty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained | Suspension | Suspension |

Incident Summary

On May 26, 2015, an officer was allegedly in possession of a computer, two mobile phones, and a nut driver while working in a tower and falsely denied ownership of the driver and mobile phones to a captain. The officer also allegedly falsely told the captain that a cabinet that concealed the computer and mobile phones only contained air conditioner wires. The officer also allegedly failed to wear a required protective vest.

Disposition

The hiring authority sustained the allegations, except that the officer was dishonest regarding the contents of the locked closet, and imposed a 50-working-day suspension, rather than dismissal, based on the officer's quick acceptance of responsibility. The OIG concurred, but not with the hiring authority's decision not to sustain that dishonesty allegation because sufficient evidence supported a finding that the officer intentionally misled the supervisor about the contents of the closet. The OIG did not seek a higher level of review because the hiring authority sustained other dishonesty allegations, and imposed a penalty within the department's disciplinary guidelines for the sustained misconduct. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with the officer wherein the hiring authority would remove the disciplinary action from the officer's official personnel file after 18 months or upon the officer's retirement, whichever occurs first. The OIG concurred with the settlement because the penalty remained unchanged.

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 |
| 2015-07-06 | 15-1784-IR | <ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Dishonesty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained | Suspension | Suspension |

Incident Summary

On July 6, 2015, an officer allegedly completed an unauthorized housing move for two inmates and failed to comply with a sergeant's order to return the two inmates to their assigned cells despite advising the sergeant that she would do so. The officer also allegedly documented that an inmate count was complete and accurate, knowing the two inmates were not in their assigned cells.

SOUTH REGION

Disposition

The hiring authority sustained the allegations, except dishonesty, and imposed a 13-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the officer modifying the description of the insubordination allegation to willful disobedience and restoring one seniority point. The OIG concurred because the penalty remained the same.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------------------|------------------------------|------------|------------------|
| | | | | INITIAL | FINAL |
| 2015-07-27 | 15-1952-IR | 1. Dishonesty 2. Contraband | 1. Sustained 2. Sustained | Suspension | Salary Reduction |

Incident Summary

On July 27, 2015, an officer allegedly introduced tobacco, newspapers, and a book into the institution and falsely informed a captain that he was not in possession of contraband.

Disposition

The hiring authority sustained the allegations and imposed a 60-working-day suspension, rather than dismissal, based on the officer's quick acceptance of responsibility and the penalty was within the department's disciplinary guidelines for the sustained misconduct. The OIG concurred. During the *Skelly* hearing, the officer, for the first time, expressed remorse. Based on the information learned at the *Skelly* hearing, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 25 months and the OIG concurred.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not appropriately prepare 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 Office of Internal Affairs returned the case to the hiring authority on September 23, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until November 6, 2015, 44 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action indicated a penalty of dismissal rather than suspension and contained a heading that referenced the wrong institution and attributed the dishonesty allegation to the wrong employee and for the wrong factual reasons.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|---|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-07-29 | 15-2263-IR | <ol style="list-style-type: none"> Dishonesty Contraband Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Sustained | Dismissal | Dismissal |

Incident Summary

On July 29, 2015, institutional management found an officer allegedly in possession of a knife, mobile phone, a phone accessory, cigars, and a DVD. The officer was allegedly dishonest to the investigative services unit lieutenant and failed to wear a required protective vest.

Disposition

The hiring authority sustained the allegations and served a notice of dismissal on the officer. The OIG concurred. However, the officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action. The officer filed an appeal with the State Personnel Board but failed to appear and the State Personnel Board dismissed the appeal.

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 |
| 2015-08-13 | 15-2182-IR | <ol style="list-style-type: none"> Dishonesty Insubordination/Willful Disobedience Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Sustained | Salary Reduction | Modified Salary Reduction |

Incident Summary

On August 13, 2015, an officer allegedly failed to properly wear his stab-resistant vest and carry other required equipment, refused to produce the vest for inspection, and falsely told a sergeant he was wearing the vest properly after removing the stab-resistant panels from the vest.

Disposition

The hiring authority sustained the allegations. Due to evidentiary issues, the hiring authority imposed a 10 percent salary reduction for 24 months, which is within the department's disciplinary guidelines for the sustained misconduct, rather than dismissal. The OIG concurred due to the evidentiary issues. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 18 months and agreeing to early removal of the disciplinary action from the officer's official personnel file. The OIG did not concur because there was no change of circumstance.

Disciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the hiring authority reduced the officer's penalty via a settlement agreement even though the hiring authority did not identify new evidence, flaws, or risks to the case.

Assessment Questions

- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

There were no changed circumstances to warrant a reduced penalty.

APPENDIX C COMBINED PHASE CASES

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2011-04-20 | 15-1620-IR | <ol style="list-style-type: none"> Dishonesty Failure to Report | <ol style="list-style-type: none"> Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Direct Action with Subject Only Interview

Incident Summary

On April 20, 2011, and September 14, 2013, an officer allegedly failed to notify the hiring authority that her driver's license was suspended. On June 18, 2015, the officer was allegedly dishonest when she told a lieutenant that she did not know her driver's license was suspended.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on July 7, 2015, but did not take action until August 12, 2015, 36 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not make a timely determination regarding the hiring authority's request for investigation.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2013-05-10 | 15-1395-IR | <ol style="list-style-type: none"> Dishonesty Insubordination/Willful Disobedience Neglect of Duty Dishonesty Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained Not Sustained | Dismissal | Dismissal |

Case Type: Administrative Investigation

Incident Summary

Between May 10, 2013, and May 29, 2014, a physician allegedly overbilled call-back hours. On April 18, 2014, the physician allegedly failed to disclose his secondary employment with other hospitals and on May 6, 2014, was allegedly dishonest to his supervisor when he stated he had done so. On June 5, 2014, the physician allegedly continued his secondary employment after the hiring authority denied his request.

CENTRAL REGION

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|--|--|
| <h2>Predisciplinary Assessment</h2> <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not conduct a thorough investigation, provide the investigative report to the OIG for review, prepare an appropriately drafted investigative report, adequately cooperate and consult with the OIG, or conduct the investigation with due diligence. The hiring authority did not provide the OIG with the form documenting investigative findings.</p> | <p>Procedural Rating: Insufficient Substantive Rating: Insufficient</p> |
| <h2>Assessment Questions</h2> <ul style="list-style-type: none"> • Were all of the interviews thorough and appropriately conducted? <i>The special agent never interviewed any witnesses regarding the secondary employment allegations.</i> • 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? <i>The special agent did not provide the draft investigative report to the OIG for review before submitting the report to the hiring authority.</i> • Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The investigative draft report contained no information regarding the allegations related to secondary employment.</i> • Was the final investigative report thorough and appropriately drafted? <i>The final investigative report contained no information regarding the allegations related to secondary employment.</i> • Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent did not consult with the OIG during the investigation and before submitting the investigative report to the hiring authority.</i> • Was the investigation thorough and appropriately conducted? <i>The special agent did not thoroughly investigate the secondary employment allegations.</i> • Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase? <i>The employee relations officer did not provide the OIG with the form documenting the investigative findings.</i> • Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs assigned a special agent on August 4, 2014. The special agent conducted one interview on September 17, 2014, and closed the investigation on April 21, 2016, without investigating the secondary employment.</i> | |
| <h2>Disposition</h2> <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the physician resigned from State service in an agreement with the hiring authority before discipline could be imposed. The hiring authority placed a letter in the physician's official personnel file indicating he resigned under unfavorable circumstances.</p> | |
| <h2>Disciplinary Assessment</h2> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p> | <p>Procedural Rating: Sufficient Substantive Rating: Sufficient</p> |

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2013-08-08 | 15-2089-IR | <ol style="list-style-type: none"> Dishonesty Controlled Substance Other Failure of Good Behavior | <ol style="list-style-type: none"> Sustained Sustained Sustained | Dismissal | Dismissal |

Case Type: Direct Action (No Subject Interview)

Incident Summary

Between August 8, 2013, and August 8, 2015, an officer allegedly used marijuana once a week while off duty. On August 8, 2015, the officer allegedly possessed 438 marijuana plants, admitted to stealing electrical power, and was dishonest when he told outside law enforcement that he possessed a medical marijuana recommendation.

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 the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned under unfavorable circumstances.

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 |
| 2014-04-19 | 15-0445-IR | <ol style="list-style-type: none"> Neglect of Duty Neglect of Duty | <ol style="list-style-type: none"> Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary

On April 19, 2014, two officers allegedly failed to constantly observe and provide life-saving measures to an inmate during a medical emergency and a sergeant and lieutenant allegedly failed to identify the potential misconduct. On April 25, 2014, a captain allegedly failed to identify the potential misconduct. On May 1, 2014, an associate warden and chief deputy warden also allegedly failed to identify the potential misconduct.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter for investigation and as a result, several witnesses could not recall important details because of the delay. The department attorney did not correctly assess or modify the deadline for taking disciplinary action, timely contact the special agent and the OIG, or timely provide feedback regarding the investigative report. The special agent did not conduct a thorough investigation, draft thorough investigative reports, or complete the investigation before the deadline for taking disciplinary expired. The senior special agent and the employee relations officer did not adequately cooperate with the OIG and the hiring authority did not appropriately determine the investigative findings.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on May 1, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 30, 2015, almost nine months after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline as December 24, 2015, when the deadline was actually May 1, 2015.
- 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 March 11, 2015, but did not contact the OIG and special agent. The special agent initiated the consultation.
- 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 modify the deadline for taking disciplinary action after it was determined the alleged misconduct occurred on May 1, 2014, not December 24, 2014.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not obtain the autopsy report until July 30, 2015, almost 12 months after it was completed. Thereafter, the special agent delayed four months before realizing the autopsy report conflicted with an officer's report.
- Were all of the interviews thorough and appropriately conducted?
The special agent did not question an officer about a conflict between his report and a statement he gave to the deputy coroner.
- 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's feedback did not include an appropriate analysis of the deadline for taking disciplinary action.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not address the conflict between an officer's report and his statement to the deputy coroner.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not address the conflict between an officer's report and his statement to the deputy coroner.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its investigation on October 6, 2015, five months after the deadline to take disciplinary action.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?
The Office of Internal Affairs completed the investigation on October 6, 2015, five months after the deadline to take disciplinary action.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The senior special agent did not cooperate with the OIG in scheduling a case conference to discuss completing the investigation.
- Was the investigation thorough and appropriately conducted?
The investigation did not reconcile apparent conflicts between an officer's report and what he told a deputy coroner about inmates performing life-saving measures.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not appropriately find that the sergeant, lieutenant, captain, and associate warden failed to identify potential misconduct.

CENTRAL REGION

- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The employee relations officer did not provide the OIG with the forms documenting the investigative findings in a timely manner.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed almost nine months before referring the matter to the Office of Internal Affairs and several witnesses could not recall details concerning the events because of the delay.

Disposition

The hiring authority sustained the allegations the two officers failed to visually observe the inmate during the medical emergency but not that they failed to provide life-saving measures. However, the hiring authority did not discipline the officers because the deadline for taking disciplinary action expired before the investigation was completed. The OIG concurred. The hiring authority found insufficient evidence to sustain any allegations against the sergeant, lieutenant, captain, and associate warden. The OIG did not concur but did not seek a higher level of review because the deadline for taking disciplinary action had expired. The hiring authority found insufficient evidence to sustain the allegation against the chief deputy warden and the OIG concurred.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney did not modify the deadline for taking disciplinary action and the deadline for taking disciplinary action expired before the department completed its disciplinary findings. Additionally, the employee relations officer did not adequately cooperate with the OIG.

Assessment Questions

- Did the department attorney or employee relations officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?
The department attorney did not modify the deadline for taking disciplinary action after it was determined the alleged misconduct occurred on May 1, 2014, not December 24, 2014.
- 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 before the department made investigative findings.
- 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 did not provide the OIG with the forms documenting the disciplinary determinations in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2014-04-23 | 15-0828-IR | <ol style="list-style-type: none"> Over-Familiarity Disclosure of Confidential Information Other Failure of Good Behavior | <ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

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 injuries sustained from the attack.

CENTRAL REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not confirm relevant dates in the department's case management system or timely consult with the special agent and the OIG.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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.
- 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 May 1, 2015, but she did not consult with the assigned special agent and the monitor until July 24, 2015, 84 days after assignment.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department attorney did not timely contact the special agent and the OIG to discuss the elements of a thorough investigation.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|--------------|---------------------|---------------------|
| | | | | INITIAL | FINAL |
| 2014-08-14 | 15-0628-IR | 1. Neglect of Duty | 1. Sustained | Letter of Reprimand | Letter of Reprimand |

Case Type: **Administrative Investigation**

Incident Summary

On August 14, 2014, December 18, 2014, and January 6, 2015, a counselor allegedly asked her husband, a sergeant, to sign her timesheets. The sergeant allegedly signed the counselor's timesheets as her supervisor, even though he was married to the counselor.

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|-----------------------------------|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate initial decision regarding the scope of the investigation, the department attorney did not timely confirm relevant dates in the case management system or provide appropriate legal advice, the special agent did not appropriately draft the investigative report, and the hiring authority did not add an appropriate allegation. Additionally, the underlying incident took place on January 6, 2015. On March 23, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until October 27, 2015.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not add dishonesty allegations for the sergeant and the counselor because evidence supported adding the allegations.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 3, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until May 18, 2015, 45 days after assignment.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include an allegation the counselor was dishonest during her interview with the Office of Internal Affairs.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not include dishonesty allegations against the counselor.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney neglected to recommend adding an allegation that the counselor was dishonest during her interview with the Office of Internal Affairs.
- 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 neglected to add an allegation that the counselor was dishonest during her interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and issued the counselor a letter of reprimand and the sergeant a letter of instruction. The OIG concurred except with the decision to issue a letter of reprimand to the counselor. However, the decision did not merit a higher level of review because there was evidence that the policy was not applied consistently. The counselor did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney did not provide appropriate legal consultation and the hiring authority did not select the appropriate penalty.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not draft the letter of intent.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority neglected to select the appropriate penalty for the counselor.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|----------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2014-09-04 | 14-2620-IR | 1. Sexual Misconduct | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On September 4, 2014, a painter allegedly committed sexual misconduct against an inmate.

CENTRAL REGION

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|-----------------------------------|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not conduct a timely and appropriate investigation. The department attorney did not adequately cooperate with the OIG or provide the special agent with timely feedback regarding the draft investigative report, and the hiring authority delayed conducting the investigative findings conference. Additionally, the underlying incident took place on September 4, 2014. On November 25, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until August 14, 2015.

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| Assessment Questions | |
| <ul style="list-style-type: none"> • 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 Office of Internal Affairs provided the draft report to the department attorney on October 23, 2015. However, the department attorney did not provide feedback regarding the report until November 17, 2015, 25 days later.</i> • 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 written confirmation to the OIG regarding the investigative report.</i> • Was the investigation thorough and appropriately conducted? <i>The special agent did not conduct a site visit and did not photograph the area where the incident took place before beginning interviews.</i> • 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 December 18, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 13, 2016, 26 days thereafter.</i> • Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase? <i>The department attorney did not provide the OIG with written confirmation of her feedback to the special agent regarding the draft investigative report.</i> • Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs took more than 15 months to complete the investigation, which involved only five interviews. The department attorney did not provide the special agent with timely feedback regarding the draft investigative report. The department did not conduct the investigative findings conference in a timely manner.</i> | |

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| Disposition |
| The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination. |

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------------|--------------|--------------------------|------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2014-11-08 | 15-2110-IR | 1. Other Failure of Good Behavior | 1. Sustained | | |

Case Type: Direct Action (No Subject Interview)

Incident Summary
On November 8, 2014, an officer allegedly violated a court order that prohibited the officer from contacting his wife and children.

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter for investigation and the Office of Internal Affairs did not make an appropriate initial determination. The hiring authority also did not request additional investigation from the Office of Internal Affairs when it was needed.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 10, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 25, 2015, ten months after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not add a dishonesty allegation because evidence supported adding the allegation.
- If the HA determined additional investigation was necessary, was additional investigation requested?
Instead of asking the Office of Internal Affairs to conduct additional investigation, the hiring authority requested the institution's investigative services unit obtain additional documents.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs for investigation.

Disposition

The hiring authority sustained the allegation and 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**

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-01-08 | 15-0731-IR | <ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Failure to Report Use of Force Neglect of Duty Discourteous Treatment | <ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On January 8, 2015, an officer allegedly falsified inmate rules violation reports, used unreasonable force on an inmate and failed to report it, made inappropriate comments to a supervising cook regarding her pants and shared these comments with inmates, and was discourteous to inmates by throwing food on the floor. A sergeant allegedly failed to take appropriate action when an inmate reported the officer shared the inappropriate comments.

Predisciplinary Assessment

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

The department did not comply with the policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and the special agent did not appropriately conduct all interviews. The department attorney did not timely confirm the deadline for taking disciplinary action. Additionally, the underlying incident occurred on January 8, 2015. On April 20, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until October 6, 2015. Numerous witnesses could not recall details due to the delay.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 15, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 13, 2015, 57 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 April 15, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until May 12, 2015, 27 days after assignment.
- Were all of the interviews thorough and appropriately conducted?
The special agent neglected to question the officer about allegations he deliberately threw food on the floor to create more work for inmates, necessitating a second interview.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs. Also, numerous witnesses indicated they could not remember details or were confused about what occurred because of the long delay in conducting interviews.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-01-22 | 15-1086-IR | 1. Neglect of Duty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

Between January 22, 2015, and January 24, 2015, seven officers and two psychiatric technicians allegedly failed to take action after an inmate informed them the inmate's cellmate had battered the inmate.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the request. Also, the special agent did not appropriately conduct the investigation, prepare an appropriate draft investigative report, or cooperate with the OIG. The department attorney did not timely and correctly assess the deadline for taking disciplinary action, attend two key witness interviews, or provide adequate feedback regarding the draft investigative report.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 29, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 8, 2015, 69 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 8, 2015, but did not take action until May 27, 2015, 49 days after receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 5, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until July 15, 2015, 40 days after assignment. The department attorney also incorrectly assessed the deadline for taking disciplinary action against the officers as January 22, 2016, when the deadline was actually January 29, 2016, and the deadline for taking disciplinary action against psychiatric technicians as January 22, 2018, when the deadline was actually January 29, 2018.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend interviews of the treating psychiatrist or the complaining inmate's cellmate, who was a percipient witness.
- 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 did not identify that additional medical staff should be interviewed to confirm what, if any, injuries they observed on the inmate and to confirm who wrote several medical notes included in the report.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The special agent did not accurately and sufficiently identify who authored medical documents referenced in the investigative draft report.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not provide the OIG with all of the inmate's relevant medical records for review until he provided the investigative draft report, at which time it was determined additional interviews were needed.
- Was the investigation thorough and appropriately conducted?
The special agent did not obtain all records before starting the interviews.
- Did the department conduct the pre-disciplinary/investigative phase 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 regarding the hiring authority's request.

Disposition

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

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-01-29 | 15-0536-IR | <ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior | <ol style="list-style-type: none"> Sustained Sustained | Dismissal | Dismissal |

Case Type: Direct Action with Subject Only Interview

Incident Summary

On January 29, 2015, an officer allegedly touched a woman sexually against her will and was dishonest to outside law enforcement when he denied touching her.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate initial determination. The special agent did not include necessary exhibits with the draft investigative report.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to only interview the officer rather than open a full investigation because interviews of the alleged victim, witnesses, and outside law enforcement were needed to adequately address the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include all exhibits necessary to assist the hiring authority in making the appropriate findings and penalty.

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before the disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

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 |
| 2015-02-01 | 15-0912-IR | <ol style="list-style-type: none"> Use of Force Dishonesty Failure to Report Use of Force Use of Force | <ol style="list-style-type: none"> Sustained Not Sustained Not Sustained Not Sustained | Letter of Instruction | Letter of Instruction |

Case Type: Administrative Investigation

Incident Summary

On February 1, 2015, an officer allegedly falsely reported an inmate tried to attack her and that a second officer restrained the inmate. The second officer and a third officer allegedly failed to report the second officer's use of force. A sergeant allegedly failed to properly report the use of force and take appropriate action after learning of the incident. A lieutenant also allegedly failed to take appropriate action after learning of the incident.

CENTRAL REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Additionally, the underlying incident took place on February 1, 2015. On May 18, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until November 9, 2015.</p> | |

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| <p>Assessment Questions</p> <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 1, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 8, 2015, 66 days after the date of discovery.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not timely refer the matter to the Office of Internal Affairs.</i> |
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| <p>Disposition</p> <p>The hiring authority sustained an allegation that the sergeant failed to take appropriate action after the incident, but not the remaining allegation, and issued a letter of instruction and ordered training. The OIG concurred with the hiring authority's findings but not with the penalty. The OIG did not seek a higher level of review because there were mitigating factors and potential evidentiary issues. The hiring authority did not sustain any allegations against the lieutenant or the officers and the OIG concurred.</p> |
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| Disciplinary Assessment | Procedural Rating: Sufficient |
| | Substantive Rating: Insufficient |
| <p>The department's handling of the disciplinary process was substantively insufficient because the hiring authority did not select an appropriate penalty for the sergeant.</p> | |

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| <p>Assessment Questions</p> <ul style="list-style-type: none"> Did the HA who participated in the disciplinary conference select the appropriate penalty? <i>The hiring authority issued a letter of instruction to the sergeant when a more serious penalty was warranted.</i> |
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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|------------------|-----------------------|
| | | | | INITIAL | FINAL |
| 2015-02-10 | 15-1031-IR | 1. Failure to Report Use of Force 2. Neglect of Duty 3. Neglect of Duty | 1. Sustained 2. Sustained 3. Not Sustained | Salary Reduction | Letter of Instruction |

Case Type: Administrative Investigation

Incident Summary
 On February 10, 2015, three officers allegedly required an inmate to live with another inmate with whom he said he was incompatible. Two other officers allegedly failed to report the use of pepper spray when the inmates started fighting. A sergeant allegedly failed to ensure the housing policy was followed and that the officers completed reports following the use of force.

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |
| <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not conduct the investigation with due diligence or adequately cooperate with the OIG. Additionally, the underlying incident took place on February 10, 2015. On May 29, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until November 10, 2015.</p> | |

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on February 10, 2015, but, the hiring authority did not refer the matter to the Office of Internal Affairs until April 23, 2015, 72 days after the date of discovery.

