

SEMI-ANNUAL REPORT

January–June 2014

Volume I



October 2014

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

Office of the Inspector General

SEMI-ANNUAL REPORT

January–June 2014

Volume I



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October 2014



FOREWORD

This 19th Semi-Annual Report covers the time period of January through June 2014. 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, and critical incidents. Therefore, the OIG publishes the Semi-Annual Reports 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 employee discipline process of the California Department of Corrections and Rehabilitation (CDCR or the department). The OIG monitors and assesses the department's internal affairs investigations of alleged employee misconduct, as well as the disciplinary decisions related to cases where allegations of employee misconduct were sustained by the hiring authority (the warden or his or her designee) and any subsequent appeal. Volume I is a summary of OIG monitoring activities for both administrative and criminal investigations conducted by the department, as well as an assessment of the disciplinary process.

Each administrative case is reported in two separate phases, the Pre-Disciplinary Phase, referred to in prior reports as the Investigative Phase, and the Disciplinary Phase. If the investigation of an administrative case has concluded and the investigative report is submitted to the hiring authority for disciplinary findings, the case is found in the appendix entitled either Pre-Disciplinary Phase Cases Involving Use of Force (Appendix A1) or Pre-Disciplinary Phase Cases Not Involving Use of Force (Appendix A2). If a criminal investigation was conducted, the case is found in the appendix entitled Investigative Phase Cases (Appendix A3).

The OIG now separates use-of-force cases because there were inquiries regarding the use-of-force reviews previously reported, specifically whether any use-of-force cases referred for Office of Internal Affairs investigation are ever actually investigated or further monitored by the OIG. While the use of force is not always the source of the misconduct, the OIG monitors any Office of Internal Affairs case in which significant use of force is involved. In some cases, OIG staff monitored the department process for review of use-of-force cases and may have instigated or concurred in the request for investigation. In others, the OIG may have monitored an initial critical incident that involved a use of force.

In the Disciplinary Phase, cases are reported once the department has made its decision to impose discipline and after resolution or conclusion of any appeal