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

The special agent ignored several requests by the OIG to begin the investigation and delayed commencing interviews until 273 days after the incident.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority neglected to refer the matter to the Office of Internal Affairs in a timely manner. The special agent did not complete interviews until 310 days after the incident. Due to the delay in conducting the investigation, some witnesses, including the sergeant, could not remember what happened and the hiring authorities did not receive the investigative report until 15 days before the deadline for taking disciplinary action.

Disposition

The hiring authority for the sergeant sustained the allegation he failed to require that officers complete use of force reports, but not the other allegation, and imposed a 5 percent salary reduction for six months. The hiring authority for the officers sustained allegations that two officers failed to complete use of force reports, but not the other allegations, and imposed a 5 percent salary reduction for three months on each. The OIG concurred with these determinations. After a Skelly hearing, the hiring authority for the sergeant reduced his salary reduction to a letter of instruction because the hiring authority did not believe the sergeant was properly questioned regarding the allegation. The OIG did not concur but did not seek a higher level of review because the time to conduct further investigation had expired. The hiring authority for the officers withdrew their disciplinary action and issued letters of instruction because the hiring authority believed the officers should not be punished more severely than the sergeant for following the sergeant's erroneous instructions. The OIG concurred.

Disciplinary Assessment

Procedural Rating: Sufficient
Substantive Rating: Insufficient

The department's handling of the disciplinary process was substantively insufficient because the hiring authority for the sergeant modified the penalty when no new evidence, flaws, or risks justifying the reduction were identified.

Assessment Questions

- 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 reduce the sergeant's penalty because no new evidence, flaws, or risks justifying the reduction were identified.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|----------------------------------|-----------------------|-----------------------|
| | | | | INITIAL | FINAL |
| 2015-02-10 | 15-1325-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | Letter of Instruction | Letter of Instruction |

Case Type: Administrative Investigation

Incident Summary

From February 10, 2015, to April 15, 2015, an associate warden, two captains, a lieutenant, and a sergeant allegedly failed to properly review documents involving rules violation reports which resulted in an alleged violation of an inmate's due process rights.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter for investigation or request additional investigation and the special agent did not conduct a thorough investigation, prepare an adequate draft investigative report, or conduct the investigation with due diligence. The department attorney did not provide appropriate feedback regarding the investigative report and the employee relations officer did not adequately cooperate with the OIG.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 19, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 29, 2015, 71 days after the date of discovery.
- 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 did not note that the involved inmate's interview was not summarized.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not summarize the involved inmate's interview.
- Was the investigation thorough and appropriately conducted?
The Office of Internal Affairs did not retain a handwriting expert to examine documents despite the department attorney's and the OIG's recommendations.
- If the HA determined additional investigation was necessary, was additional investigation requested?
Although the hiring authority determined the investigation was not sufficient, the hiring authority did not request additional investigation due to insufficient time remaining before the deadline to take disciplinary action.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The employee relations officer did not timely provide the OIG with the forms documenting the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs. On July 1, 2015, the Office of Internal Affairs assigned special agent to conduct the investigation, but he did not begin conducting interviews until almost four months later and the hiring authority was not able to request further investigation because the deadline to take disciplinary action was about to expire.

Disposition

The hiring authority sustained an allegation the lieutenant did not properly review a rules violation report, but not the remaining allegations, and issued a letter of instruction. The OIG concurred with 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 |
| 2015-02-11 | 15-0702-IR | 1. Other Failure of Good Behavior 2. Dishonesty | 1. Sustained 2. Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

On February 11, 2015, an officer allegedly pushed his wife, causing her to fall. The officer was also allegedly dishonest to outside law enforcement when he denied pointing a shotgun at his wife.

CENTRAL REGION

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| Predisciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Insufficient |
| <p>The department's handling of the pre-disciplinary process was substantively insufficient because the hiring authority did not sustain all appropriate allegations. Also, the special agent did not appropriately enter activity in the case management system and the hiring authority did not conduct the investigative findings conference in a timely manner. Additionally, the underlying incident took place on February 11, 2015. On April 21, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until December 14, 2015.</p> | |
| Assessment Questions | |
| <ul style="list-style-type: none">• Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter information in the case management system summarizing whether the officer's interview supported, refuted, denied, or admitted the allegations.</i>• 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 January 13, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings until February 9, 2016, 27 days thereafter.</i>• Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation? <i>The hiring authority did not find the officer was dishonest with outside law enforcement and the Office of Internal Affairs despite the OIG's and department attorney's recommendations based on evidence supporting dishonesty.</i>• Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not conduct the investigative findings conference in a timely manner.</i> | |
| Disposition | |
| <p>The hiring authority sustained the allegation that the officer pushed his wife, but not that he was dishonest, and imposed a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's decisions, except the decision to not sustain dishonesty, but did not seek a higher level of review because the deadline to take disciplinary action was about to expire. After a <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for 15 months because the officer expressed remorse, took responsibility, and asked for leniency. The OIG did not concur with the settlement but did not seek a higher level of review because the penalty was still within the appropriate range for the sustained misconduct.</p> | |
| Disciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Insufficient |
| <p>The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not appropriately prepare the disciplinary action and the hiring authority did not select all appropriate charges and causes for discipline or select an appropriate penalty, and inappropriately reduced the penalty. Also, the hiring authority did not conduct the disciplinary findings conference in a timely manner.</p> | |

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 authority on January 13, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until February 9, 2016, 27 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority did not select dishonesty as an appropriate matrix charge and cause for discipline.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority did not sustain a dishonesty allegation, which would have warranted a more serious penalty.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not advise the officer of his right to respond to a manager not involved in the investigation.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action did not advise the officer of his right to respond to a manager not involved in the investigation.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with an agreement to modify the penalty because no new evidence, risks, or flaws were identified to support the modification and the officer waited until his Skelly hearing before expressing remorse.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-02-15 | 15-0662-IR | 1. Unreasonable Use of Force 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On February 15, 2015, an officer allegedly forced a handcuffed inmate to the ground and failed to timely activate his personal alarm to request assistance.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not make an appropriate initial determination regarding the case. The special agent did not appropriately enter case activity into the case management system. Additionally, the underlying incident took place on February 15, 2015. On April 9, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until November 4, 2015.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not add a dishonesty allegation because there was evidence to support the allegation.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.

CENTRAL REGION

Disposition
The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-02-25 | 15-1173-IR | <ol style="list-style-type: none"> Unreasonable Use of Force Failure to Report Use of Force | <ol style="list-style-type: none"> Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary
On February 25, 2015, an officer allegedly pushed a metal table onto an inmate, causing injury. The officer, two additional officers, a sergeant, and a lieutenant allegedly failed to document the use of force.

Predisciplinary Assessment

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| <p>The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation. Also, the hiring authority did not conduct the investigative findings conference in a timely manner.</p> | <p>Procedural Rating: Insufficient Substantive Rating: Sufficient</p> |
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Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 8, 2015, but did not take action until June 3, 2015, 56 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 January 25, 2016. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until February 9, 2016, 15 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request and the hiring authority did not conduct the investigative findings conference in a timely manner.

Disposition
The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-03-02 | 15-0733-IR | <ol style="list-style-type: none"> Dishonesty Threat/Intimidation Petty theft Misuse of Authority | <ol style="list-style-type: none"> Sustained Sustained Sustained Sustained | Dismissal | Dismissal |

Case Type: Administrative Investigation

Incident Summary
On March 2, 2015, an officer allegedly stole merchandise from a store, threatened the store's loss prevention officer, attempted to use his position as a peace officer to avoid arrest, and was dishonest to outside law enforcement. On October 29, 2015, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

CENTRAL REGION

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| Predisciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Insufficient |
| <p>The department's handling of the pre-disciplinary process was substantively insufficient because the special agent did not adequately prepare for all aspects of investigation, conduct a thorough investigation, or appropriately draft the investigative report, the hiring authority improperly deemed the investigation sufficient and did not request additional investigation, and the department attorney did not provide appropriate advice regarding the sufficiency of the investigation. Also, the special agent did not enter all case activity into the case management system.</p> | |
| Assessment Questions | |
| <ul style="list-style-type: none">• Did the special agent adequately prepare for all aspects of the investigation? <i>The special agent did not obtain the officer's audio-recorded interview outside law enforcement conducted.</i>• Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter in the case management system whether the officer supported, refuted, denied, or admitted the allegations.</i>• Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The investigative draft report did not include critical information because the special agent did not obtain the audio recording of the officer taken at the time of his arrest or interview the arresting officer.</i>• Was the final investigative report thorough and appropriately drafted? <i>The final report did not include critical information because the special agent did not obtain the audio recording of the officer taken at the time of his arrest or interview the arresting officer.</i>• Was the investigation thorough and appropriately conducted? <i>The special agent did not obtain the audio recording of the officer taken at the time of his arrest or interview the arresting officer.</i>• Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient? <i>The hiring authority improperly deemed the investigation sufficient without the audio recording of the officer and the arresting officer's interview.</i>• Did the HA properly determine whether additional investigation was necessary? <i>The hiring authority improperly determined additional investigation was not necessary to obtain the audio recording of the officer and interview the arresting officer.</i>• Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney did not advise the hiring authority to obtain the audio recording of the officer or interview the arresting officer.</i> | |
| Disposition | |
| <p>The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</p> | |
| Disciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Sufficient |
| <p>The department sufficiently complied with the policies and procedures governing the disciplinary process.</p> | |

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-03-03 | 15-1287-IR | 1. Dishonesty 2. Insubordination/Willful Disobedience | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On March 3, 2015, an officer allegedly failed to report to work as ordered and was allegedly dishonest when she told a supervisor a pre-scheduled doctor's appointment prevented her from reporting to work.

Predisciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs, the special agent did not document the officer's interview, and the employee relations officer did not accurately complete the form documenting investigative findings. Additionally, the underlying incident took place on March 3, 2015. On June 29, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until December 18, 2015.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 3, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 1, 2015, 90 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Was the CDCR Form 402 documenting the findings properly completed?
The form documenting investigative findings incorrectly noted the deadline for taking disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|----------------------------------|------------|------------|
| | | | | INITIAL | FINAL |
| 2015-03-13 | 15-0981-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | Suspension | Suspension |

Case Type: **Administrative Investigation**

Incident Summary

On March 13, 2015, an officer allegedly placed two sensitive needs inmates into a holding cell with four general population inmates, which resulted in the general population inmates attacking the other two inmates. On March 16, 2015, the officer again allegedly placed incompatible inmates together in holding cells. From March 16, 2015, to March 19, 2015, the officer allegedly left his post without prior approval, leaving health care staff alone with unsupervised inmates.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the special agent did not adequately consult with the OIG and the hiring authority did not conduct the investigative findings conference in a timely manner.

CENTRAL REGION

Assessment Questions

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not adequately consult with the OIG regarding scheduling a critical interview of an officer who witnessed the incident, preventing the OIG from attending the 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 December 18, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 7, 2016, 20 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely conduct the investigative findings conference.

Disposition

The hiring authority sustained the allegations that the officer placed incompatible inmates together, but not the remaining allegation, and imposed a 30-working-day suspension. The OIG concurred. Prior to the *Skelly* hearing, the department entered into a settlement agreement wherein the officer agreed to begin serving his suspension earlier than originally anticipated. The OIG concurred because the penalty remained the same.

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 |
| 2015-03-16 | 15-1172-IR | <ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force Failure to Report Use of Force | <ol style="list-style-type: none"> Sustained Not Sustained Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

On March 16, 2015, a sergeant allegedly choked, punched, and kicked an inmate, failed to report his use of force, and removed the inmate's restraints while the inmate was outside of the holding cell. An officer allegedly failed to report the sergeant's use of force and failed to initiate a holding cell log.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, did not make appropriate investigative findings, and did not request additional investigation because the deadline to take disciplinary action was about to expire. The special agent did not adequately prepare for the investigation, conduct a thorough investigation, appropriately conduct the investigation or draft the investigative report, appropriately enter activity into the case management system, or adequately cooperate with the OIG. Also, the department attorney did not provide appropriate legal consultation to the hiring authority. Additionally, the underlying incident took place on March 16, 2015. On June 24, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but the special agent did not conduct the first interview until January 19, 2016, nearly six months later.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 16, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 13, 2015, 58 days after the date of discovery.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not interview the involved inmate before conducting other interviews and neglected to verify the inmate's location before making a ten-hour round trip drive to conduct the interview, thus necessitating a second lengthy trip a week later.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary into the case management system indicating whether interviews of the sergeant and officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include information regarding notes allegedly written contemporaneously with a disputed conversation.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not include information regarding notes allegedly written contemporaneously with a disputed conversation.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not adequately cooperate with the OIG in scheduling the complaining inmate's interview.
- Was the investigation thorough and appropriately conducted?
The special agent delayed conducting the investigation and as a result, several witnesses said they could not recall details. The special agent also refused to attempt collecting notes allegedly written contemporaneously with a disputed conversation.
- If the HA determined additional investigation was necessary, was additional investigation requested?
The hiring authority did not request further investigation because the deadline for taking disciplinary action was about to expire.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority that the investigation was sufficient, that there was insufficient evidence to support allegations regarding the use of force, and that the sergeant was dishonest during his interview with the Office of Internal Affairs.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not find the sergeant used unreasonable force, failed to accurately report the use of force, and was dishonest, and the officer failed to accurately report witnessing the use of force.
- 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 declined to sustain dishonesty against the sergeant because he did not believe the allegation was sufficiently investigated, but declined to seek further investigation because the deadline to take disciplinary action was about to expire.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs did not conduct a timely investigation which resulted in several witnesses being unable to provide full and accurate details during their interviews.

CENTRAL REGION

Disposition

The hiring authority sustained allegations the sergeant improperly removed the inmate's restraints and the officer failed to start a holding cell log and imposed a 5 percent salary reduction for 12 months against the sergeant and a letter of reprimand for the officer. The OIG concurred except for the decision to issue a letter of reprimand. The OIG did not seek a higher level of review due to conflicting evidence regarding the alleged misconduct. The hiring authority found insufficient evidence to sustain the allegations the sergeant used unreasonable force and failed to report that use of force, and that the officer failed to report the sergeant's use of force. The OIG did not concur but did not seek a higher level of review due to the conflicting evidence. The sergeant and the officer did not file appeals with State Personnel Board.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not select the appropriate causes for discipline or the appropriate penalty, and the department attorney did not provide appropriate legal advice to the hiring authority and did not adequately cooperate with the OIG.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney improperly advised the hiring authority there was insufficient evidence to sustain allegations against the sergeant and the allegation the officer failed to report the use of force. The department attorney also improperly recommended both the sergeant and officer should receive letters of reprimand instead of salary reductions called for by departmental policy.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
By neglecting to sustain allegations the sergeant used unreasonable force and the sergeant and officer both failed to report the use of force, the hiring authority did not select the appropriate charges or causes for discipline.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
By neglecting to select all appropriate charges and causes for discipline, the hiring authority selected a lower penalty than appropriate for the misconduct.
- 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 neglected to consult with and provide the OIG draft letters of intent for review before advising the hiring authority to sign and serve them, and was unprofessional when communicating with the OIG.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-03-22 | 15-2111-IR | 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Neglect of Duty | 1. Not Sustained 2. Not Sustained 3. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On March 22, 2015, four officers allegedly used unreasonable force on an inmate causing a facial fracture and three other officers allegedly failed to accurately report the use of force they observed. Two sergeants allegedly failed to report the unreasonable use of force they observed and failed to intervene. A lieutenant, a captain, and an associate warden allegedly failed to identify that officers used unreasonable force when they reviewed the incident reports.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney incorrectly assessed the deadline for taking disciplinary action.

CENTRAL REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as March 23, 2016, when the deadline was actually July 28, 2016.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-03-28 | 15-1174-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty 5. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Unfounded | Dismissal | Dismissal |

Case Type: **Administrative Investigation**

Incident Summary

On March 28, 2015, an officer allegedly left her post without proper relief or approval from her sergeant. The officer was allegedly dishonest when documenting she worked a full shift and when she told a supervisor she had signed up for informal time off. Additionally, the control booth officer allegedly did not report the first officer's misconduct.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation and the special agent did not adequately prepare for the investigation, appropriately conduct interviews, conduct a thorough investigation, complete a thorough investigative report, adequately cooperate with the OIG, or enter all case activity into the case management system. Also, the department attorney did not timely assess the deadline to take disciplinary action or timely consult regarding the elements of a thorough investigation. Additionally, the underlying incident took place on March 28, 2015. On June 22, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until January 28, 2016, 220 days after assignment.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 27, 2015, but did not take action until June 10, 2015, 44 days after the receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 24, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 13, 2015, 50 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 24, 2015, but did not contact the special agent and the OIG until August 7, 2015, 44 days after assignment.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not obtain relevant policies and post orders or conduct a site visit before conducting interviews. After scheduling and canceling interviews three months after assignment, the special agent did no work on the case until 60 days before the deadline for taking disciplinary action. After beginning interviews, the special agent learned the physical layout of the housing unit had changed after the incident.
- Were all of the interviews thorough and appropriately conducted?
The special agent did not interview the complaining witness or the officer until 60 days before the deadline for taking disciplinary action and did not decide to interview witnesses until the officer's interview, at which time she denied signing out on her time sheet. Many witnesses said they could not recall details of what happened given the passage of time.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter any information regarding the Office of Internal Affairs' refusal to investigate who falsified the officer's signature on her time sheet and whether the officer's interview supported, refuted, denied, or admitted the allegations.
- 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 provided a draft investigative report without exhibits to the OIG for review 24 days before the deadline to take disciplinary action, asking the OIG to provide feedback immediately so she could submit the report to the hiring authority the next day and take the following day off work.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not address who falsified the officer's signature on her time sheet.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not address who falsified the officer's signature on her time sheet.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The senior special agent unilaterally scheduled a case conference knowing the OIG was unavailable and refused to reschedule it. The special agent scheduled the complainant and officer interviews on that same day and would not reschedule them, and scheduled remaining interviews in a manner that prevented the OIG from attending several interviews.
- Was the investigation thorough and appropriately conducted?
The special agent did not begin interviews until 60 days before the deadline for taking disciplinary action or interview relevant witnesses before interviewing the officer. The special agent in-charge and senior special agent refused to investigate who falsified the officer's time sheet signature and the special agent in-charge refused to have a handwriting analysis conducted because the Office of Internal Affairs has no contract for such an analysis. After the special agent submitted her final investigative report, the department attorney and the employee relations officer obtained additional timekeeping and policy documents to complete the investigation.

CENTRAL REGION

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not make a timely determination regarding the request for investigation and the special agent delayed 220 days before beginning interviews which resulted in some witnesses saying they could not recall relevant facts and by which time the physical layout of the housing unit had been altered.

Disposition

The hiring authority sustained the allegations against the first officer and served her with a notice of dismissal. The OIG concurred. However, the officer resigned before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action. Regarding the control booth officer, the hiring authority determined that the investigation conclusively proved the misconduct did not occur 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 |
| 2015-04-10 | 15-1326-IR | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Insubordination/Willful Disobedience 4. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained | Suspension | Salary Reduction |

Case Type: **Administrative Investigation**

Incident Summary

On April 10, 2015, two floor officers allegedly left their assigned area and a control booth officer was allegedly unaware of the officers' locations. The three officers also allegedly failed to timely respond to two inmates attacking a third inmate. On August 27, 2015, one floor officer allegedly discussed the case with another officer in violation of a direct order, and on December 23, 2015, the officer was allegedly dishonest during his interview with the Office of Internal Affairs. On August 30, 2015, the second floor officer also allegedly discussed the case with another officer in violation of a direct order.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and did not adequately consult with the OIG, and the department attorney did not properly assess the deadline to take disciplinary action. The special agent did not enter all information into the case management system.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on April 10, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 8, 2015, 59 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 July 16, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 9, 2015, 24 days after assignment. The department attorney incorrectly assessed the deadline for taking disciplinary action as May 10, 2016, when the deadline was actually April 10, 2016.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter summaries into the case management system stating whether the officers' interviews supported, refuted, denied, or admitted the allegations.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?

The hiring authority did not provide the OIG with the forms documenting the investigative findings for two of the three officers.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department delayed referring the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegation against the control booth officer and imposed a two-working-day suspension. The hiring authority sustained the allegation that the second floor officer neglected his duty and imposed a 48-working-day suspension. The OIG concurred with these determinations. Following a *Skelly* hearing, the hiring authority entered into settlement agreements with the control booth officer reducing the penalty to a letter of reprimand and with the second floor officer reducing the penalty to a 10 percent salary reduction for 18 months. The OIG did not concur with the settlements but did not seek a higher level of review because the penalties were within the appropriate range for the misconduct. The hiring authority found insufficient evidence to sustain the allegations the second floor officer was insubordinate and dishonest. The OIG concurred with the hiring authority regarding insubordination but not dishonesty, but did not seek a higher level of review because of a conflict in the evidence. The hiring authority did not sustain the allegations against the first floor officer and the OIG concurred.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department did not properly conduct the *Skelly* hearing process and reduced the penalties without sufficient justification. The department attorney did not prepare an adequate draft disciplinary action.

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 advise the officers that they had a right to respond to a manager who was not involved in the investigation.
- If there was a *Skelly* hearing, was it conducted pursuant to DOM?

The Skelly officer's recommendation was based on information the Skelly officer obtained after the Skelly hearing and that was not included with the disciplinary action.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The settlement agreements were inconsistent with departmental policy because no new evidence, flaws, or risks were identified to support the modifications.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur because no new evidence, flaws, or risks were identified to support modifications.

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-04-16 | 15-1619-IR | <ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Neglect of Duty | <ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary

On April 16, 2015, an officer allegedly deployed pepper spray on inmate's head twice and falsely reported that the inmate was banging his head on the holding cell.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely request an investigation and the Office of Internal Affairs did not make a timely determination regarding the request. Additionally, the underlying incident took place on April 16, 2015. The Office of Internal Affairs assigned a special agent on August 18, 2015, but he did not conduct the first interview until January 7, 2016.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on April 20, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 24, 2015, 65 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on June 24, 2015, but did not take action until August 12, 2015, 49 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase 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 timely take action on the request for investigation.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-04-23 | 15-1274-IR | <ol style="list-style-type: none"> Sexual Misconduct Failure to Report Use of Force | <ol style="list-style-type: none"> Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary

On April 23, 2015, an officer allegedly inserted his baton into an inmate's rectum and a lieutenant and sergeant allegedly failed to report the incident.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney incorrectly assessed the deadline to take disciplinary action, the Office of Internal Affairs did not conduct all interviews appropriately or enter all case activity into the case management system, and the department delayed conducting the investigative findings conference.

CENTRAL REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as May 1, 2016, when the deadline was actually May 24, 2016.
- Were all of the interviews thorough and appropriately conducted?
Two special agents and a department attorney traveled more than 1,300 miles by airplane and car over two days to conduct a 16-minute interview of the lieutenant. Only one of the special agents and the department attorney conducted the interview, while the second agent observed.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter any information in the case management system about five of the 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 lieutenant's hiring authority on February 25, 2016. However, 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 16, 2016, 20 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department delayed conducting the investigative findings conference.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|------------------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-04-30 | 15-1271-IR | 1. Unreasonable Use of Force | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On April 30, 2015, and on May 1, 2015, an officer allegedly punched an inmate in the stomach.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not adequately prepare for or diligently or thoroughly conduct the investigation, thoroughly question or appropriately interview a witness, prepare a thorough investigative report, or enter all case activity into the case management system. The Office of Internal Affairs did not adequately cooperate with the OIG. Additionally, the underlying incident took place on April 30, 2015. On June 22, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until March 17, 2016, 269 days after assignment.

CENTRAL REGION

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?

The special agent missed two opportunities to interview the complaining inmate because she did not adequately track the inmate's location and completed no meaningful work on the case until 45 days before the deadline for taking disciplinary action.
- Were all of the interviews thorough and appropriately conducted?

The Office of Internal Affairs did not identify a sergeant who allegedly told the inmate to recant his allegations of excessive force as a subject of investigation and did not question the sergeant about the allegation.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter case activity in the case management system regarding the inmate's claim that a sergeant asked him to withdraw his complaint or whether the officer's interview supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The draft investigative report did not address the inmate's claim that a sergeant asked him to withdraw his complaint.
- Was the final investigative report thorough and appropriately drafted?

The final investigative report did not address the inmate's claim that a sergeant asked him to withdraw his complaint.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The senior special agent unilaterally scheduled a case conference knowing the OIG was unavailable and refused to reschedule it, preventing the OIG from attending.
- Was the investigation thorough and appropriately conducted?

The special agent did not begin interviews until 45 days before the deadline to take disciplinary action or interview relevant witnesses, including the inmate-complainant, and the Office of Internal Affairs refused to investigate the inmate's claim that a sergeant asked him to withdraw his complaint.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The special agent delayed 269 days before beginning interviews, resulting in some witnesses, including the inmate-complainant, not being interviewed, and a failure to investigate whether a sergeant asked the inmate to withdraw his complaint.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-05-05 | 15-1512-IR | <ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Neglect of Duty | <ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On May 5, 2015, an officer allegedly told two other officers to leave him alone with an inmate, removed the inmate's handcuffs, challenged the inmate to a fight, pushed and punched the inmate, and was dishonest when reporting the incident. The two other officers allegedly left the first officer alone with the inmate and were dishonest about the incident.

CENTRAL REGION

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs delayed making its determination regarding the hiring authority's request, the special agent did not properly prepare for the investigation, the hiring authority did not make timely or appropriate investigative findings or cooperate with the OIG, and the department attorney provided inappropriate legal advice to the hiring authority. Also, the special agent did not prepare an appropriate draft investigative report.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on June 12, 2015, but did not take action until July 29, 2015, 47 days after the receipt of the request.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not obtain training records, post orders, or photographs until after completing the interviews.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not appropriately summarize interviews or include relevant policies and procedures.
- 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 1, 2016. However, 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 1, 2016, 31 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney incorrectly advised the hiring authority there was insufficient evidence to sustain the allegations.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority inappropriately determined there was insufficient evidence to sustain the allegations.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The employee relations officer did not provide the OIG with the form documenting the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs delayed making a determination regarding the request for investigation and the department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur with the hiring authority's determination but did not seek a higher level of review due to conflicting evidence and the poor investigation.

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|----------------------------------|--------------------------------|
| | | | | INITIAL Letter of Instruction | FINAL Letter of Instruction |
| 2015-05-06 | 15-1518-IR | 1. Failure to Report 2. Sexual Misconduct 3. Neglect of Duty | 1. Sustained 2. Not Sustained 3. Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

On May 6, 2015, an officer allegedly committed sexual misconduct against an inmate. On May 13, 2015, the officer allegedly committed sexual misconduct against the inmate and opened the inmate's cell door, allowing a second inmate to attack the first inmate. On May 23, 2015, the officer allegedly gave a third inmate a job and allowed her to make phone calls after she exposed her breasts to the officer. The officer also allegedly failed to timely report the third inmate's misconduct.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and the department attorney did not correctly assess the deadline for taking disciplinary action. The special agent did not adequately prepare for or conduct the investigation, enter information into the case management system, or prepare an appropriate draft investigative report. Additionally, the underlying incident took place on May 6, 2015. On August 11, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until December 22, 2015.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on May 13, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 3, 2015, 51 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 correctly assess the deadline for taking disciplinary action. The department attorney assessed the deadline for taking disciplinary action as May 5, 2016, when the deadline was actually May 13, 2016.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent neglected to obtain the department's sexual misconduct guidelines before conducting interviews.
- Were all of the interviews thorough and appropriately conducted?
The special agent did not question the officer about his compliance with the department's sexual misconduct guidelines.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system regarding whether the officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not include the department's sexual misconduct guidelines.
- Was the investigation thorough and appropriately conducted?
The special agent did not obtain the department's sexual misconduct guidelines at the beginning of the investigation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

CENTRAL REGION

Disposition

The hiring authority sustained the allegation that the officer failed to timely report inmate misconduct, but not the remaining allegations, and issued a letter of instruction. The OIG concurred with the hiring authority's investigative findings but not with the decision to issue a letter of instruction. However, the OIG did not seek a higher level of review because it was not clear when the officer was required to report the misconduct.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the hiring authority did not select the appropriate penalty.

Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The hiring authority improperly decided to impose corrective action when disciplinary action was more appropriate.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-05-06 | 15-1728-IR | 1. Unreasonable Use of Force 2. Threat/Intimidation 3. Neglect of Duty | 1. Not Sustained 2. Not Sustained 3. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On May 6, 2015, two officers allegedly assaulted and forced an inmate to the ground without provocation and two other officers allegedly grabbed and twisted the inmate's fingers while he was on the ground. A sergeant allegedly demeaned, threatened, choked, and kicked the inmate. On May 7, 2015, the sergeant allegedly provided the inmate with two broken eyeglass arms sharpened to points and threatened the inmate.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because 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 regarding the hiring authority's request. The special agent did not adequately prepare for the investigation, enter all activity in the case management system, or conduct a thorough investigation. The department attorney did not adequately cooperate with the special agent and the OIG. Additionally, the underlying incident took place on May 6, 2015. On September 3, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation but he did not conduct the first interview until February 17, 2016.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on May 7, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 7, 2015, 61 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on July 7, 2015, but did not take action until August 26, 2015, 50 days after receipt of the request.
- Did the special agent adequately prepare for all aspects of the investigation?

The special agent neglected to conduct a site visit before conducting interviews.
- Did the special agent appropriately enter case activity in the case management system?

The special agent neglected to enter a summary in the case management system indicating whether interviews supported, refuted, denied, or admitted the allegations.
- Was the investigation thorough and appropriately conducted?

Despite the OIG's recommendation, the senior special agent and the special agent in-charge refused to have critical evidence forensically examined for latent fingerprints.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?

Throughout the interviews, the department attorney provided minimal feedback to the special agent and the OIG and on one occasion, ignored a five-minute discussion between the special agent and the OIG regarding the substance of interviews and whether additional persons should be named as subjects.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?

Throughout the interviews, the department attorney provided minimal feedback to the special agent and the OIG and on one occasion, ignored a five-minute discussion between the special agent and the OIG regarding the substance of interviews and whether additional persons should be named as subjects.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority failed to timely refer the matter for investigation and the Office of Internal Affairs failed to make a timely determination regarding the request.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------------------|------------------------------|-----------|------------------------------------|
| | | | | INITIAL | FINAL |
| 2015-05-08 | 15-1675-IR | 1. Dishonesty 2. Neglect of Duty | 1. Sustained 2. Sustained | Dismissal | Resignation in Lieu of Termination |

Case Type: Direct Action with Subject Only Interview

Incident Summary

From May 8, 2015, to June 10, 2015, a parole agent allegedly failed to properly conduct global positioning system tracking reviews and prepared and submitted false tracking reports to her supervisor. On December 9, 2015, the parole agent was allegedly dishonest during an interview with the Office of Internal Affairs.

CENTRAL REGION

| | |
|--|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not timely evaluate the deadline to take disciplinary action or timely consult with the special agent and the OIG, and the hiring authority did not conduct the investigative findings conference in a timely manner.</p> | |
| Assessment Questions | |
| <ul style="list-style-type: none">• Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 department attorney was assigned August 25, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 30, 2015, 66 days after assignment.</i>• 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? <i>The department attorney did not contact the special agent and the OIG within 21 days to discuss the elements of a thorough investigation.</i>• 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 January 15, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings until February 17, 2016, 33 days thereafter.</i>• Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not conduct the investigative findings conference in a timely manner.</i> | |
| Disposition | |
| <p>The hiring authority sustained the allegations and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. At a pre-hearing settlement conference, the department entered into a settlement agreement with the parole agent wherein the parole agent agreed to resign and never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the parole agent did not work for the department was achieved.</p> | |
| Disciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| <p>The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not properly prepare the disciplinary action and did not cooperate with the OIG, and the hiring authority delayed conducting the disciplinary findings conference.</p> | |

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 authority on January 15, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until February 17, 2016, 33 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 advise the parole agent she had a right to respond to a manager who was not involved in the action taken against her.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

The disciplinary action served on the parole agent did not advise her she had a right to respond to a manager who was not involved in the action taken against her.
- 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 provide the OIG with a reasonable amount of time to review and provide feedback regarding the draft disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?

The department delayed conducting the disciplinary findings conference.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|---|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-05-13 | 15-2844-IR | <ol style="list-style-type: none"> Dishonesty Neglect of Duty Discourteous Treatment | <ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On May 13, 2015, a sergeant allegedly ordered 15 inmates restrained in flexible handcuffs into a holding cell designed for two to three inmates for 45 minutes and told the inmates they should not have fought on his shift. On October 26, 2015, the sergeant was allegedly dishonest to a lieutenant about making the statements.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request, the special agent did not enter case activity in the case management system, and the department attorney incorrectly assessed the deadline to take disciplinary action.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on June 3, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 13, 2015, 163 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on November 13, 2015, but did not take action until December 16, 2015, 33 days after the receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as October 28, 2015, when the deadline was actually June 3, 2016.
- Did the special agent appropriately enter case activity in the case management system?
The special agent neglected to enter a summary in the case management system indicating whether the sergeant's interview supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase 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 regarding the hiring authority's request.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|----------|----------|
| | | | | INITIAL | FINAL |
| 2015-05-18 | 15-1622-IR | <ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Failure to Report Use of Force Neglect of Duty | <ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained Not Sustained | Training | Training |

Case Type: **Administrative Investigation**

Incident Summary

On May 18, 2015, an officer allegedly punched an inmate in the stomach and was dishonest when he failed to accurately report his use of force. A second officer witnessed the use of force and allegedly failed to report it. A sergeant and a lieutenant allegedly failed to timely ensure incident reports were completed.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and delayed conducting the investigative findings conference, and the Office of Internal Affairs did not make an appropriate initial determination regarding the case. The special agent did not properly enter information in the case management system. Additionally, the underlying incident took place on May 18, 2015. On August 28, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until February 22, 2016.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on May 18, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 13, 2015, almost two months after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The OIG disagreed with the Office of Internal Affairs' decisions to remove two other officers, another sergeant, and a nurse as subjects of the investigation, to not add dishonesty for one of those two officers, and to remove an officer as a subject of the investigation because the evidence supported adding the allegation and keeping the officers, sergeant, and nurse as subjects.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter due dates and requests for extensions, explain time lapses or reasons for inactivity, or whether interviews supported, refuted, denied, or admitted the allegations.
- 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 21, 2016. However, 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 14, 2016, 24 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely refer the matter to the Office of Internal Affairs and the department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the findings for the officers but not for the lieutenant or sergeant. The OIG did not seek a higher level of review because the hiring authority's interpretation of the facts was reasonable to support his findings and the hiring authority ordered additional training.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|--------------------------|------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2015-05-24 | 15-1621-IR | <ol style="list-style-type: none"> Contraband Failure to Report Use of Force Discourteous Treatment | <ol style="list-style-type: none"> Sustained Not Sustained Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

On May 24, 2015, an officer allegedly brought a personal mobile phone into the secure perimeter, inaccurately reported an inmate assaulted him before the officer used physical force on the inmate, and verbally harassed the inmate during an escort.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation. The special agent did not appropriately conduct an inmate's interview.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on July 3, 2015, but did not take action until August 12, 2015, 40 days after receipt of the request.

- Were all of the interviews thorough and appropriately conducted?

The special agent did not effectively use a diagram during an inmate interview because the special agent drew a diagram that failed to accurately reflect the inmate's description and wrote on the diagram where activities occurred without using sequential references to clearly indicate the location of events. Also, the diagram contained confusing notations.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not make a timely determination regarding the request for investigation.

Disposition

The hiring authority sustained the allegation the officer brought his mobile phone into the secure perimeter, but not the remaining allegations, and imposed a 10 percent salary reduction for 12 months. 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 |
| 2015-07-28 | 15-2090-IR | 1. Dishonesty 2. Neglect of Duty | 1. Sustained 2. Sustained | Dismissal | Dismissal |

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On July 28, 2015, an officer allegedly slept while riding as a passenger in an inmate transport van that was involved in an accident. On August 10, 2015, the officer was allegedly dishonest in a report regarding the incident.

Predisciplinary Assessment

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

The department did not comply with the policies and procedures governing the pre-disciplinary process because the special agent did not appropriately draft the investigative report or cooperate with the OIG and department attorney, the department attorney did not adequately consult with the OIG and the special agent and did not provide appropriate feedback regarding the investigative report. The hiring authority did not conduct the investigative findings conference in a timely manner and the employee relations officer did not accurately prepare the form documenting the investigative findings.

CENTRAL REGION

Assessment Questions

- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?
The special agent did not consult with the OIG in formulating the investigative plan and did not provide the OIG with a completed investigative plan.
- Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan?
The special agent did not consult with the department attorney upon case initiation and prior to finalizing the investigative plan.
- 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 did not contact the assigned special agent and the OIG to discuss the elements of a thorough investigation.
- 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 did not identify that important documents were not summarized in or attached as exhibits to the investigative report.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not summarize all relevant documents or include relevant documents as exhibits.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not summarize all relevant documents.
- 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 8, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 12, 2016, 34 days thereafter.
- Was the CDCR Form 402 documenting the findings properly completed?
The form documenting the investigative findings did not accurately reflect the hiring authority's determinations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer retired prior to the completion of the investigation. Therefore, disciplinary action was not taken. The hiring authority placed a letter in the officer's official personnel file indicating that he retired under unfavorable circumstances.

Disciplinary Assessment

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

The department did not comply with the policies and procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner, the department attorney did not provide written confirmation of penalty discussions, and the employee relations officer did not accurately prepare the form documenting the 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 8, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until May 12, 2016, 34 days thereafter.
- 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.
- Was the CDCR Form 403 documenting the penalty properly completed?
The form documenting the disciplinary determinations did not accurately reflect the hiring authority's decisions.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------------|--------------|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2015-08-09 | 15-1867-IR | 1. Other Failure of Good Behavior | 1. Sustained | Salary Reduction | Modified Salary Reduction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 9, 2015, a sergeant was arrested after he allegedly grabbed his wife's arm and pulled her out of a car, causing her to fall to the ground and scratch her arm on the car door.

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 imposed a 10 percent salary reduction for six months. The OIG concurred with the findings but not the penalty. The OIG did not seek a higher level of review because the penalty was within the appropriate range of the department's guidelines. 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 reducing the penalty to a 10 percent salary reduction for four months and agreeing to remove the disciplinary action from the officer's official personnel file early. The OIG did not concur with the settlement but did not seek a higher level of review because the reduction was not significant.

Disciplinary Assessment

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

The department did not comply with the policies and procedures governing the disciplinary process because the hiring authority did not select an appropriate penalty and later inappropriately reduced the penalty.

CENTRAL REGION

Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority selected a penalty that was lower than the misconduct warranted under departmental policy.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The settlement agreement was not consistent with departmental policy because no new evidence, flaws, or risks were identified to support the penalty reduction.
- 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 agreement because no new evidence, flaws, or risks were identified to support the penalty reduction.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|--------------|------------|---------------------|
| | | | | INITIAL | FINAL |
| 2015-08-25 | 15-2091-IR | 1. Neglect of Duty | 1. Sustained | Suspension | Modified Suspension |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 25, 2015, a captain allegedly ordered the destruction of a photograph depicting an officer caught sleeping. On August 26, 2015, the captain allegedly failed to report the existence of the photograph and obtain approval to destroy it.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs inappropriately denied the hiring authority's request to interview the captain and the department attorney provided inappropriate legal advice.

Assessment Questions

- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs inappropriately denied the hiring authority's request to interview the captain to determine his intent for ordering the destruction of the photograph.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority and the hiring authority's supervisor that the department would need to prove the captain destroyed evidence with the intent to conceal staff misconduct when all that was required was to prove the captain intended to destroy evidence when he ordered the photograph be deleted.

Disposition

The hiring authority sustained the allegations and imposed a 49-working-day suspension. The OIG concurred. The department attorney did not agree with sustaining the allegation for the destruction of evidence and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the allegations would remain as initially determined and modified the penalty to a 45-working-day suspension based on the captain's status as a manager. The OIG concurred. The captain retired before disciplinary action was served. The hiring authority placed a letter in the captain's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney provided erroneous and inappropriate legal advice regarding disciplinary determinations.

CENTRAL REGION

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

The department attorney inappropriately advised the hiring authority and hiring authority's supervisor to not sustain an allegation that the captain destroyed evidence, which would require a higher penalty, and by recommending a minimal suspension.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------|--------------|-----------------------------|---------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2015-09-28 | 15-2283-IR | 1. Intoxication | 1. Sustained | | |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 28, 2015, an officer allegedly drove a State vehicle to undergo a random alcohol test while under the influence of alcohol.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs denied the hiring authority's request to interview the officer and the hiring authority delayed conducting the investigative findings conference. Also, the employee relations officer did not make an entry into the case management system confirming relevant dates.

Assessment Questions

- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs inappropriately denied the hiring authority's request to interview the officer to determine potential defenses he might raise at a disciplinary hearing.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authority on October 28, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and investigative findings until December 7, 2015, 40 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 36 months. The OIG concurred with the findings but not the penalty. The OIG did not seek a higher level of review due to evidentiary issues regarding the officer's level of intoxication. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and did not select the appropriate penalty. The employee relations officer did not adequately draft the disciplinary action and did not adequately consult with the OIG.

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 returned the case to the hiring authority on October 28, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until December 7, 2015, 40 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority imposed a salary reduction instead of the more appropriate penalty of dismissal.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action served on the officer incorrectly used the term breath alcohol level instead of blood alcohol level.
- 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 did not consult with the OIG before inappropriately amending the disciplinary action and serving it on the officer.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--------------|------------------|------------------|
| | | | | INITIAL | FINAL |
| 2015-10-04 | 15-2472-IR | 1. Insubordination/Willful Disobedience | 1. Sustained | Salary Reduction | Salary Reduction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 4, 2015, an officer working an overtime shift allegedly refused to work in a housing unit when his supervisors ordered and instead went home early, claiming to be sick.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate initial determination regarding the hiring authority's request and the hiring authority did not request additional necessary investigation, did not make appropriate investigative findings, and did not timely conduct the investigative findings conference. The employee relations officer did not confirm relevant dates in the case management system.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to add and investigate a dishonesty allegation when the evidence supported adding the allegation.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 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 returned the case to the hiring authority on November 18, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until December 15, 2015, 27 days thereafter.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority improperly determined no further investigation was necessary to support the insubordination allegation and to determine whether the officer was dishonest when he claimed to be sick and on family medical leave when he refused to work and instead went home.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not appropriately add and sustain a dishonesty allegation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for three months. The OIG did not concur because a dishonesty allegation should have been added and sustained. The OIG did not seek a higher level of review because the lack of investigation would present evidentiary issues. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for two months. The OIG did not concur with the settlement but did not seek a higher level of review because the penalty was still within the appropriate range for the sustained misconduct.

Disciplinary Assessment

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

The department did not comply with policies and procedures regarding the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference, did not select an appropriate cause for discipline or appropriate penalty, and modified the penalty without justification. The employee relations officer did not adequately cooperate with the OIG.

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 returned the case to the hiring authority on November 18, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until December 15, 2015, 27 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority did not add and sustain a dishonesty allegation that the evidence supported.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
Because the hiring authority did not sustain a dishonesty allegation, the hiring authority did not select a more appropriate and severe penalty.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department did not provide the OIG with a draft pre-hearing settlement conference statement before filing.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The settlement agreement was not consistent with policy because it reduced the penalty in the absence of flaws, risks, or new evidence in the case.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not agree with the penalty reduction because the department did not identify any flaws, risks, or evidentiary problems to justify the modification.
- 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 did not provide the OIG with the pre-hearing settlement conference statement before filing.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|------------------------------|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2015-10-07 | 15-2696-IR | 1. Failure to Report 2. Other Failure of Good Behavior | 1. Sustained 2. Sustained | Salary Reduction | Modified Salary Reduction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 7, 2015, an officer was arrested after he allegedly struck his girlfriend in the face and grabbed her hair, forcing her to the ground. The officer allegedly failed to timely notify the hiring authority of his arrest.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs inappropriately decided an investigation or interview of the officer was not necessary.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to interview the officer because the evidence showed the officer had potential defenses that should have been investigated.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
With support from the department attorney and the OIG, the hiring authority asked the Office of Internal Affairs to interview the officer because he invoked his right to remain silent when questioned by outside law enforcement. The Office of Internal Affairs inappropriately denied the hiring authority's request.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 12 months. The OIG concurred. At his *Skelly* hearing, the officer presented new information that brought into question the credibility of his accuser. Based on the new information, the hiring authority entered into a settlement agreement withdrawing the domestic violence allegations and reducing the penalty to a 5 percent salary reduction for two months. The OIG concurred with the hiring authority's determinations based on the new information.

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 |
| 2015-10-17 | 15-2550-IR | <ol style="list-style-type: none"> Other Failure of Good Behavior Intoxication Other Failure of Good Behavior | <ol style="list-style-type: none"> Sustained Sustained Not Sustained | | |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 17, 2015, an officer was arrested after he allegedly argued with his wife, pulled her out of a car by her hair, and drove the car while under the influence of alcohol.

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, except that the officer had a physical altercation with his wife, and imposed a 5 percent salary reduction for six months. 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.

CENTRAL REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|--------------|--------------------------------|------------------------------|
| | | | | INITIAL Letter of Reprimand | FINAL Letter of Reprimand |
| 2015-10-26 | 15-2845-IR | 1. Neglect of Duty | 1. Sustained | | |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On October 26, 2015, an officer allegedly falsely accounted for a cut-down tool on a written inventory and took the tool home. On October 27, 2015, a second officer allegedly falsely reported the presence of the tool on a written inventory.

Predisciplinary Assessment

Procedural Rating: Insufficient

Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs made inappropriate decisions regarding the scope of the investigation and the hiring authority did not appropriately determine the investigative findings or timely conduct the investigative findings conference. Also, the employee relations officer did not confirm relevant dates in the case management system.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The OIG disagreed with the Office of Internal Affairs' decision to not add dishonesty allegations or interview both officers because the evidence supported the allegations but the facts needed to be further explored.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?

The hiring authority requested that the Office of Internal Affairs approve an interview to determine how the officer could have accounted for a tool that was not present. The Office of Internal Affairs inappropriately denied the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 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 returned the case to the hiring authority on December 16, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until January 4, 2016, 19 days thereafter.
- 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 did not add dishonesty allegations although both officers falsely documented the presence of a cut-down tool.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority did not appropriately find the officers were dishonest.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and issued a letter of instruction to the first officer and a letter of reprimand to the second officer. The OIG did not concur but did not seek a higher level of review because the Office of Internal Affairs improperly denied an investigation to address potential defenses. After the second officer's *Skelly* hearing, the hiring authority entered into a settlement agreement with the second officer wherein the hiring authority agreed to remove the disciplinary action from the officer's official personnel file in 18 months instead of 36 months. The OIG did not concur with the settlement but did not seek a higher level of review because the actual penalty remained unchanged.

CENTRAL REGION

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| Disciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not select appropriate charges and penalties, did not timely conduct the disciplinary findings conference, and settled the case without sufficient justification. Also, the employee relations officer did not adequately cooperate with the OIG.

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 December 16, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until January 4, 2016, 19 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

The hiring authority did not select the appropriate charges and causes for discipline related to dishonesty.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

By failing to identify the appropriate charges and causes for discipline, the hiring authority avoided imposing more appropriate and serious discipline for dishonesty.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur with an agreement to remove the disciplinary action from the second officer's official personal file because no new evidence, flaws, or risks were identified to support the agreement.
- 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 did not provide the OIG with the draft settlement agreement for review before filing with the State Personnel Board and did not provide the OIG with a copy of the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|------------------------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-12-24 | 16-0540-IR | 1. Driving Under the Influence 2. Other Failure of Good Behavior | 1. Sustained 2. Sustained | Dismissal | Dismissal |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On December 24, 2015, a lieutenant allegedly punched, strangled, and tried to suffocate his girlfriend. The lieutenant also allegedly drove while intoxicated and crashed into a house.

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not correctly assess the deadline for taking disciplinary action and the hiring authority delayed conducting the investigative findings conference.

CENTRAL REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as December 23, 2016, when the deadline was actually December 25, 2016.

- 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 February 17, 2016. However, 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 21, 2016, 33 days thereafter.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the lieutenant retired before disciplinary action could be imposed. The hiring authority placed a letter in the lieutenant's official personnel file indicating he retired under unfavorable circumstances.

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 |
| 2016-01-07 | 16-0348-IR | 1. Controlled Substance | 1. Sustained | Dismissal | Dismissal |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On January 7, 2016, an officer was arrested by outside law enforcement for allegedly possessing and ingesting cocaine.

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 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: **Insufficient**

The department's handling of the disciplinary process was substantively insufficient because the department attorney did not properly draft the disciplinary action. Also, the department attorney did not provide written confirmation of penalty discussions.

CENTRAL 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 hiring authority and the OIG with 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 did not correctly note the officer's hire date, allege the officer purchased and used cocaine, or advise the officer of his right to respond to an uninvolved manager.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action served on the officer did not advise the officer of his right to respond to an uninvolved manager.
- 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 provide the OIG with written confirmation of penalty discussions.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2016-02-28 | 16-1309-IR | 1. Other Failure of Good Behavior | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On February 28, 2016, a lieutenant was arrested after he allegedly physically struggled with his girlfriend during an argument.

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| <h3>Predisciplinary Assessment</h3> <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs neglected to make an appropriate initial determination regarding the case and the department attorney neglected to note the deadline for taking disciplinary action in the case management system.</p> | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not add a dishonesty allegation or interview the lieutenant.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 1992-07-05 | 15-1637-IR | 1. Other Failure of Good Behavior | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

Between July 5, 1992, and December 31, 2002, an Office of Internal Affairs' special agent allegedly sexually abused his stepdaughter. On June 24, 2015, the special agent allegedly brought discredit to the department when outside law enforcement contacted him regarding the alleged criminal conduct.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the investigative report was not properly drafted and the hiring authority did not diligently make investigative findings.

Assessment Questions

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report set forth an improper allegation.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report set forth an improper allegation.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The three years within which disciplinary action could be taken expired before the alleged misconduct was reported to the department.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?
The three years within which disciplinary action could be taken expired before the alleged misconduct was reported to the department.
- 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 10, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 29, 2016, 81 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department delayed conducting the investigative findings conference.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|------------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2012-08-30 | 15-1785-IR | 1. Threat/Intimidation | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

Between August 30, 2012, and June 19, 2015, an officer allegedly threatened and ridiculed another officer for failing to use lethal force on inmates during a prior incident when the inmates assaulted custody staff.

NORTH REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs. The special agent did not properly conduct interviews.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on June 19, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 4, 2015, 46 days after the date of discovery.

- Were all of the interviews thorough and appropriately conducted?

The special agent asked questions outside the scope of the investigation.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

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

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|---|------------|----------|
| | | | | INITIAL | FINAL |
| 2012-09-11 | 14-1008-IR | <ol style="list-style-type: none"> Neglect of Duty Neglect of Duty Neglect of Duty | <ol style="list-style-type: none"> Sustained Not Sustained Unfounded | Suspension | Demotion |

Case Type: **Administrative Investigation**

Incident Summary

On September 11, 2012, and June 12, 2013, a supervising department attorney allegedly failed to make timely entries into the case management system documenting relevant dates. On February 18, 2013, and February 14, 2014, the supervising attorney allegedly failed to timely file pre-hearing settlement conference statements and motions with the State Personnel Board. On May 29, 2013, the supervising attorney allegedly failed to timely conduct a case conference and enter relevant dates in the case management system. On June 6, 2013, October, 14, 2013, January 7, 2014, and May 19, 2014, the supervising attorney allegedly failed to provide the Office of Internal Affairs with feedback regarding investigative reports. On various dates between July 22, 2013, and February 20, 2014, the supervising attorney allegedly failed to attend key witness interviews. From October 17, 2013, to October 22, 2013, and December 6, 2013, to December 13, 2013, the supervising attorney allegedly failed to provide the hiring authority with written confirmation of penalty discussions. From November 21, 2013, to May 30, 2014, the supervising attorney allegedly failed to make any case management system entries for the duration of a case. On January 30, 2014, and February 27, 2014, the supervising attorney allegedly failed to attend two key witness interviews and the interview of a subject officer. On February 28, 2014, the supervising attorney allegedly drafted and served a disciplinary action with a penalty that was one quarter of what the hiring authority had imposed. On March 14, 2014, the supervising attorney allegedly filed an inaccurate declaration and released confidential information. On March 26, 2014, the supervising attorney allegedly failed to timely file an opposition to a motion to dismiss.

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department failed to comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs failed to add a dishonesty allegation supported by the evidence and the hiring authority failed to timely conduct the investigative findings conference and failed to add a dishonesty allegation. Also, the department attorney failed to provide the OIG with the form documenting the investigative findings.

NORTH REGION

Assessment Questions

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not contain a dishonesty allegation supported by the evidence.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not contain a dishonesty allegation supported by the evidence.
- 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 April 29, 2014. However, hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 7, 2014, 69 days thereafter. At the investigative findings conference, the hiring authority decided to request additional investigation, which the Office of Internal Affairs granted. The Office of Internal Affairs completed its investigation and returned the case to the hiring authority on May 27, 2015. However, the hiring authority did not consult with the OIG and department attorney until July 16, 2015, 50 days thereafter.
- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?
The OIG recommended adding a dishonesty allegation because the evidence supported the allegation. Despite the OIG's recommendation, the hiring authority failed to add a dishonesty allegation and also combined 14 separate allegations into a single allegation.
- 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 failed to identify an appropriate dishonesty allegation.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney did not provide the OIG with the form documenting the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and determined demotion was the appropriate penalty. The OIG concurred. The hiring authority subsequently determined the demotion was too harsh and reduced the penalty to a 25 working-day suspension. The OIG did not agree with the reduced penalty and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor agreed there was a possible dishonesty allegation for filing an inaccurate declaration with the State Personnel Board. The hiring authority did not add the dishonesty allegation but asked the Office of Internal Affairs to conduct an investigation. After the investigation, the hiring authority's supervisor did not add a dishonesty allegation but sustained the other allegations, except that the supervising attorney released confidential information, and imposed a 25-working-day suspension. The hiring authority determined that the investigation conclusively proved the supervising attorney did not release confidential information. The OIG did not concur but did not seek a higher level of review as the penalty was still significant. After a *Skelly* hearing, the hiring authority entered into a settlement agreement with the supervising attorney changing the penalty to a demotion and agreeing to remove the disciplinary action from the supervising attorney's official personnel file in one year upon a written request. The OIG concurred with the demotion because that was the penalty the OIG originally recommended. However, the OIG did not concur with removing the settlement agreement from the official personnel file upon written request.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process because the hiring authority failed to conduct the disciplinary findings conference in a timely manner and both the hiring authority and the hiring authority's supervisor failed to identify the appropriate penalty. Also, the department attorney failed to adequately cooperate with 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 returned the case to the hiring authority on May 27, 2015. However, the hiring authority did not consult with the OIG and department attorney until July 16, 2015, 50 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The OIG recommended the supervising attorney be demoted but the hiring authority decided to issue a suspension.
- 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 clause permitting the supervising attorney to request that the settlement agreement be removed from his official personnel file.
- 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 OIG recommended demoting the supervising attorney but the hiring authority decided to issue a suspension.
- If an executive review was invoked, was the appropriate decision made?
The hiring authority's supervisor also decided to issue a suspension rather than demotion.
- 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 provide the OIG with the form documenting the disciplinary determinations or the case settlement report.
- 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 |
| 2013-09-01 | 15-1497-IR | 1. Controlled Substance 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On September 1, 2013, an officer allegedly failed to inform the department that he had a personal relationship with an inmate. On April 24, 2015, the officer allegedly used methamphetamine.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs initially refused to open an investigation, the special agent did not make required entries in the case management system, the hiring authority delayed conducting the investigative findings conference, and the department attorney did not timely assess the deadline to take disciplinary action or attend a key witness interview.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The OIG disagreed with the Office of Internal Affairs' initial decision to not open an investigation because there was sufficient evidence of misconduct that required investigation.
- Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention?

The Office of Internal Affairs initially rejected the hiring authority's request for investigation. The OIG disagreed and elevated the matter to an Office of Internal Affairs' manager, following which the Office of Internal Affairs agreed to interview the primary witness. After the interview, the OIG again urged the Office of Internal Affairs' manager to open a full investigation. Based on the OIG's intervention, the Office of Internal Affairs ultimately opened the investigation.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 August 7, 2015 but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 5, 2015, 29 days after assignment.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?

The department attorney did not attend a key witness interview.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- 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 8, 2016. However, 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 5, 2016, 28 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------------------|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2014-02-05 | 15-0305-IR | 1. Dishonesty 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary

On February 5, 2014, a physician assistant allegedly falsified 18 progress notes claiming to have seen inmates that he had not seen. On March 20, 2014, the physician assistant allegedly falsified a progress note by claiming to have discussed weight management with an inmate when he had not done so.

NORTH REGION

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| Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not contact the special agent for an initial case conference, the special agent did not cooperate with the OIG, and the hiring authority did not timely conduct the investigative findings conference. Additionally, the underlying incident took place on February 5, 2014. On May 20, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until April 9, 2015. The special agent took over four months after the last interview to complete the draft investigative report and almost two years after assignment to complete the investigation. | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

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| Assessment Questions <ul style="list-style-type: none"> 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? <i>The department assigned an attorney on May 27, 2014, but the department attorney did not consult with the special agent until more than eight months later, on February 13, 2015, after the OIG contacted the special agent and the department attorney to discuss the investigation.</i> Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent admitted he intentionally did not respond to the OIG's inquiries regarding the status of the draft investigative report because he was directed to not provide the OIG with information regarding anticipated completion dates.</i> 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 26, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 2, 2016, 37 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not timely conduct the investigative findings conference.</i> |
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| Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination. |
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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---------------|--------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2014-02-21 | 15-2590-IR | 1. Dishonesty | 1. Sustained | Dismissal | Dismissal |

Case Type: **Administrative Investigation**

Incident Summary
 On February 21, 2014, and August 11, 2015, a cadet allegedly omitted from her employment application and supplemental application that her fiancé was a former inmate and gang member. On December 7, 2015, the cadet was allegedly dishonest during her interview with the Office of Internal Affairs.

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| Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not make a timely entry in the case management system or provide a copy of written feedback regarding the draft investigative report to the OIG. | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 9, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until January 13, 2016, 35 days after assignment.

- 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.

Disposition

The hiring authority sustained the allegations and rejected the cadet during probation. The OIG concurred. The cadet did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not notify the department attorney or the OIG of the *Skelly* hearing.

Assessment Questions

- If there was a *Skelly* hearing, was it conducted pursuant to DOM?

The department did not notify the OIG or the department attorney of the Skelly hearing, preventing both from attending.

- 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 did not notify the OIG of the Skelly hearing, preventing the OIG from attending.

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

The hiring authority did not notify the OIG of the Skelly hearing, preventing the OIG from attending.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|---------------------|
| | | | | INITIAL | FINAL |
| 2014-02-27 | 14-0974-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Discourteous Treatment 3. Dishonesty 4. Dishonesty 5. Discourteous Treatment | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Unfounded 5. Unfounded | Dismissal | Letter of Reprimand |

Case Type: **Administrative Investigation**

Incident Summary

On February 27, 2014, two lieutenants allegedly told a sergeant they were tired of his "union friends" visiting the housing unit. The sergeant, the union chapter president at the institution, allegedly yelled at one of the lieutenants and refused to leave the lieutenant's office when ordered to do so. On March 5, 2014, the sergeant allegedly filed grievances containing false information. On March 6, 2014, the sergeant and an officer sent a letter to a supervisor allegedly falsely claiming the two lieutenants made anti-union comments to the sergeant. On March 6, 2014, one of the lieutenants was allegedly dishonest in a memorandum. On September 18, 2014, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

NORTH REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Insufficient |
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The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not make a timely entry in the case management system confirming relevant dates. The department attorney's supervisor did not follow policy in seeking a higher level of review and attempted to influence the hiring authority outside of the process. The department did not follow procedures for a higher level of review and the final hiring authority, an undersecretary, improperly determined that the four dishonesty allegations against the sergeant should not be sustained. Additionally, the underlying incident took place on February 27, 2014. On April 21, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until August 27, 2014. The department attorney's limited availability contributed to the delayed investigation.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 28, 2014, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 28, 2014, eight months after assignment.

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

Prior to seeking a higher level of review, the department attorney's supervisor arranged an informal meeting with the hiring authority's supervisor, the hiring authority, and the OIG in an attempt to influence the hiring authority's findings after the Skelly hearing. Subsequently, a higher level of review was sought four times. Rather than scheduling the higher levels of review through the appropriate chain of command, the department determined that a director would conduct the first review, a deputy director would conduct the second review, the same director would conduct the third review, and an undersecretary would conduct the final review.

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

The final hiring authority inappropriately determined that the four dishonesty allegations against the sergeant should not be sustained. The OIG did not agree with the decision that the four dishonesty allegations should not be sustained, but concurred with the 48 working day suspension imposed for the remaining allegations.

Disposition

The hiring authority sustained the allegations against the sergeant and dismissed him. The hiring authority determined the investigation conclusively proved the lieutenants' misconduct did not occur and there was insufficient evidence to sustain the allegation against the officer. The OIG concurred with the hiring authority's determinations. At the Skelly hearing, the sergeant requested additional investigation. After the additional investigation, the hiring authority maintained the original penalty. The department's attorneys sought a higher level of review by a director, claiming the sergeant had not been dishonest. At the higher level of review, the director determined the allegations and penalty would remain as initially determined. The department's attorneys sought a second review by a deputy director, who again determined the allegations and penalty would remain as initially determined. The department's attorneys sought a third review by the director, who determined again that the allegations and penalty would remain as initially determined. The department's attorneys sought a fourth review by the undersecretary, who removed the dishonesty allegations and modified the penalty from a dismissal to a 48-working-day suspension. The OIG did not concur with the undersecretary's determinations but did not seek a higher level of review because the highest level of review had been exhausted. The sergeant filed an appeal with the State Personnel Board. Before the State Personnel Board hearing, the undersecretary decided to further modify the penalty and the department entered into a settlement with the sergeant wherein the 48-working-day suspension was reduced to a letter of reprimand and the disciplinary action was removed from the sergeant's official personnel file after six months, rather than the standard three years. The OIG did not concur.

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| Disciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Insufficient |
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The department did not comply with policies and procedures governing the disciplinary process because the department did not follow its procedures when conducting the higher levels of review, agreed to settlement terms inconsistent with the factors required by departmental policy, and improperly significantly reduced the penalty.

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Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The settlement terms did not give appropriate weight to the seriousness of the misconduct, the likelihood of recurrence, and the lack of flaws and risks in the case.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG disagreed with the final hiring authority's decision to reduce the penalty from dismissal to a letter of reprimand.
- If an executive review was invoked, was the executive review process in the DOM followed?
The department's attorneys sought a higher level of review four times. Rather than scheduling the reviews through the appropriate chain of command, the department determined that a director would conduct the first review, a deputy director would conduct the second review, the same director would conduct the third review, and an undersecretary would conduct the final review.
- If an executive review was invoked, was the appropriate decision made?
The final hiring authority improperly reduced the penalty from dismissal to a letter of reprimand.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2014-03-23 | 15-0468-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Retaliation 3. Discrimination/Harassment 4. Neglect of Duty 5. Dishonesty 6. Retaliation 7. Discrimination/Harassment 8. Neglect of Duty 9. Discourteous Treatment | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained 9. Not Sustained | Dismissal | Dismissal |

Case Type: **Administrative Investigation**

Incident Summary

Between March 23, 2014, and March 13, 2015, a chief psychologist allegedly harassed a chief psychiatrist who had submitted a memorandum criticizing a previously-approved corrective action plan for the institution's mental health unit. The chief psychologist, the director of health care services, a regional health care executive, and a chief executive officer allegedly retaliated against the chief psychiatrist for submitting the memorandum and failed to intervene to stop the retaliation. A second chief psychiatrist allegedly also failed to intervene. Three senior psychologist supervisors, a supervising psychiatric technician, a supervising psychiatric social worker, and a health program specialist allegedly submitted false documentation regarding the chief psychiatrist's behaviors. On March 26, 2014, and September 3, 2015, the chief psychologist allegedly submitted dishonest memoranda. In May and June 2015, the chief psychologist and chief executive officer were allegedly dishonest during their interviews with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the hiring authority did not sustain allegations for which there was sufficient evidence. Also, the special agent neglected to appropriately enter case activity in the case management system.

NORTH REGION

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?

The special agent neglected to enter summaries in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.

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

The hiring authority did not sustain the allegations that the director and the regional health care executive failed to intervene to stop the retaliation despite sufficient evidence of the misconduct.

Disposition

The hiring authority sustained the allegations against the chief executive officer and the chief psychologist, except that the chief psychologist failed to intervene to stop the retaliation, and determined dismissal was the appropriate penalty. The hiring authority found insufficient evidence to sustain the allegations against the remaining staff. The OIG concurred with the hiring authority's determinations except for the determination to not sustain the allegations that the director of health care services and the regional health care executive failed to intervene to stop the retaliation. The OIG did not seek a higher level of review because some evidence supported the hiring authority's determination. The chief psychologist and chief executive officer resigned before the department served the disciplinary actions. The hiring authority placed letters in their official personnel files indicating they resigned under unfavorable circumstances.

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 |
| 2014-07-18 | 15-1552-IR | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Discourteous Treatment 3. Failure to Report 4. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

On July 18, 2014, an office technician and an officer allegedly made discourteous and discriminatory comments on social media regarding an inmate. On July 23, 2014, a lieutenant allegedly failed to conduct an inquiry into the allegations. On December 29, 2014, an associate warden also allegedly failed to conduct an inquiry, failed to report the allegations, and failed to report potential misconduct.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not assess relevant dates in the case management system, the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the Office of Internal Affairs did not timely complete the investigation. Due to the hiring authority's delay, the deadline for taking disciplinary action against the officer expired.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on July 21, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 12, 2015, more than 10 months after the date of discovery.

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 regarding the associate warden.

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on December 15, 2015, five months after the deadline to take disciplinary action against the officer and three days before the deadline to take disciplinary action against the lieutenant.

- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on December 15, 2015, five months after the deadline to take disciplinary action against the officer.

- Did the department conduct the pre-disciplinary/investigative phase 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 timely complete the investigation.

Disposition

The hiring authority sustained the allegation against the office technician and imposed a 5 percent salary reduction for two months. The hiring authority sustained the allegation against the officer and identified a 10 percent salary reduction for six months as the appropriate penalty. The hiring authority identified a more severe penalty for the officer based on the officer's comments on social media. However, the time to take disciplinary action against the officer expired. Therefore, the hiring authority issued a letter of instruction. The hiring authority sustained the allegation that the associate warden failed to report potential misconduct, but not the remaining allegations, and issued a letter of instruction. The hiring authority found insufficient evidence to sustain the allegation against the lieutenant. The OIG concurred with the hiring authority's determinations. The office technician did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department delayed completing the investigation and as a result, the hiring authority could only impose corrective action rather than disciplinary action.

Assessment Questions

- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on December 15, 2015, five months after the deadline to take disciplinary action against the officer. As a result, the hiring authority could not take disciplinary action against the officer.

- Was the disciplinary phase conducted with due diligence by the department?

The department did not timely complete the investigation of the officer.

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|----------|----------|
| | | | | INITIAL | FINAL |
| 2014-07-18 | 15-1988-IR | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Misuse of State Equipment or Property 4. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained | Demotion | Demotion |

Case Type: Administrative Investigation

Incident Summary

Between July 18, 2014, and August 14, 2015, an associate director allegedly used a State computer to send inappropriate email and instant messages to other departmental staff. The associate director also allegedly engaged in a personal relationship with an associate government program analyst whom he supervised. Between July 24, 2014, and December 11, 2014, a deputy director was allegedly aware of the personal relationship and failed to take appropriate action. On May 14, 2015, the deputy director also allegedly failed to adequately inform the director of allegations the associate government program analyst made against the associate director.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not conduct a thorough investigation or draft thorough reports, the department attorney provided inappropriate legal advice to the hiring authority, and the hiring authority inappropriately found the investigation sufficient. The special agent did not enter all required information in the case management system.

NORTH REGION

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the deputy director or associate director supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The Office of Internal Affairs did not adequately investigate the deputy director's knowledge of the alleged personal relationship between the associate director and associate government program analyst and as a result, the draft investigative report was not thorough.
- Was the final investigative report thorough and appropriately drafted?
The Office of Internal Affairs did not adequately investigate the deputy director's knowledge of the alleged personal relationship between the associate director and associate government program analyst and as a result, the final investigative report was not thorough.
- Was the investigation thorough and appropriately conducted?
The OIG recommended that the Office of Internal Affairs conduct further investigation regarding the deputy director's knowledge of the associate director's relationship with the associate government program analyst. The Office of Internal Affairs refused to do so.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority deemed the investigation sufficient despite the OIG's recommendation for further investigation into the deputy director's knowledge of the alleged relationship between the associate director and the associate government program analyst.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority deemed the investigation sufficient despite the OIG's recommendation for further investigation into the deputy director's knowledge of the alleged relationship between the associate director and the associate government program analyst.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority that the investigation was sufficient regarding the allegations against the deputy director.
- 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 the allegation that the deputy director was aware of the personal relationship between the associate director and the associate government program analyst. However, further investigation could have led to the discovery of additional evidence that would have supported the allegation.

Disposition

The hiring authority sustained the allegation that the deputy director failed to adequately inform the director of the associate government program analyst's allegations against the associate director, but not the remaining allegation, and determined a demotion was the appropriate penalty. The OIG concurred. The deputy director retired before disciplinary action could be imposed. The department placed a letter in the deputy director's official personnel file indicating he retired under unfavorable circumstances. The hiring authority also sustained the allegations against the associate director and issued a 15-working-day suspension. The OIG concurred. The associate director 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 |
| 2014-08-01 | 15-1350-IR | 1. Neglect of Duty 2. Discourteous Treatment | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

Between August 1, 2014, and January 31, 2015, three officers allegedly disclosed an inmate's confidential criminal history to other inmates. On January 1, 2015, two of the officers allegedly approached the inmate's cell, cursed at him, discussed his case, and said that he "deserves to die." On January 8, 2015, the same two officers allegedly arranged for the inmate to be assaulted.

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 found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2014-09-12 | 15-1348-IR | 1. Neglect of Duty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

Between September 12, 2014, and October 31, 2014, an associate warden, a captain, and two counselors allegedly failed to respond to safety concerns an inmate expressed. On November 28, 2014, an inmate assaulted the inmate who had previously expressed safety concerns.

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|----------------------------------|------------------|------------------|
| | | | | INITIAL | FINAL |
| 2014-09-30 | 15-1037-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | Salary Reduction | Salary Reduction |

Case Type: **Administrative Investigation**

Incident Summary

From September 30, 2014, to May 2015, a parole agent allegedly failed to maintain daily updates of his caseload, failed to make the appropriate updates regarding sex offenders on his caseload, failed to review global positioning system tracking data, and allowed parolees to violate the terms of their parole.

NORTH REGION

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| Predisciplinary Assessment | | Procedural Rating: Insufficient Substantive Rating: Sufficient | |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the special agent did not make all required entries into the case management system. Additionally, the underlying incidents occurred between September 30, 2014, and March 2015. On June 5, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until January 11, 2016.</p> | | | |
| Assessment Questions | | | |
| <ul style="list-style-type: none"> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not make any entry documenting a witness interview.</i> | | | |
| Disposition | | | |
| <p>The hiring authority sustained the allegations, except that the parole agent failed to review the global positioning system tracking data, and imposed a 10 percent salary reduction for 12 months. The OIG concurred. The parole agent did not file an appeal with the State Personnel Board.</p> | | | |
| Disciplinary Assessment | | Procedural Rating: Sufficient Substantive Rating: Sufficient | |
| <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p> | | | |
| Incident Date 2014-10-01 | OIG Case Number 15-1794-IR | Allegations 1. Over-Familiarity 2. Contraband 3. Failure to Report | Findings 1. Sustained 2. Sustained 3. Sustained |
| | | Penalty INITIAL: Dismissal FINAL: Dismissal | |
| Case Type: Direct Action with Subject Only Interview | | | |
| Incident Summary | | | |
| <p>Between October 1, 2014, and July 1, 2015, an officer was allegedly involved in an overly-familiar relationship with an inmate, failed to report that the inmate exposed himself to her, and brought the inmate numerous contraband items including a mirror and food items. On July 2, 2015, the officer allegedly brought alcohol into the institution.</p> | | | |
| Predisciplinary Assessment | | Procedural Rating: Insufficient Substantive Rating: Sufficient | |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.</p> | | | |
| Assessment Questions | | | |
| <ul style="list-style-type: none"> 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 February 5, 2016. However, 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 18, 2016, 73 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not timely conduct the investigative findings conference.</i> | | | |
| Disposition | | | |
| <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned prior to the completion of the investigation. Therefore, disciplinary action was not taken. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.</p> | | | |

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| 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 |
| 2014-12-01 | 15-1664-IR | <ol style="list-style-type: none"> 1. Discrimination/Harassment 2. Discourteous Treatment 3. Neglect of Duty 4. Discourteous Treatment | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Dismissal | Dismissal |

Case Type: Administrative Investigation

Incident Summary

Between December 2014 and April 21, 2015, a director and an associate director allegedly used profanity toward an associate governmental program analyst. The associate director also allegedly tore his shirt off during a staff meeting. A deputy director allegedly sent inappropriate text messages to and inappropriately touched the associate governmental program analyst. A chief allegedly used profanity toward a parole agent. The director was allegedly aware of the associate director's, deputy director's, and chief's misconduct, but failed to take action.

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| 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 deputy director and decided to dismiss him. The OIG concurred. The deputy director retired before disciplinary action could be imposed. The hiring authority placed a letter in the deputy director's official personnel file indicating he retired under adverse circumstances. The hiring authority also sustained the allegations against the chief and decided to issue a ten-working-day suspension. The OIG concurred. However, before disciplinary could be imposed, the hiring authority terminated the chief's career executive position with the department and the chief returned to a position with a different department. The hiring authority found insufficient evidence to sustain the allegations against the director or the associate director and the OIG concurred.

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| 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 |
| 2014-12-02 | 15-1229-IR | <ol style="list-style-type: none"> 1. Discourteous Treatment 2. Discrimination/Harassment 3. Neglect of Duty 4. Discourteous Treatment | <ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained | Suspension | Suspension |

Case Type: Administrative Investigation

Incident Summary

On December 2, 2014, a deputy director allegedly made a racially insensitive comment about an executive assistant. The deputy director also allegedly made discourteous statements to and asked the executive assistant to inappropriately disclose personal information. A director allegedly knew of the inappropriate comments and failed to take action to stop the behavior. An associate director also allegedly knew of one of the discourteous statements and failed to take action.

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| 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 against the deputy director for making a discourteous statement, but not the allegation that he asked the executive assistant to disclose personal information. The hiring authority determined that the investigation conclusively proved the deputy director did not make the racially insensitive comment. The hiring authority decided to impose a five-working-day suspension. However, the deputy director retired before disciplinary action could be imposed. The hiring authority placed a letter in the deputy director's official personnel file indicating he retired pending disciplinary action. The hiring authority found insufficient evidence to sustain the allegations against the director or the associate director. The OIG concurred with 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 |
| 2014-12-11 | 15-0418-IR | 1. Neglect of Duty 2. Dishonesty | 1. Sustained 2. Not Sustained | | |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

Between December 11, 2014, and December 19, 2014, three officers allegedly failed to conduct appropriate inmate counts and entered false count information into the department's computer database.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department did not timely conduct the investigative findings conference and the department attorney did not timely submit the hiring authority's request for reconsideration. The Office of Internal Affairs did not open an investigation.

Assessment Questions

- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs did not approve an investigation to determine whether the officers were dishonest when they entered inaccurate information into the department's computer database.
- 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 February 25, 2015. However, 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 24, 2015, 27 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner. In addition, the hiring authority decided to request reconsideration for an investigation on September 11, 2015, but the department attorney did not submit the hiring authority's request to the Office of Internal Affairs until November 12, 2015, 62 days thereafter.

Disposition

The hiring authority sustained the allegations that the officers failed to perform appropriate inmate counts but because the Office of Internal Affairs failed to conduct an investigation, the hiring authority found insufficient evidence to sustain the allegations that they were dishonest. The hiring authority imposed a 5 percent salary reduction for 12 months against the first officer, a 5 percent salary reduction for nine months against the second officer, and a 5 percent salary reduction for six months against the third officer. The first officer received a 12-month salary reduction because he failed to appropriately perform the count on five occasions, while the other officers failed to appropriately perform the count on two occasions. The second officer received a nine-month salary reduction because he failed to take responsibility for his misconduct, while the other two officers took responsibility for their misconduct. The OIG concurred with the hiring authority's determinations. The officers did not file appeals with the State Personnel Board.

NORTH REGION

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| 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 |
| 2015-01-04 | 15-1990-IR | 1. Dishonesty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On January 4, 2015, a sergeant was allegedly dishonest when he reported that he contacted two officers for overtime shifts.

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation and the hiring authority delayed referring the matter to the Office of Internal Affairs and did not timely conduct the investigative findings conference.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on February 4, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 28, 2015, 205 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on August 28, 2015, but did not take action until September 30, 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 15, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 4, 2016, 20 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to Office of Internal Affairs or timely conduct the investigative findings conference.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------------------|----------------------------------|---------------------|---------------------|
| | | | | INITIAL | FINAL |
| 2015-01-12 | 15-0809-IR | 1. Neglect of Duty 2. Dishonesty | 1. Sustained 2. Not Sustained | Letter of Reprimand | Letter of Reprimand |

Case Type: **Administrative Investigation**

Incident Summary

On January 12, 2015, an officer allegedly failed to sign his post orders, account for a missing baton after assuming his post, and notify a sergeant of the missing equipment. On February 10, 2015, the officer was allegedly dishonest in his report regarding the incident.

NORTH REGION

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| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |
| <p>The department failed to comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference. The employee relations officer did not confirm relevant dates in the department's case management system. The Office of Internal Affairs did not complete the investigative report for nearly four months after the last interview.</p> | |

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 12, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 27, 2015, 74 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 20, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until December 15, 2015, 25 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference. In addition, the special agent conducted the last interview on July 28, 2015, but did not deliver the investigative report to the hiring authority until November 20, 2015, 115 days later.

Disposition

The hiring authority sustained the allegations, except the dishonesty allegation, and served a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

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| Disciplinary Assessment | Procedural Rating: Sufficient |
| | Substantive Rating: Sufficient |
| <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p> | |

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------------------|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-01-13 | 15-0532-IR | 1. Dishonesty 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary

On January 13, 2015, two officers allegedly failed to report a fight between two inmates. On January 14, 2015, the officers were allegedly dishonest to a lieutenant when they denied knowledge of the incident.

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

Disposition

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

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|--|-----------------|-------------------------------------|----------------------------------|---|------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2015-01-25 | 15-1083-IR | 1. Neglect of Duty 2. Dishonesty | 1. Sustained 2. Not Sustained | | |
| Case Type: Administrative Investigation | | | | | |
| Incident Summary On January 25, 2015, an officer allegedly left a building door open which allowed an inmate to run out and attack another inmate. The officer was also allegedly dishonest in his report regarding the incident. | | | | | |
| Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and did not conduct the investigative findings conference in a timely manner. The employee relations officer did not enter critical dates into the case management system. | | | | Procedural Rating: Insufficient Substantive Rating: Sufficient | |
| Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on January 25, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 27, 2015, 92 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 relevant dates.</i> 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 25, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until December 22, 2015, 27 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority delayed referring the matter to the Office of Internal Affairs and did not timely conduct the investigative findings conference.</i> | | | | | |
| Disposition The hiring authority sustained the allegation that the officer failed to properly secure the building, but not the dishonesty allegation, and imposed a 5 percent salary reduction for one month. The OIG concurred. The officer did not file an appeal with the State Personnel Board. | | | | | |
| Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process. | | | | Procedural Rating: Sufficient Substantive Rating: Sufficient | |

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------------|----------------------------------|-----------------------------|------------------------------------|
| | | | | INITIAL Salary Reduction | FINAL Modified Salary Reduction |
| 2015-01-25 | 15-2673-IR | 1. Weapons 2. Weapons | 1. Sustained 2. Not Sustained | | |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On January 25, 2015, an officer was arrested by outside law enforcement for brandishing a firearm during a physical confrontation with an acquaintance. The officer also allegedly had a second firearm concealed in his vehicle for which he did not have a permit. The officer was subsequently convicted of a misdemeanor offense for carrying a concealed weapon in his vehicle without a valid permit.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs, the Office of Internal Affairs did not add a dishonesty allegation, and the department attorney incorrectly assessed the deadline to take disciplinary action and did not address modifying the deadline for taking disciplinary action.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 25, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 10, 2015, 289 days after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to add a dishonesty allegation against the officer, who allegedly claimed he acted in self defense after the private citizen battered him, because the evidence supported adding the allegation.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as August 2016, without specifying a date, when the actual deadline was October 27, 2016.
- 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 address modifying the deadline for taking disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs for nearly ten months and the department delayed two weeks before assigning a department attorney.

Disposition

The hiring authority sustained the allegation the officer possessed a concealed weapon in his vehicle, but not the remaining allegations, and imposed a 5 percent salary reduction for 24 months. The OIG concurred. Following a *Skelly* hearing, the officer accepted responsibility for his actions and expressed remorse. The hiring authority reduced the penalty to a 5 percent salary reduction for 18 months and the OIG concurred 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**

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 Salary Reduction |
| 2015-01-31 | 15-0578-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

On January 31, 2015, two officers allegedly allowed an inmate to make telephone calls from a hospital telephone, failed to sign an acknowledgement form when they assumed a hospital security post, and failed to intervene or stop the inmate's threatening behavior. One officer also allegedly failed to place the inmate in handcuffs after nurses completed their duties.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on February 13, 2015, but did not take action until March 18, 2015, 33 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

Disposition

The hiring authority sustained the allegations against the first officer, except that the officer failed to intervene to stop the threatening behavior, and imposed a 5 percent salary reduction for 12 months. The hiring authority found insufficient evidence to sustain the allegations against the second officer but issued a letter of instruction. 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: **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 |
| 2015-02-08 | 15-0869-IR | 1. Dishonesty 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On February 8, 2015, three officers allegedly failed to properly document their use of force on a private citizen while placing her under arrest at the institution. A lieutenant allegedly falsely reported witnessing the private citizen curse at and strike a sergeant.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because 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 and completed the investigation only five days before the deadline to take disciplinary action. The department attorney did not make a timely or accurate entry into the case management system assessing the deadline for taking disciplinary action.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on February 8, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 26, 2015, 46 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on March 26, 2015, but did not take action until April 29, 2015, 34 days after receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 May 11, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 13, 2015, five months after assignment, and then incorrectly assessed the deadline for taking disciplinary action as February 24, 2016, when the deadline was actually February 8, 2016.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on February 3, 2016, five days before the deadline to take disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase 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 regarding the hiring authority's request. The Office of Internal Affairs completed the investigation only five days before the deadline to take disciplinary action.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|------------------------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-02-08 | 15-2387-IR | 1. Sexual Misconduct 2. Over-Familiarity | 1. Sustained 2. Sustained | Dismissal | Dismissal |

Case Type: **Administrative Investigation**

Incident Summary

Between February 8, 2015, and September 17, 2015, a parole agent allegedly communicated with a parolee through social media, stayed several nights in a hotel with her, and had sexual intercourse with her.

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 the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the parole agent resigned before disciplinary action could be imposed. The hiring authority placed a letter in the parole agent's official personnel file indicating he resigned pending disciplinary action.

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 |
| 2015-02-09 | 15-0999-IR | 1. Dishonesty 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Direct Action with Subject Only Interview

Incident Summary

On February 9, 2015, a sergeant allegedly failed to provide training to an officer regarding completion of a departmental report. On March 3, 2015, the sergeant was allegedly dishonest to a lieutenant when he told the lieutenant he had trained the officer to complete the report and allegedly wrote a false employee counseling record for the officer wherein he stated he had trained the officer.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request and the department attorney did not timely schedule the initial case conference or provide feedback regarding the investigative draft report, and delayed scheduling the investigative findings conference.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 6, 2015, but did not take action until May 13, 2015, 37 days after receipt of the request.
- 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 May 28, 2015. However, the case conference did not take place until July 14, 2015, 47 days thereafter, when the special agent and the OIG contacted the department attorney.
- 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 Office of Internal Affairs provided the draft report to the department attorney on December 10, 2015. However, the department attorney did not provide feedback until January 19, 2016, 40 days thereafter.
- 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 4, 2016. However, 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 1, 2016, 26 days thereafter due to the department attorney's unavailability.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request and the department attorney did not timely schedule the initial case conference and delayed scheduling the investigative findings conference.

Disposition

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

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|-----------------------------------|
| | | | | INITIAL | FINAL |
| 2015-02-18 | 15-0870-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior 3. Dishonesty 4. Other Failure of Good Behavior | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Dismissal | Retirement in Lieu of Termination |

Case Type: Administrative Investigation

Incident Summary

On February 18, 2015, two officers allegedly allowed an illegal drug laboratory to be operated out of their home. One of the officers allegedly attempted to conceal and conspired to destroy evidence related to the laboratory and was dishonest to outside law enforcement officers when he denied any knowledge of the laboratory and denied seeing evidence removed from the home. Between February 18, 2015, and March 6, 2015, the officer also was allegedly dishonest to another officer when he denied any knowledge of the laboratory. Both officers allegedly endangered a child by allowing him access to the illegal operation. On September 17, 2015, the second officer was allegedly dishonest during her interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the special agent did not notify the OIG or department attorney of two witness interviews and drafted a deficient investigative report, and the department attorney did not identify deficiencies in the investigative report.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on February 18, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 6, 2015, 47 days after the date of discovery.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The special agent did not notify the department attorney of two interviews before they were conducted, preventing the department attorney from attending interviews of all key witnesses.
- 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 did not identify and address deficiencies in the draft investigative report.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not accurately list the allegations, contained inappropriate commentary on the evidence, inaccurately described some evidence, and did not include a list of all relevant exhibits.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report contained inappropriate commentary on the evidence and did not include a list of all relevant exhibits.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not notify or consult with the OIG before interviewing two witnesses, preventing real-time monitoring of the case.
- 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 notify or consult with the department attorney before interviewing two witnesses.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations, except that the officers endangered children and that one of the officers was dishonest to another officer, and dismissed both officers. The OIG concurred. However, pursuant to settlement agreements, the officers retired in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officers did not work for the department was achieved.

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 |
| 2015-02-18 | 15-0911-IR | 1. Unreasonable Use of Force | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On February 18, 2015, an officer allegedly punched an inmate in the face multiple times and grabbed his hair. A second officer allegedly pushed the inmate's face into the ground and grabbed his hair.

NORTH REGION

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| Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation. Additionally, the underlying incident took place on February 18, 2015. On May 27, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until November 3, 2015. | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 3, 2015, but did not take action until May 6, 2015, 33 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

Disposition

The hiring authority found insufficient evidence to sustain the allegations and the OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-02-22 | 15-1119-IR | 1. Failure to Report 2. Neglect of Duty | 1. Unfounded 2. Unfounded | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On February 22, 2015, an officer allegedly removed contraband from an inmate's rectum during a search and failed to report his own misconduct. A second officer allegedly observed the first officer's misconduct and failed to report it.

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| Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation. | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 29, 2015, but did not take action until June 3, 2015, 35 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

Disposition

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

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---------------|--------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-02-27 | 15-2410-IR | 1. Dishonesty | 1. Sustained | Dismissal | Dismissal |

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On February 27, 2015, an Office of Internal Affairs associate governmental program analyst allegedly falsely claimed on an employment application that he was never arrested when, in fact, he was previously arrested and convicted of a firearms offense. On November 24, 2015, the associate governmental program analyst was allegedly dishonest during an interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed in referring the matter to the Office of Internal Affairs and in conducting the investigative findings conference and the department attorney did not confirm relevant dates in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on May 20, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 4, 2015, more than five months after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 4, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 19, 2016, 46 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed in referring the matter to the Office of Internal Affairs and in conducting the investigative findings conference.

Disposition

The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the associate governmental program analyst resigned before the disciplinary action took effect. The hiring authority placed a letter in his official personnel file indicating he resigned pending disciplinary action.

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 |
| 2015-03-01 | 15-1782-IR | <ol style="list-style-type: none"> 1. Sexual Misconduct 2. Over-Familiarity 3. Contraband 4. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained | Dismissal | Dismissal |

Case Type: **Administrative Investigation**

Incident Summary

From March 1, 2015, to July 23, 2015, an officer allegedly provided an inmate with sugar, a drink mix, and access to a pocket knife. On March 1, 2015, the officer allegedly failed to report that the inmate asked him to introduce contraband. On July 21, 2015, the officer allegedly grabbed the front of an inmate's pants and pulled him close in a sexual manner. On July 29, 2015, the officer allegedly introduced a pocket knife, mobile phone charger, bottle opener, tweezers, and a tape measure into the institution.

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, in a settlement reached with the department in another case, the officer resigned in lieu of termination 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 |
| 2015-03-03 | 16-0651-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force | <ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On March 3, 2015, four officers allegedly used unreasonable force on an inmate while confiscating his shoes and, along with a sergeant, were allegedly dishonest in their reports regarding the incident.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed requesting an investigation and due to the delay, the Office of Internal Affairs did not timely complete the investigation and the special agent did not make required entries in the case management system. The Office of Internal Affairs also did not make the appropriate decision regarding the request for investigation until the matter was elevated to a department director. Additionally, the department attorney did not confirm relevant dates in the case management system.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 24, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 25, 2016, 11 months after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to reject the request for investigation because evidence supported the allegations.
- Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention?
The Office of Internal Affairs initially rejected the request for investigation. The director of the Office of Internal Affairs ultimately approved investigative activities after the OIG and department attorney elevated the matter.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on March 14, 2016, 12 days before the deadline to take disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed requesting an investigation and due to the delay, the Office of Internal Affairs did not complete the investigation until 12 days before the deadline to take disciplinary action.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|---|-----------|------------------------------------|
| | | | | INITIAL | FINAL |
| 2015-03-05 | 15-0655-IR | <ol style="list-style-type: none"> Dishonesty Sexual Misconduct Neglect of Duty Other Failure of Good Behavior Failure to Report | <ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained | Dismissal | Resignation in Lieu of Termination |

Case Type: **Administrative Investigation**

Incident Summary

On March 5, 2015, an officer assigned to an outside hospital allegedly hugged a laboratory technician, touched her breasts, and attempted to kiss her. The officer also allegedly abandoned his armed post without notifying the second officer assigned to supervise an inmate, submitted a false report regarding the incident, and was dishonest to outside law enforcement about the incident. The second officer allegedly failed to report that the first officer abandoned his post. On July 9, 2015, the first officer was allegedly dishonest during his Office of Internal Affairs interview.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not add a dishonesty allegation to the investigation.

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Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The Office of Internal Affairs improperly decided not to add a dishonesty allegation because the officer denied to outside law enforcement that he kissed and touched the breasts of the laboratory technician.

Disposition

The hiring authority sustained the allegations against the first officer and dismissed him. The hiring authority found insufficient evidence to sustain the allegation 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 officer wherein the officer resigned in lieu of dismissal and agreed never to seek or accept employment with the department. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.

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 |
| 2015-03-05 | 15-1349-IR | 1. Unreasonable Use of Force | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On March 5, 2015, an officer allegedly forced a hearing-impaired inmate to the ground and repeatedly slammed the inmate's head onto a concrete floor.

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-03-07 | 15-1828-IR | 1. Dishonesty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On March 7, 2015, three officers allegedly falsely claimed that an inmate's property had another inmate's name on it and confiscated it as contraband. On July 25, 2015, two of the officers allegedly dishonestly claimed that glue on the security screws of an inmate television did not look real as a ruse to confiscate the property as contraband.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed conducting the investigative findings conference.

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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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 1, 2016. However, 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 14, 2016, 44 days thereafter.

- Did the department conduct the pre-disciplinary/investigative phase 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 found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------------------|-----------------------|
| | | | | INITIAL | FINAL |
| 2015-03-10 | 15-0913-IR | 1. Neglect of Duty 2. Unreasonable Use of Force 3. Failure to Report Use of Force 4. Neglect of Duty | 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained | Letter of Instruction | Letter of Instruction |

Case Type: **Administrative Investigation**

Incident Summary

On March 10, 2015, a sergeant allegedly grabbed an inmate's wheelchair, causing the inmate to fall out of the wheelchair. The officer allegedly failed to activate his alarm or summon assistance during the incident, delayed reporting his use of force, and failed to immediately have the inmate medically evaluated.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not timely take action on the hiring authority's request for investigation, the special agent did not make required entries in the case management system, and the assistant chief counsel delayed assigning a department attorney.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on April 1, 2015, but did not take action until May 6, 2015, 35 days after the receipt of the request.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the inmate and sergeant supported, refuted, denied, or admitted the allegations.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not timely take action on the hiring authority's request for investigation. The department determined the case should be assigned to a department attorney on May 6, 2015, but the assistant chief counsel did not assign a department attorney until May 28, 2015, more than three weeks later.

Disposition

The hiring authority sustained the allegation that the sergeant failed to immediately obtain medical care for the inmate, but not the remaining allegations, and issued a letter of instruction. The OIG concurred with the hiring authority's determinations.

NORTH REGION

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|---|---|
| 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 |
| 2015-03-10 | 15-1087-IR | 1. Medical-Undetermined 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary
 On March 10, 2015, a captain allegedly failed to inform medical staff that in July 2014, an inmate told him that he had a plan to commit suicide by hoarding and overdosing on prescription medications. On March 13, 2015, an officer allegedly failed to immediately summon medical attention and delayed activating his personal alarm device when he found the inmate unresponsive in his cell.

| | |
|--|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. | |

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 10, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 14, 2015, 65 days after the date of discovery.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

Disposition
 The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-03-11 | 15-1339-IR | 1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty 4. Discourteous Treatment | 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Dismissal | Dismissal |

Case Type: Administrative Investigation

Incident Summary
 On March 11, 2015, an officer allegedly yelled abusive comments toward an inmate and then directed the control booth officer to turn the power off on the lower tier. The control booth officer allegedly turned the power off on the lower tier. On August 25, 2015, the first officer 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. | |

NORTH REGION

Disposition

The hiring authority sustained the allegations against the first officer and determined that dismissal was the appropriate penalty. However, the officer retired before the investigation was completed. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action. The hiring authority found insufficient evidence to sustain the allegation against the control booth officer. The OIG concurred with 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 Letter of Instruction | FINAL Letter of Instruction |
| 2015-03-14 | 15-0872-IR | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Medical-Denied Care 4. Neglect of Duty 5. Other Failure of Good Behavior | <ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

On March 14, 2015, two officers allegedly failed to notify a sergeant that an inmate had placed his hands in the food port and refused to allow officers to close it, failed to assess the inmate's injuries when they observed blood on the inmate's cell door, and failed to obtain medical care for his injury. One of the officers allegedly closed the food port on the inmate's hand, causing his fingertip to be severed, and was allegedly dishonest to a supervisor about the incident.

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 that the officers failed to notify a supervisor that the inmate would not allow officers to close the food port, but not the remaining allegations, and issued letters of instruction. The OIG concurred with 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 No Penalty Imposed | FINAL No Penalty Imposed |
| 2015-03-15 | 15-1351-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty | <ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

On March 15, 2015, an officer allegedly provided confidential criminal history about an inmate to other inmates, after which the first inmate was assaulted. On September 22, 2015, the officer was allegedly 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.

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Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------------|------------------|-------------------------------|-----------------------------|
| | | | | INITIAL No Penalty Imposed | FINAL No Penalty Imposed |
| 2015-03-26 | 15-1035-IR | 1. Other Failure of Good Behavior | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On March 26, 2015, an officer was arrested after he allegedly slapped his wife in the face and pushed her out of the driver's side of their vehicle.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation, the department attorney and disciplinary officer did not make any entry into the case management system confirming relevant dates, and the hiring authority did not conduct the investigative findings conference in a timely manner.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on April 15, 2015, but did not take action until May 20, 2015, 35 days after the receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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?

Neither the department attorney nor disciplinary officer made an 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 returned the case to the hiring authority on May 20, 2015. The hiring authority learned on December 11, 2015, that criminal charges would not be filed against the officer. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 6, 2016, 26 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not make a timely determination regarding the request for investigation and the hiring authority failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegation and the OIG concurred.

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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|--------------------------|------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2015-03-30 | 15-1436-IR | <ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained | | |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 30, 2015, an officer allegedly entered into a computer database an institutional count he did not conduct. Four other officers allegedly failed to ensure the count was entered into the computer database, abandoned their posts, and signed out early on their time sheets. A sergeant allegedly failed to ensure the officers remained at their posts.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner, the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request or add appropriate dishonesty allegations, and the employee relations officer did not enter relevant dates into the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 30, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 5, 2015, 67 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on June 5, 2015, but did not take action until July 15, 2015, 40 days after the receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to add dishonesty allegations against the officers who allegedly left early but signed the Fair Labor Standards Act forms indicating they worked complete shifts because evidence supported dishonesty.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authority on July 15, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until February 1, 2016, 201 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner and the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request.

Disposition

The hiring authority sustained the allegation against the first officer for entering the institutional count, but not that he was dishonest, and the allegations against the second and third officers, except that they signed out early. Due to the three officers' limited State service, the hiring authority issued each a letter of reprimand. The hiring authority sustained the allegation against the fourth officer, except that he signed out early, and issued a letter of instruction based on the officer's positive work history. The hiring authority sustained the allegation against the fifth officer for abandoning his post, but not the other allegations. Based on the officer's lengthy State service, the hiring authority imposed a 5 percent salary reduction for one month. The hiring authority sustained the allegation against the sergeant and issued a letter of instruction because the sergeant performed some of his duties. The OIG concurred with the hiring authority's determinations. The officers did not file appeals with the State Personnel Board.

NORTH REGION

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| 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 |
| 2015-04-14 | 15-1475-IR | 1. Dishonesty 2. Neglect of Duty | 1. Sustained 2. Sustained | Dismissal | Salary Reduction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On April 14, 2015, an officer allegedly left his assigned post without approval and falsified a form indicating he worked a full shift when he did not. The officer was also allegedly dishonest when he told a sergeant he obtained approval to leave early.

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|----------------------------|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Insufficient |

The department did not comply with policies and procedures governing the pre-disciplinary process because 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 regarding the hiring authority's request. The assistant chief counsel did not timely submit the hiring authority's request for reconsideration and the Office of Internal Affairs did not make an appropriate determination regarding the hiring authority's request to interview the officer, thereby resulting in the hiring authority imposing an unjust penalty.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on April 15, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 16, 2015, 62 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on June 16, 2015, but did not take action until July 22, 2015, 36 days after receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to interview the officer because there were questions regarding the officer's credibility.
- Did the department conduct the pre-disciplinary/investigative phase 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. The assistant chief counsel did not timely act on the hiring authority's request for reconsideration, causing a three-month delay.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. After the *Skelly* hearing, the hiring authority discovered new information that undermined the department's evidence that the officer did not receive permission to leave early. Based on the new information, the department entered into a settlement with the officer reducing the penalty to a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations based on the new information.

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|---|---------------------------------------|
| 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 |
| 2015-04-17 | 15-1370-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | Letter of Instruction | Letter of Instruction |

Case Type: Administrative Investigation

Incident Summary

On April 17, 2015, an officer assigned to a gun post was allegedly less than alert, distracted by a personal telephone call, and failed to stop an attack on a wheelchair-bound inmate.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and the department attorney did not timely assess relevant dates and failed to note the date the misconduct was discovered.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on April 17, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 4, 2015, 48 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 July 14, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 31, 2015, 48 days after assignment. In addition, the entry did not reference the date the misconduct was discovered.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegation that the officer was distracted by personal telephone use, but not the remaining allegations, and issued a letter of instruction. The OIG concurred with the hiring authority's determination.

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 |
| 2015-04-24 | 15-2535-IR | 1. Other Failure of Good Behavior | 1. Sustained | Salary Reduction | No Penalty Imposed |

Case Type: Direct Action (No Subject Interview)

Incident Summary

Between April 24, 2015, and October 5, 2015, a sergeant allegedly evaded bridge tolls 45 times by using confidential license plates.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not include all relevant allegations and did not approve an investigation and the hiring authority inappropriately sustained the allegation. Also, the employee relations officer did not confirm relevant dates in the case management system.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to add allegations of dishonesty and misuse of authority and open an investigation because evidence supported the allegations but the facts needed clarification.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs inappropriately determined that an investigation was not necessary.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority inappropriately determined that there was sufficient evidence misconduct had occurred.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 18 months. The OIG did not concur with sustaining the allegation because there was insufficient evidence that misconduct occurred. At the *Skelly* hearing, the sergeant provided proof that his vehicle was registered with the automated toll collection system and that the system made an error that led to the citations. Due to this information, the hiring authority withdrew the disciplinary action. The OIG concurred with the hiring authority's determination because of the new evidence the sergeant provided at the *Skelly* hearing.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority inappropriately determined the sergeant was attempting to solicit a gratuity.

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 inappropriately determined that the sergeant was attempting to solicit a gratuity even though there was insufficient evidence to support the allegation.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-04-27 | 15-1286-IR | 1. Dishonesty 2. Unreasonable Use of Force | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On April 27, 2015, an officer allegedly pushed an inmate against a wall and forced him to the ground when the inmate posed no imminent threat and the officer was allegedly dishonest about the incident.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney did not accurately assess the deadline for taking disciplinary action.

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Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 deadline for taking disciplinary action as May 20, 2016, when the deadline was actually May 6, 2016.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------------------|----------------------------------|------------|---------------------|
| | | | | INITIAL | FINAL |
| 2015-05-04 | 15-1084-IR | 1. Neglect of Duty 2. Dishonesty | 1. Sustained 2. Not Sustained | Suspension | Modified Suspension |

Case Type: **Administrative Investigation**

Incident Summary

On May 4, 2015, an officer allegedly failed to properly conduct inmate counts and was allegedly dishonest when he documented conducting inmate counts at three different intervals. A second officer allegedly failed to monitor the first officer's inmate counts. An inmate was later found dead.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the special agent did not adequately consult with the OIG and department attorney.

Assessment Questions

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not notify the OIG of the first officer's interview, thereby preventing the OIG from monitoring the interview.
- 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 notify the department attorney of the first officer's interview, thereby preventing the department attorney's attendance.

Disposition

The hiring authority sustained the allegation against the first officer for failing to conduct a proper inmate count, but not the dishonesty, and imposed a 24-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department consented to restore the officer's post and bid privileges and the officer agreed to withdraw his appeal. The OIG concurred because the penalty remained unchanged. The hiring authority sustained the allegation against the second officer and imposed a 24-working-day suspension. The OIG concurred. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with the officer reducing the penalty to a 21-working-day suspension because at the pre-hearing settlement conference, the officer, for the first time, accepted responsibility. The OIG concurred because the officer accepted responsibility, the penalty modification was minimal, and the disciplinary action would remain in his official personnel file for purposes of progressive discipline.

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 |
| 2015-05-09 | 15-1829-IR | 1. Threat/Intimidation 2. Other Failure of Good Behavior | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary

On May 9, 2015, an officer allegedly threatened an inmate that he would be assaulted if the inmate refused to sign a form declaring the inmate did not have enemy concerns. On May 13, 2015, the officer allegedly had other inmates assault 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 found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---------------|---------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-05-10 | 15-2777-IR | 1. Dishonesty | 1. Exonerated | No Penalty Imposed | No Penalty Imposed |

Case Type: Direct Action with Subject Only Interview

Incident Summary

On May 10, 2015, a lieutenant was allegedly dishonest when he told another lieutenant that he had obtained prior approval from a captain to work an overtime assignment.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the special agent did not make required entries in the case management system and the hiring authority neglected to timely consult regarding the sufficiency of the investigation and investigative findings.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the lieutenant supported, refuted, denied, or admitted the allegations.
- 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 11, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 6, 2016, 85 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed conducting the investigative findings conference.

Disposition

The hiring authority determined that the lieutenant was working on a special project with approved overtime. Therefore, the hiring authority found that the actions were justified, lawful, and proper. The OIG concurred with the hiring authority's determination.

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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-05-26 | 15-1554-IR | 1. Neglect of Duty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On May 26, 2015, a sergeant allegedly ordered officers without proper equipment to conduct an emergency cell extraction of an inmate from a cell filled with smoke. An officer allegedly improperly activated a ventilation system during the fire.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation and the hiring authority did not timely conduct the investigative findings conference. Also, the department attorney delayed making a required entry into the case management system and contacting the special agent and the OIG.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on June 22, 2015, but did not take action until August 5, 2015, 44 days after the receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 August 17, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 23, 2015, 37 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 August 17, 2015, but did not consult with the OIG and the special agent until September 23, 2015, 37 days after assignment.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether interviews supported, refuted, denied, or admitted the allegations.
- 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 14, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 17, 2016, 33 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation and the hiring authority neglected to conduct the investigative findings conference in a timely manner.

Disposition

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

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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-06-21 | 15-1509-IR | 1. Dishonesty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On June 21, 2015, a sergeant allegedly forged a physician's form certifying the amount of time off needed.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 19, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 19, 2016, 31 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-06-24 | 15-1610-IR | 1. Dishonesty 2. Unreasonable Use of Force | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On June 24, 2015, an officer allegedly deployed pepper spray on an inmate when force was not necessary and was dishonest about the incident.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because although the special agent completed the last interview on September 28, 2015, the special agent did not provide a draft investigative report for review until January 25, 2016, almost four months thereafter, and the investigation was not completed until February 8, 2016.

Assessment Questions

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
Although the special agent completed the last interview on September 28, 2015, the special agent did not provide a draft investigative report for review until January 25, 2016, almost four months after the last interview, and the investigation was not completed until February 8, 2016. As a result, an officer against whom no allegations were sustained was subjected to unnecessary prolonged stress waiting for a determination of the allegations.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-06-26 | 15-1601-IR | 1. Dishonesty 2. Unreasonable Use of Force 3. Failure to Report Use of Force | 1. Not Sustained 2. Not Sustained 3. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On June 26, 2015, two officers allegedly punched an inmate in the stomach, failed to report their use of force, and were dishonest in their reports regarding the incident.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation, the special agent did not interview the inmate before completing the draft report, the department attorney did not make a timely entry regarding the deadline to take disciplinary action, and the hiring authority did not conduct the investigative findings conference in a timely manner.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on July 9, 2015, but did not take action until August 12, 2015, 34 days after the receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 August 19, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 14, 2015, 26 days after assignment.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The special agent did not interview the inmate who made the allegations against the officers prior to submitting the initial draft report.
- Was the investigation thorough and appropriately conducted?
The special agent did not interview the inmate until after the special agent had submitted the draft report and after the OIG recommended that the inmate be interviewed.
- 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 8, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 8, 2016, 31 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the request for investigation and the hiring authority did not conduct the investigative findings conference in a timely manner.

Disposition

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

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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------------------|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-06-30 | 15-1647-IR | 1. Dishonesty 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On June 30, 2015, two officers allegedly failed to notify a supervisor of an incident that necessitated a controlled use of force and were dishonest in their reports regarding the incident. A control booth officer allegedly failed to maintain constant observation of the incident and was dishonest in his report regarding his observations.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney incorrectly assessed the deadline to take disciplinary action, did not modify it until the OIG intervened, and neglected to provide feedback regarding the investigative report. The special agent did not make required entries in the case management system. Also, the hiring authority did not timely conduct the investigative findings conference.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 determined that the deadline to take disciplinary action was July 6, 2016, when the correct deadline was June 30, 2016.
- 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 modified the deadline to take disciplinary action only after the OIG recommended it.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the witnesses and officers supported, refuted, denied, or admitted the allegations.
- 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 did not provide substantive feedback regarding 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 did not provide written confirmation regarding critical discussions about the investigative report to the special agent or the OIG.
- 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 28, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 17, 2016, 19 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

Disposition

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

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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|------------------------------|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2015-07-04 | 15-1823-IR | 1. Misuse of Authority 2. Intoxication | 1. Sustained 2. Sustained | Salary Reduction | Modified Salary Reduction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On July 4, 2015, an officer allegedly drove his personal vehicle while under the influence of alcohol and attempted to use his status as a peace officer to obtain leniency from outside law enforcement.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The employee relations officer did not confirm relevant dates in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on July 4, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 19, 2015, 46 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 36 months. The OIG concurred. After the *Skelly* hearing, the department entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for 18 months. The OIG did not concur because there were no changed circumstances. However, the OIG did not seek a higher level of review because the penalty remained within departmental guidelines.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department reduced the penalty without any change in circumstances to justify the reduction.

Assessment Questions

- 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.

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| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|----------------------------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-07-15 | 15-1991-IR | 1. Over-Familiarity 2. Over-Familiarity | 1. Sustained 2. Not Sustained | Dismissal | Dismissal |

Case Type: **Administrative Investigation**

Incident Summary

On July 15, 2015, a youth counselor allegedly accepted a drawing as a gift from a ward, brought in personal pictures, and provided canvases for the ward to use for drawing in exchange for payment.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the department attorney did not make a required entry into the case management system, and the special agent did not appropriately conduct interviews.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on July 15, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 10, 2015, 57 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 did not ask appropriate follow-up questions, failed to notify a witness that the interview was being recorded, promised a witness that the interview would remain confidential, and failed to confront a witness with his apparently untruthful statement.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations, except that the youth counselor provided pictures to the ward, and identified dismissal as the appropriate penalty. The OIG concurred. However, the youth counselor resigned before disciplinary action could be imposed. The hiring authority placed a letter in the youth counselor's official personnel file indicating she resigned pending disciplinary action.

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 |
| 2015-07-23 | 15-2059-IR | 1. Dishonesty 2. Unreasonable Use of Force | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On July 23, 2015 an officer allegedly grabbed an inmate and pushed him against the wall, and was allegedly dishonest when he reported that the inmate clenched his fists prior to the use of force.

NORTH REGION

| | | | | |
|---|------------------------|---|-----------------|---|
| Predisciplinary Assessment | | Procedural Rating: Insufficient Substantive Rating: Insufficient | | |
| <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed requesting an investigation and the department attorney incorrectly assessed the deadline to take disciplinary action.</p> | | | | |
| Assessment Questions | | | | |
| <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 23, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 18, 2015, 57 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 department attorney incorrectly assessed the deadline for taking disciplinary action as July 15, 2016, when the deadline was actually July 23, 2016.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority delayed requesting an investigation.</i> | | | | |
| Disposition | | | | |
| <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.</p> | | | | |
| Incident Date | OIG Case Number | Allegations | Findings | Penalty |
| 2015-08-02 | 15-2592-IR | 1. Sexual Misconduct | 1. Sustained | <small>INITIAL</small> Dismissal <small>FINAL</small> Dismissal |
| Case Type: Direct Action (No Subject Interview) | | | | |
| Incident Summary | | | | |
| <p>On August 2, 2015, an officer allegedly committed sexual misconduct against his step-granddaughter and was arrested for lewd and lascivious misconduct against a child.</p> | | | | |
| Predisciplinary Assessment | | Procedural Rating: Insufficient Substantive Rating: Sufficient | | |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the department did not timely assign a department attorney, thereby delaying the hiring authority's ability to schedule the investigative findings conference.</p> | | | | |
| Assessment Questions | | | | |
| <ul style="list-style-type: none"> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs returned the case to the hiring authority and the department determined the case should be assigned to a department attorney on December 2, 2015. However, the department did not assign an attorney until December 15, 2015, 13 days thereafter.</i> | | | | |
| Disposition | | | | |
| <p>The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p> | | | | |
| Disciplinary Assessment | | Procedural Rating: Sufficient Substantive Rating: Sufficient | | |
| <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p> | | | | |

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| Incident Date 2015-08-04 | OIG Case Number 15-1956-IR | Allegations 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty | Findings 1. Sustained 2. Not Sustained 3. Not Sustained | Penalty | |
|-----------------------------|-------------------------------|--|--|----------------------------------|--------------------------------|
| | | | | INITIAL Letter of Instruction | FINAL Letter of Instruction |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On August 4, 2015, two sergeants allegedly failed to make an entry into a database documenting a change in an inmate's housing and two officers were allegedly dishonest when they entered an incorrect inmate count into the database. One of the sergeants also allegedly failed to sign his post orders.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed consulting with the OIG. Also, the employee relations officer did not enter critical dates into the case management system and incorrectly completed the form documenting the investigative findings.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authority on September 23, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until over six months thereafter.
- Was the CDCR Form 402 documenting the findings properly completed?
The employee relations officer added an allegation and finding against a sergeant that were not addressed in the initial findings conference.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegation that the second sergeant failed to sign his post orders, but not the remaining allegation, and issued a letter of instruction. The hiring authority found insufficient evidence to sustain the allegations against the two officers and the other sergeant. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference. Also, the employee relations officer incorrectly completed the form documenting the disciplinary determinations.

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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 September 23, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until over six months thereafter.
- Was the CDCR Form 403 documenting the penalty properly completed?
The employee relations officer added an allegation against a sergeant and entered a disposition that was not addressed in the initial penalty conference.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------|---------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-08-12 | 15-2180-IR | 1. Confidential Information | 1. Exonerated | No Penalty Imposed | No Penalty Imposed |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 12 and August 13, 2015, two Office of Internal Affairs' special agents allegedly improperly accessed confidential inmate information without authorization. One of the special agents allegedly printed the confidential information.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the case to the Office of Internal Affairs or conduct the investigative findings conference and did not adequately consult with the OIG and department attorney. Also, the hiring authority improperly exonerated the special agents despite sufficient evidence to sustain the allegations.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on August 20, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 21, 2015, 62 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 returned the case to the hiring authority on October 21, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until December 17, 2015, 57 days thereafter.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not sustain the allegations that the special agents improperly accessed confidential information despite adequate evidence to do so.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority neglected to consult with the OIG or the department attorney before ordering the special agents to complete memoranda explaining their actions and alleged misconduct.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the case to the Office of Internal Affairs and failed to timely conduct the investigative findings conference.

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Disposition

The hiring authority determined that the conduct did occur but that the actions were justified, lawful, and proper. The OIG did not concur with the hiring authority's determination but did not seek a higher level of review because the misconduct would have warranted corrective or lower-level discipline if sustained.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|-----------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-08-18 | 15-2385-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Not Sustained 2. Exonerated | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On August 18, 2015, a captain and two lieutenants allegedly failed to ensure clinical intervention and a video recording were completed during a controlled use of force.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not attend critical interviews or make a timely entry into the case management system. Also, the special agent did not make required entries in the case management system.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 28, 2015, but did not make an entry into the case management system regarding the deadline to take disciplinary action until November 19, 2015, 22 days after assignment.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend the investigative interviews for the captain and one of the lieutenants.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether interviews supported, refuted, denied, or admitted the allegations.

Disposition

The hiring authority found insufficient evidence to sustain the allegations against the captain and one of the lieutenants. The hiring authority determined that the second lieutenant's conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper. The OIG concurred with the hiring authority's determinations.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|----------------------------------|---------------------|---------------------|
| | | | | INITIAL | FINAL |
| 2015-08-19 | 15-2057-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | Letter of Reprimand | Letter of Reprimand |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 19, 2015, an officer allegedly failed to maintain a safe distance when confronting an inmate who was refusing to relinquish control of his cell's food port. A sergeant allegedly failed to direct officers to step away from the cell, necessitating the use of pepper spray after the inmate grabbed an officer's equipment. A lieutenant allegedly failed to identify policy violations related to the use of force.

NORTH REGION

| | | |
|---|--|---|
| Predisciplinary Assessment | | Procedural Rating: Insufficient |
| | | Substantive Rating: Insufficient |
| <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not accurately assess the deadline to take disciplinary action and the hiring authority did not conduct the investigative findings conference in a timely manner.</p> | | |
| Assessment Questions | | |
| <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 department attorney did not correctly assess the deadline for taking disciplinary action. The department attorney assessed the deadline for taking disciplinary action as August 23, 2016, when the deadline was actually August 19, 2016.</i> 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 returned the case to the hiring authority on October 7, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until 77 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not conduct the investigative findings conference in a timely manner.</i> | | |
| Disposition | | |
| <p>The hiring authority sustained the allegations against the sergeant and lieutenant and issued the sergeant a letter of reprimand and the lieutenant a letter of instruction. The hiring authority found insufficient evidence to sustain the allegation against the officer. The OIG concurred with the hiring authority's determinations. The sergeant did not file an appeal with the State Personnel Board.</p> | | |
| Disciplinary Assessment | | Procedural Rating: Sufficient |
| | | Substantive Rating: Sufficient |
| <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p> | | |

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-08-21 | 15-2105-IR | 1. Controlled Substance 2. Attendance 3. Attendance | 1. Sustained 2. Sustained 3. Not Sustained | Dismissal | Dismissal |

| | |
|--|--|
| Case Type: Direct Action with Subject Only Interview | |
| Incident Summary | |
| <p>On August 21, 2015, a sergeant allegedly tested positive for marijuana. The sergeant also was allegedly absent without leave from August 22, 2015, through October 8, 2015, and for five days in December 2015.</p> | |
| Predisciplinary Assessment | Procedural Rating: Insufficient |
| | Substantive Rating: Sufficient |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.</p> | |

NORTH 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 January 22, 2016. However, 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, 2016, 48 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely conduct the investigative findings conference.

Disposition

The hiring authority sustained the allegations, except that the sergeant was absent without leave from August 22, 2015, through October 8, 2015, and identified dismissal as the appropriate penalty. The OIG concurred. However, the department non-punitively separated the sergeant from State service 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 |
| 2015-08-27 | 15-2322-IR | 1. Unreasonable Use of Force 2. Neglect of Duty | 1. Sustained 2. Sustained | Letter of Instruction | Letter of Instruction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 27, 2015, an officer allegedly fired a less-lethal round, striking an inmate on the thigh as the inmate was lying on the ground with one hand under his body. During the review process, a lieutenant allegedly failed to identify the officer's potential use-of-force policy violation.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not open an administrative investigation, the hiring authority did not timely conduct the investigative findings conference, and the department attorney incorrectly assessed the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly returned the case to the hiring authority to take action without an investigation because it was based solely on the report from the involved officer even though numerous other custody and medical staff had completed reports. The OIG recommended the Office of Internal Affairs obtain all reports before determining the appropriate action but the Office of Internal Affairs refused.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 correctly assess the deadline to take disciplinary action. The department attorney assessed the deadline as September 15, 2016, when the deadline was actually September 5, 2016, for the officer.
- 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 4, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until 62 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and served the officer and lieutenant with letters of instruction. 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 Salary Reduction | FINAL Salary Reduction |
| 2015-09-01 | 15-2259-IR | 1. Neglect of Duty | 1. Sustained | | |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 1, 2015, an officer allegedly failed to have an inmate stand for the institutional mandatory standing count.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not add a dishonesty allegation or open an investigation.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to add a dishonesty allegation and not to open an investigation because the officer entered false information and an investigation would provide further details regarding the incident.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

NORTH REGION

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|---|---|
| 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 |
| 2015-09-25 | 15-2672-IR | 1. Controlled Substance | 1. Sustained | Salary Reduction | Modified Salary Reduction |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On September 25, 2015, an officer allegedly tested positive for barbiturates.

| | |
|---|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed conducting the investigative 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 Office of Internal Affairs returned the case to the hiring authority on December 9, 2015. However, 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, 2016, 92 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department delayed conducting the investigative findings conference.

Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. During a *Skelly* hearing, the officer, for the first time, accepted responsibility for his actions. The hiring authority reduced the penalty to a 10 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 |
| Overall, the department sufficiently complied with policies and procedures governing the disciplinary process. | |

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------|--------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-09-28 | 15-2534-IR | 1. Controlled Substance | 1. Sustained | Dismissal | Dismissal |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On September 28, 2015, an officer allegedly tested positive for marijuana.

| | |
|---|---|
| Predisciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Sufficient |
| The department sufficiently comply with policies and procedures governing the pre-disciplinary process. | |

NORTH REGION

Disposition

The hiring authority sustained the allegation and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

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 |
| 2015-10-01 | 16-0209-IR | <ol style="list-style-type: none"> Over-Familiarity Insubordination/Willful Disobedience | <ol style="list-style-type: none"> Sustained Sustained | Dismissal | Dismissal |

Case Type: **Administrative Investigation**

Incident Summary

Between October 1, 2015, and December 30, 2015, an officer allegedly engaged in an overly familiar relationship with an inmate and the inmate's family, telephonically communicated with the inmate and his family, corresponded with the inmate, provided money to the inmate's family, and purchased items for the family. On February 24, 2016, the officer allegedly failed to cooperate with the Office of Internal Affairs' investigation.

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 officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

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 |
| 2015-10-06 | 16-1047-IR | <ol style="list-style-type: none"> Misuse of State Equipment or Property Misuse of State Equipment or Property | <ol style="list-style-type: none"> Sustained Not Sustained | Letter of Reprimand | Letter of Reprimand |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

Between October 6, 2015, and February 18, 2016, an associate warden allegedly used a State computer to send inappropriate, non-work-related email messages to a staff services analyst.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs made an inappropriate initial determination and the hiring authority delayed conducting the investigative findings conference and did not add a sexual harassment allegation the evidence supported.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to add a staff services analyst as a subject in the case because evidence supported adding her as a subject.
- 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 April 6, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the investigative findings until May 12, 2016, 36 days thereafter.
- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?
The OIG recommended adding an allegation for sexual harassment based on the nature of some of the email messages but the hiring authority refused to add the allegation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained one allegation and decided to issue a letter of reprimand. The hiring authority did not sustain a second allegation based on an incorrect date of alleged misconduct. The associate warden retired before disciplinary action could be imposed. The OIG concurred with the findings, but not the penalty, but did not seek a higher level of review because the associate warden retired. The hiring authority placed a letter in the associate warden's official personnel file indicating he retired under unfavorable circumstances.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and imposed a lower penalty than the facts supported, and the department attorney provided inappropriate legal advice to the hiring authority and did not provide the hiring authority and the OIG with written confirmation of the penalty discussions.

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 April 6, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 12, 2016, 36 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney inappropriately advised the hiring authority that the highest applicable penalty for the sustained allegation was a letter of reprimand.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The OIG recommended imposing a five-working-day suspension based on the pervasiveness of the email communications and aggravating factors but the hiring authority decided to impose a letter of reprimand.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney neglected 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 delayed conducting the disciplinary findings conference.

NORTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-10-14 | 16-0480-IR | 1. Failure to Report Use of Force | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 14, 2015, an officer allegedly placed his knee on an inmate's back and neck and failed to report the use of force.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conference. The employee relations officer did not enter relevant dates into the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 15, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 6, 2016, 83 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 3, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until June 3, 2016, four months thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conference.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|----------------------------------|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2015-10-21 | 16-0175-IR | 1. Neglect of Duty 2. Neglect of Duty | 1. Sustained 2. Not Sustained | Salary Reduction | Modified Salary Reduction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 21, 2015, two officers allegedly placed an inmate in the wrong cell with another inmate who was on single-cell status. On October 22, 2015, a third officer allegedly failed to conduct a correct inmate count.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not add dishonesty allegations for two of the officers and did not conduct an investigation and the employee relations officer did not enter critical dates into the case management system.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly decided not to add dishonesty allegations for two of the officers and to not conduct an investigation because evidence supported adding the allegations.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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.

Disposition

The hiring authority sustained the allegations that the two officers placed the inmate in the wrong cell and imposed 5 percent salary reductions for six months on each. The hiring authority found insufficient evidence to sustain the allegation against the third officer but issued a letter of instruction. The OIG concurred with the hiring authority's determinations. One of the officers 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 reducing the penalty to a 5 percent salary reduction for four months. The OIG concurred because during the officer's *Skelly* hearing, the officer, for the first time, accepted responsibility and acknowledged the severity of the misconduct, and the penalty was within departmental 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 |
| 2015-10-25 | 15-2536-IR | 1. Other Failure of Good Behavior | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 25, 2015, an officer allegedly punched and kicked a relative during an argument and was subsequently arrested.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not open an administrative investigation, the employee relations officer did not make entries into the case management system confirming relevant dates, and the hiring authority did not conduct the investigative findings conference in a timely manner.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs refused to open an administrative investigation to determine whether the officer acted in self defense.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authority on November 24, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 8, 2016, 45 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|------------------------------------|
| | | | | INITIAL | FINAL |
| 2015-10-26 | 15-2770-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Insubordination/Willful Disobedience 4. Neglect of Duty 5. Discourteous Treatment 6. Dishonesty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained | Dismissal | Resignation in Lieu of Termination |

Case Type: **Administrative Investigation**

Incident Summary

On October 26, 2015, an officer allegedly brought his personal mobile phone into the institution after being directed not to do so, used it while on duty, disobeyed an order to place the mobile phone in his car and return to the work site, submitted a false written statement regarding the whereabouts of the mobile phone, yelled at a sergeant, and was dishonest in a memorandum regarding the use of the phone.

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 the allegations, except that the officer did not return his mobile phone to his car, and served a notice of dismissal. 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 wherein the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.

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 |
| 2015-10-28 | 15-2538-IR | 1. Dishonesty 2. Contraband | 1. Sustained 2. Sustained | Salary Reduction | Salary Reduction |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On October 28, 2015, an officer allegedly brought his personal mobile phone into the secure perimeter of an institution and was dishonest when he told a captain he did not have any contraband.

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 the allegations and imposed a 10 percent salary reduction for 30 months, rather than dismissal, because the officer was a 30-year employee with no prior discipline. 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.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------|--------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2016-01-05 | 16-0383-IR | 1. Controlled Substance | 1. Sustained | Dismissal | Dismissal |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 5, 2016, an officer allegedly tested positive for marijuana.

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 dismissed the officer. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.

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 |
| 2016-01-06 | 16-0483-IR | 1. Insubordination/Willful Disobedience | 1. Sustained | Letter of Instruction | Letter of Instruction |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 6, 2016, an associate warden allegedly kissed a case records technician while on institutional property and in view of other employees after being directed to stop personal contact with the case records technician while at work.

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 instruction. The OIG concurred with the hiring authority's determination.

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 |
| 2016-01-17 | 16-0534-IR | 1. Intoxication | 1. Sustained | Salary Reduction | Salary Reduction |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 17, 2016, an officer was arrested after he allegedly drove under the influence of alcohol and left the scene of an accident.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Insufficient**

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not add a dishonesty allegation. Also, the employee relations officer did not confirm relevant dates in the case management system.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The Office of Internal Affairs refused to add an allegation of dishonesty despite the fact that the officer denied being in an accident to outside law enforcement and later admitted he had been in an accident.

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 13 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.

SOUTH REGION

| Incident Date 2013-03-01 | OIG Case Number 15-1469-IR | Allegations 1. Failure to Report 2. Dishonesty 3. Sexual Misconduct | Findings 1. Sustained 2. Not Sustained 3. Not Sustained | Penalty | |
|---|-------------------------------|--|--|---|------------------------------------|
| | | | | INITIAL Salary Reduction | FINAL Modified Salary Reduction |
| Case Type: Administrative Investigation | | | | | |
| Incident Summary From March 1, 2013, through December 1, 2013, an officer allegedly engaged in a sexual relationship with a parolee. From December 1, 2013, to May 15, 2015, the officer allegedly failed to report her marriage to the parolee and, on May 15, 2015, she was allegedly dishonest about when she learned her husband was on parole. | | | | | |
| Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the request for investigation and the hiring authority did not conduct the investigative findings conference in a timely manner. | | | | Procedural Rating: Insufficient Substantive Rating: Sufficient | |
| Assessment Questions <ul style="list-style-type: none"> Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on June 15, 2015, but did not take action until July 22, 2015, 37 days after the receipt of the request.</i> 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 17, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until December 22, 2015, 35 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs did not make a timely determination regarding the request for investigation and the hiring authority did not timely conduct the investigative findings conference.</i> | | | | | |
| Disposition The hiring authority sustained the failure to report allegation, but not the remaining allegations, and imposed a 10 percent salary reduction for 24 months. The OIG concurred with the hiring authority's decisions except for the decision to not sustain the remaining allegations because sufficient evidence existed to support the allegations. However, the OIG did not seek a higher level of review because credible evidence also supported the hiring authority's decision. 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 reducing the salary reduction to 10 percent for 20 months. The OIG did not concur because there were no changed circumstances warranting the reduction but did not seek a higher level of review because the penalty was within the appropriate range for the misconduct. | | | | | |
| Disciplinary Assessment The department did not comply with the policies and procedures governing the disciplinary process because hiring authority delayed conducting the disciplinary findings conference and settled the case without proper justification, and the department attorney neglected to appear at the settlement conference prepared and on time. | | | | Procedural Rating: Insufficient Substantive Rating: Insufficient | |

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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 17, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until December 22, 2015, 35 days thereafter.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?
The department attorney was 30 minutes late for the pre-hearing settlement conference and failed to have full familiarity with the facts and issues. A second department attorney who was familiar with the facts also appeared but was 45 minutes late.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with a reduced penalty as there was no change in circumstances.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2014-02-05 | 15-1753-IR | 1. Over-Familiarity 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

Between February 5, 2014, and April 23, 2015, a parole agent allegedly conducted scheduled home visits with a parolee instead of conducting unannounced home visits as policy required. The parole agent also allegedly watched football with the parolee in the parolee's home, obtained employment for the parolee, and called the parolee after the parolee was no longer on the parole agent's caseload.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on July 23, 2015, but did not take action until August 26, 2015, 34 days after receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request.

Disposition

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

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------------------|------------------------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2014-09-16 | 15-1624-IR | 1. Theft 2. Neglect of Duty | 1. Sustained 2. Sustained | Dismissal | Dismissal |

Case Type: **Administrative Investigation**

Incident Summary

Between September 16, 2014, and July 2, 2015, a parole agent allegedly used a State credit card to purchase gasoline and car washes for his personal vehicle.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not 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 December 16, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 20, 2016, 35 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the parole agent retired before disciplinary action could be imposed. The hiring authority placed a letter in the parole agent's official personnel file indicating he resigned pending disciplinary action.

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 |
| 2014-12-24 | 15-0860-IR | 1. Dishonesty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On December 24, 2014, an associate warden allegedly submitted a false court-ordered corrective action plan. On January 12, 2015, the associate warden allegedly falsely reported to the chief deputy warden that she was in possession of the required supporting documents for the plan and on February 2, 2015, the associate warden allegedly falsely reported to the chief deputy warden that her secretary discarded the required documents.

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 found insufficient evidence to sustain the allegations. The OIG concurred.

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|---|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-01-01 | 15-2585-IR | <ol style="list-style-type: none"> Dishonesty Neglect of Duty Neglect of Duty | <ol style="list-style-type: none"> Sustained Sustained Not Sustained | Dismissal | Dismissal |

Case Type: Direct Action (No Subject Interview)

Incident Summary

Between January 2015 and April 17, 2015, a parole agent allegedly made false entries in official documents indicating a parolee had absconded parole when the parolee was actually dead. The parole agent also allegedly failed to properly document the supervision of the parolee.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not 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 returned the case to the hiring authority on December 2, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 5, 2016, 34 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations, except one that was improperly worded, and determined dismissal was the appropriate penalty. The sustained allegations addressed all misconduct. The OIG concurred. However, the parole agent retired before disciplinary action could be imposed. The hiring authority placed a letter in the parole agent's official personnel file indicating she retired pending disciplinary action.

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 |
| 2015-02-28 | 15-1176-IR | <ol style="list-style-type: none"> Unreasonable Use of Force Failure to Report Use of Force | <ol style="list-style-type: none"> Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: Administrative Investigation

Incident Summary

On February 28, 2015, an officer allegedly punched an inmate in the head and failed to report his use of force.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request, and the department did not conduct the investigative findings conference in a timely manner.

SOUTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on February 28, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 29, 2015, 60 days after the date of discovery.

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on April 29, 2015, but did not take action until June 10, 2015, 42 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 January 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 26, 2016, 32 days thereafter.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request, and the department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-04-01 | 15-1448-IR | <ol style="list-style-type: none"> Dishonesty Neglect of Duty Dishonesty Neglect of Duty | <ol style="list-style-type: none"> Not Sustained Not Sustained Unfounded Unfounded | No Penalty Imposed | No Penalty Imposed |

Case Type: Direct Action with Subject Only Interview

Incident Summary

Between April 1, 2015, and April 13, 2015, a parole agent allegedly falsified official records when he indicated that he obtained 15 anti-narcotic tests from parolees when in fact he had not. The parole agent also allegedly failed to properly supervise numerous parolees on his caseload.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 1, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 27, 2016, 57 days thereafter.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

SOUTH REGION

Disposition

The hiring authority determined that the investigation conclusively proved that 27 of the allegations did not occur and found insufficient evidence to sustain the remaining allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|------------------|---------------------------|
| | | | | INITIAL | FINAL |
| 2015-05-02 | 15-1466-IR | <ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Dishonesty 3. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained | Salary Reduction | Modified Salary Reduction |

Case Type: **Administrative Investigation**

Incident Summary

On May 2, 2015, an officer allegedly tackled an inmate to the ground causing the inmate to bump his head. A second officer allegedly observed the use of force. Both officers allegedly failed to activate their personal alarms, failed to report the use of force, and falsified their reports of the incident.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not timely take action on the request for investigation and the department attorney did not provide proper legal advice.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on June 4, 2015, but did not take action until July 22, 2015, 48 days after receipt of the request.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney improperly advised there was insufficient evidence to prove that force was used.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not timely take action on the hiring authority's request for an investigation.

Disposition

The hiring authority sustained the allegations that the officers failed to report the use of force, but not the remaining allegations, and imposed a 5 percent salary reduction for six months on each. The OIG concurred. Following the *Skelly* hearing, the hiring authority entered into a settlement agreement with each officer wherein the hiring authority reduced the penalties to 5 percent salary reductions for four months because each officer expressed remorse and accepted responsibility. The OIG did not concur but the settlement terms did not merit a higher level of review because the penalty was within the appropriate range for the misconduct.

Disciplinary Assessment

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

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

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-05-27 | 15-1449-IR | 1. Neglect of Duty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On May 27, 2015, a senior youth counselor and two youth counselors allegedly observed a fight between two wards and failed to stop the fight or 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 found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-06-28 | 15-1752-IR | 1. Dishonesty 2. Discourteous Treatment 3. Insubordination/Willful Disobedience | 1. Sustained 2. Sustained 3. Not Sustained | Dismissal | Dismissal |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 28, 2015, a youth counselor allegedly falsely denied being ordered to work an overtime shift, responded rudely to a lieutenant when refusing to work the overtime shift, and violated the order to work overtime and instead left the facility.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's initial request and the hiring authority did not conduct the investigative findings conference in a timely manner. Also, the department attorney did not timely assess the deadline for taking disciplinary action.

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on July 14, 2015, but did not take action until August 26, 2015, 43 days after receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 September 10, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 2, 2015, 22 days after assignment.
- 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 August 26, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings until October 15, 2015, 50 days thereafter. At that consultation, the hiring authority determined additional investigation was required. Before the hiring authority made the request, the youth counselor retired. The final consultation did not occur until February 18, 2016, 126 days after the first consultation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not make a timely decision regarding the hiring authority's initial request and the department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations, except insubordination, and dismissed the youth counselor. The OIG concurred. However, the youth counselor retired before the disciplinary action took effect. The hiring authority placed a letter in the youth counselor's official personnel file indicating she retired pending disciplinary action.

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 Salary Reduction |
| 2015-07-09 | 15-2439-IR | 1. Neglect of Duty 2. Discourteous Treatment 3. Dishonesty 4. Insubordination/Willful Disobedience | 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | | |

Case Type: **Administrative Investigation**

Incident Summary

Between July 9, 2015, and August 19, 2015, an officer allegedly rudely interrupted a sergeant during training and refused to sign a form to document the training. On July 15, 2015, the officer allegedly failed to document a tool inventory. Between July 9, 2015, and August 20, 2015, a second officer allegedly yelled at the same sergeant. On August 13, 2015, the second officer allegedly refused to provide the sergeant with an empty bed report and on August 19, 2015, was allegedly dishonest to the sergeant when she claimed she had handled an inmate bed move.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference and the Office of Internal Affairs initially did not open an investigation. The employee relations officer did not enter relevant dates into the case management system.

SOUTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on July 9, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 19, 2015, 102 days later.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly refused to open an investigation even though there were multiple ways an officers' alleged dishonest statements could be interpreted and the allegations were all based upon a single witness's memorandum despite the fact that there were multiple witnesses to the alleged misconduct.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authority on November 18, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until December 22, 2015, 34 days thereafter. As to the second officer, the Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 29, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until April 29, 2016, 31 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference.

Disposition

The hiring authority sustained the allegations against the first officer, except that the officer refused to sign the training form, and imposed a 10 percent salary reduction for three months. The OIG concurred. The hiring authority sustained the discourteous treatment allegation against the second officer, but not the remaining allegations, and provided corrective action. The OIG did not concur with providing corrective action but did not seek a higher level of review because of the relatively minor nature of the misconduct. The first officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference, the department attorney did not provide appropriate legal advice to the hiring authority, and the hiring authority did not select the appropriate penalty for the second officer.

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 Office of Internal Affairs returned the case to the hiring authority on November 18, 2015. However, the hiring authority did not consult with the OIG regarding disciplinary determinations until December 22, 2015, 34 days thereafter. As to the second officer, the Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 29, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until April 29, 2016, 31 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
As to the second officer, the department attorney inappropriately advised the hiring authority to reduce the penalty without proper justification.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
As to the second officer, the hiring authority significantly reduced the penalty without sufficient mitigating factors, inconsistent with policy.
- 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 |
| 2015-07-10 | 15-1923-IR | <ol style="list-style-type: none"> Misuse of Authority Misuse of State Equipment or Property Dishonesty | <ol style="list-style-type: none"> Sustained Sustained Not Sustained | Suspension | Suspension |

Case Type: **Administrative Investigation**

Incident Summary

On July 10, 2015, a parole agent allegedly typed a letter on department letterhead using a State computer during work hours and signed and sent the letter to a judicial officer regarding the conduct of an individual on probation whom he did not supervise. The parole agent allegedly falsely stated that the individual was performing well and complying with most probation terms in an apparent attempt to influence the outcome of judicial proceedings. The parole agent allegedly personally delivered the letter to the probationer using a State vehicle.

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, except the dishonesty allegation, and imposed a 42-working-day suspension. The OIG concurred. The parole agent did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-07-22 | 15-2769-IR | <ol style="list-style-type: none"> Over-Familiarity Neglect of Duty | <ol style="list-style-type: none"> Unfounded Unfounded | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On July 22, 2015, a youth counselor allegedly permitted a ward to hold a banana in a sexually suggestive manner and place it near the youth counselor's face.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the special agent did not appropriately enter activity in the case management system, and the department attorney failed to provide legal advice to the hiring authority regarding an overfamiliarity allegation.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on July 24, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 20, 2015, 119 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney failed to provide legal advice to the hiring authority regarding an overfamiliarity allegation until the OIG brought it to the attorney's attention.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

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

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|--|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-08-08 | 16-0198-IR | <ol style="list-style-type: none"> Over-Familiarity Contraband Disclosure of Confidential Information Neglect of Duty | <ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On August 8, 2015, an officer allegedly allowed an inmate to touch her arms and back, and provided the inmate with jewelry, food, and confidential information obtained from another inmate's file. On August 11, 2015, the officer allegedly accepted a necklace and personal note from the inmate and failed to report it.

SOUTH REGION

| | |
|--|---|
| Predisciplinary Assessment | Procedural Rating: Insufficient Substantive Rating: Sufficient |
| <p>The department did not comply with procedures governing the pre-disciplinary process because the department attorney neglected to provide feedback to the special agent regarding the draft investigative report and the special agent did not enter required information in the case management system.</p> | |
| Assessment Questions <ul style="list-style-type: none"> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.</i> 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 any feedback regarding the draft investigative report.</i> 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 written confirmation summarizing critical discussions about the investigative report.</i> | |
| Disposition <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p> | |

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|----------------------------------|----------------------------------|-----------|-----------|
| | | | | INITIAL | FINAL |
| 2015-08-17 | 15-1954-IR | 1. Intoxication 2. Dishonesty | 1. Sustained 2. Not Sustained | Dismissal | Dismissal |

Case Type: Direct Action with Subject Only Interview

Incident Summary

On August 17, 2015, an officer allegedly reported to work while under the influence of alcohol, drove his vehicle while under the influence of alcohol, and was dishonest to a captain.

| | |
|--|---|
| Predisciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Sufficient |
| <p>Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.</p> | |
| Disposition <p>The hiring authority sustained the allegations, except the dishonesty allegation, and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p> | |
| Disciplinary Assessment | Procedural Rating: Sufficient Substantive Rating: Sufficient |
| <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p> | |

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|------------------------------|------------|---------------------|
| | | | | INITIAL | FINAL |
| 2015-08-21 | 15-2540-IR | 1. Failure to Report Use of Force 2. Insubordination/Willful Disobedience | 1. Sustained 2. Sustained | Suspension | Modified Suspension |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 21, 2015, an officer allegedly failed to report his use of force on an inmate and on August 24, 2015, allegedly failed to follow a lieutenant's directive to return the lieutenant's phone call and provide a written report as soon as possible.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and did not conduct the investigative findings conference in a timely manner. The employee relations officer did not confirm relevant dates in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on August 24, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 30, 2015, 67 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 in 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 returned the case to the hiring authority on November 24, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until February 19, 2016, 87 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs and did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and imposed a 30-working-day suspension. The OIG concurred. During the *Skelly* hearing, the officer was forthright and truthful, remorseful, and took responsibility for his actions. Due to the mitigating factors, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 15-working-day suspension. The OIG concurred because of the factors learned at the *Skelly* hearing and the penalty was within the same disciplinary range.

Disciplinary Assessment

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

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

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|-----------|------------|
| | | | | INITIAL | FINAL |
| 2015-09-06 | 15-2260-IR | <ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty | <ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained | Dismissal | Suspension |

Case Type: Administrative Investigation

Incident Summary

On September 6, 2015, an officer allegedly removed handcuffs from an inmate being processed for contraband surveillance watch and falsely documented that a lieutenant instructed him to remove the handcuffs. A second officer and two sergeants allegedly neglected to ensure the inmate wore handcuffs. On February 16, 2016, the first officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not sufficiently comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not adequately cooperate with the OIG and the special agent did not appropriately enter activity in the case management system.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the interviews supported, refuted, denied, or admitted the allegations.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent neglected to notify the OIG of the date and time of the first officer's interview, preventing the OIG from attending the interview.

Disposition

The hiring authority sustained the allegations that the first officer improperly removed the handcuffs and that he dishonestly claimed in his report and to the Office of Internal Affairs that a lieutenant directed him to do so, but not the remaining allegations, and dismissed the officer. The hiring authority also sustained the allegations against the two sergeants and issued letters of instruction. The hiring authority did not sustain the allegation against the second officer. The OIG concurred with the hiring authority's determinations. After the first officer's *Skelly* hearing, the department entered into a settlement agreement reducing the penalty to a 60-working-day suspension. The OIG did not concur with the reduced penalty because no change in circumstances warranted the reduction. However, the OIG did not seek a higher level of review due to evidentiary issues and the penalty was within departmental guidelines.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department reduced the penalty without proper justification.

Assessment Questions

- 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 of circumstances warranting a reduction in penalty.

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------------------|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-09-11 | 15-2396-IR | 1. Dishonesty 2. Attendance | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On September 11, 2015, and September 18, 2015, an officer allegedly failed to report to her assigned shift and falsely reported that she had notified the institution that she was going to be absent.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not conduct the investigative findings conference in a timely manner. The employee relations officer did not make an entry into the case management system confirming relevant dates.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 24, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until April 29, 2016, 65 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------------------|--------------------------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2015-09-17 | 15-2734-IR | 1. Dishonesty 2. Neglect of Duty | 1. Not Sustained 2. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Administrative Investigation**

Incident Summary

On September 17, 2015, a lieutenant allegedly signed a holding cell log in place of the officer who placed the inmate in the holding cell. On September 23, 2015, the lieutenant allegedly failed to conduct a thorough review of holding cell logs and falsely documented that he conducted regular inmate welfare checks.

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 found insufficient evidence to sustain the allegations. The OIG concurred.

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---|-----------------|---|------------------------------|---|------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2015-09-23 | 15-2584-IR | 1. Insubordination/Willful Disobedience 2. Neglect of Duty | 1. Sustained 2. Sustained | | |
| Case Type: Direct Action (No Subject Interview) | | | | | |
| Incident Summary On September 23, 2015, an officer allegedly failed to complete an accurate key inventory and left the facility after a sergeant ordered him to stay. A second officer allegedly took the missing keys home. | | | | | |
| Predisciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner, and the Office of Internal Affairs did not add a dishonesty allegation or open an investigation. The employee relations officer did not confirm relevant dates in the case management system. | | | | Procedural Rating: Insufficient Substantive Rating: Insufficient | |
| Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on September 23, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 12, 2015, 50 days after the date of discovery.</i> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs improperly refused to add a dishonesty allegation for the first officer or approve a full investigation because the first officer falsely documented the inventory and an investigation was warranted to investigate the facts.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 relevant dates.</i> 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 returned the case to the hiring authority on December 2, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until February 19, 2016, 79 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner.</i> | | | | | |
| Disposition The hiring authority sustained the allegations and imposed a 5 percent salary reduction for six months for the first officer and a letter of reprimand for the second officer. The OIG concurred. The officers did not file appeals with the State Personnel Board. | | | | | |
| Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process. | | | | Procedural Rating: Sufficient Substantive Rating: Sufficient | |

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--|--|------------|---------------------|
| | | | | INITIAL | FINAL |
| 2015-10-13 | 15-2732-IR | 1. Discrimination/Harassment 2. Failure to Report 3. Discourteous Treatment 4. Other Failure of Good Behavior | 1. Sustained 2. Sustained 3. Sustained 4. Sustained | Suspension | Modified Suspension |

Case Type: Direct Action (No Subject Interview)

Incident Summary

On October 13, 2015, an officer was arrested for allegedly being drunk in public and obstructing outside law enforcement. The officer also allegedly used offensive language, including ethnic and gender slurs, when interacting with employees at the jail and failed to notify his hiring authority of the arrest.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department did not conduct the investigative findings conference in a timely manner and the department attorney neglected to enter relevant dates into the case management system.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 returned the case to the hiring authority on December 9, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 19, 2016, 41 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and imposed a 48-working-day suspension. The OIG concurred. After the *Skelly* hearing, the hiring authority discovered the officer was remorseful, had stopped consuming alcohol, and was attending an alcohol program. Due to this mitigating information, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 44-working-day suspension and requiring the officer to provide monthly proof of participation in an alcohol program. The OIG concurred with the settlement because the reduced penalty was minimal and within departmental policy, and because the agreement enforced the additional goal of rehabilitation.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference. The department did not adequately cooperate 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 Office of Internal Affairs returned the case to the hiring authority on December 9, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until January 19, 2016, 41 days thereafter.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The department attorney did not provide the OIG with the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|--------------|------------|------------|
| | | | | INITIAL | FINAL |
| 2015-10-30 | 16-0125-IR | 1. Neglect of Duty | 1. Sustained | Suspension | Suspension |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 30, 2015, an officer allegedly failed to timely notify the hiring authority of a court-ordered firearms restriction.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request. Also, the employee relations officer did not confirm relevant dates in the case management system.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on December 4, 2015, but did not take action until January 6, 2016, 33 days after receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request.

Disposition

The hiring authority sustained the allegation and imposed a two-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.

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-------------------------|--------------|-----------|------------|
| | | | | INITIAL | FINAL |
| 2015-11-12 | 16-0500-IR | 1. Controlled Substance | 1. Sustained | Dismissal | Suspension |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On November 12, 2015, a counselor allegedly tested positive for barbiturates.

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 dismissed the officer. The OIG concurred. During the *Skelly* hearing, the officer expressed extreme remorse, accepted responsibility, presented evidence he subsequently obtained a prescription for the drug, and presented other mitigating factors. Based on the mitigating factors, the hiring authority entered into a settlement agreement reducing the penalty to a 50-working-day suspension. Based on the factors presented at the *Skelly* hearing, 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 |
| 2015-11-26 | 16-0328-IR | 1. Over-Familiarity 2. Neglect of Duty | 1. Sustained 2. Sustained | Salary Reduction | Salary Reduction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On November 26, 2015, an officer allegedly provided food to an inmate. On December 2, 2015, the inmate allegedly provided the officer with money in an attempt to bribe the officer, and the officer allegedly failed to confiscate the money or report it to a supervisor.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference and the department attorney provided inappropriate legal consultation.

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 returned the case to the hiring authority on January 27, 2016. However, 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 8, 2016, 41 days thereafter.

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

The department attorney inappropriately advised that giving contraband food to the inmate did not constitute overfamiliarity.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

SOUTH REGION

Disposition

The hiring authority sustained 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.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department delayed conducting the disciplinary findings conference and the department attorney was unfamiliar with departmental policies, misinterpreted statutory law, and prepared an inadequate 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 Office of Internal Affairs returned the case to the hiring authority on January 27, 2016. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until March 8, 2016, 41 days thereafter.

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

The department attorney inappropriately advised the hiring authority that giving of food, clearly identified as contraband, to the inmate and allowing the inmate to take the food to his cell did not constitute overfamiliarity.

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The department attorney did not include the inmate's statements regarding his prior contacts with the officer and cited an incorrect criminal statute, which formed the basis of an inaccurate legal conclusion.

- Was the disciplinary phase conducted with due diligence by the department?

The department delayed conducting the disciplinary finding conference.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---|------------------------------|------------|------------|
| | | | | INITIAL | FINAL |
| 2015-12-06 | 16-0199-IR | 1. Dishonesty 2. Driving Under the Influence | 1. Sustained 2. Sustained | Suspension | Suspension |

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On December 6, 2015, an officer was arrested after he allegedly drove his vehicle while under the influence of alcohol and was dishonest to 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 the allegations and imposed a 60-working-day suspension. The OIG concurred. Following a *Skelly* hearing, the department entered into a settlement agreement with the officer agreeing to impose the suspension over six months. The OIG concurred as the overall penalty remained the same.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department neglected to timely serve the disciplinary action and complete the required case settlement form.

SOUTH REGION

Assessment Questions

- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?

The department did not complete the case settlement form.

- Was the disciplinary phase conducted with due diligence by the department?

The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on March 30, 2016, but the department did not serve the disciplinary action until May 11, 2016, 42 days later.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|------------------|-----------------------|-----------------------|
| | | | | INITIAL | FINAL |
| 2015-12-09 | 16-0552-IR | 1. Neglect of Duty | 1. Not Sustained | Letter of Instruction | Letter of Instruction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On December 9, 2015, two officers allegedly transported general population inmates with sensitive needs inmates on a bus without partitions and without placing leg restraints on the inmates. As a result, a general population inmate attacked a sensitive needs inmate. Additionally, both officers allegedly did not sign their post orders.

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 found insufficient evidence to sustain the allegations. However, the hiring authority issued both officers letters of instruction. The OIG concurred with the hiring authority's determinations.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|---------------------------|--------------|---------------------|---------------------|
| | | | | INITIAL | FINAL |
| 2015-12-12 | 16-0327-IR | 1. Discourteous Treatment | 1. Sustained | Letter of Reprimand | Letter of Reprimand |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On December 12, 2015, an officer allegedly made derogatory sexual comments to an inmate and challenged the inmate to a fight.

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. 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.

SOUTH REGION

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------------------------|------------------|-----------------------|-----------------------|
| | | | | INITIAL | FINAL |
| 2016-01-03 | 16-0499-IR | 1. Other Failure of Good Behavior | 1. Not Sustained | Letter of Instruction | Letter of Instruction |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On January 3, 2016, an officer was arrested after he allegedly pushed his girlfriend's head into a wall and pushed her to the ground.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not 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 returned the case to the hiring authority on February 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings until April 5, 2016, 55 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegation but determined the officer's decision-making that evening was questionable and could have caused embarrassment to the department. Therefore, the hiring authority served the officer with a letter of instruction advising him to review and comply with all applicable policies regarding off-duty conduct for a sworn peace officer. The OIG concurred with the hiring authority's determinations.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|--------------------|------------------|--------------------|--------------------|
| | | | | INITIAL | FINAL |
| 2016-01-25 | 16-0921-IR | 1. Neglect of Duty | 1. Not Sustained | No Penalty Imposed | No Penalty Imposed |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On January 25, 2016, an officer allegedly failed to maintain a constant visual observation of an inmate on contraband surveillance watch, which allowed the inmate to remove a hand from the restraint for approximately four hours.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs refused to approve an interview of the officer and the hiring authority did not timely conduct the investigative findings conference. The employee relations officer neglected to enter relevant dates in the case management system.

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision not to interview the officer because the officer's explanation for the failure could aggravate or mitigate disciplinary action.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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 Office of Internal Affairs returned the case to the hiring authority on March 23, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until May 4, 2016, 42 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.

| Incident Date | OIG Case Number | Allegations | Findings | Penalty | |
|---------------|-----------------|-----------------|--------------|--------------------------|------------------------|
| | | | | INITIAL Salary Reduction | FINAL Salary Reduction |
| 2016-03-28 | 16-1403-IR | 1. Intoxication | 1. Sustained | | |

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On March 28, 2016, an officer was arrested after he allegedly drove his personal vehicle while under the influence of alcohol, became involved in a traffic collision, and left the scene.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not add a dishonesty allegation. The employee relations officer did not enter relevant dates into the case management system.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs refused to add a dishonesty allegation even though the officer was dishonest with outside law enforcement officers regarding the reason he left the scene of an accident.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system 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.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 36 months. The OIG concurred. However, the officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

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

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



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OFFICE OF THE INSPECTOR GENERAL

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STATE OF CALIFORNIA
September 2016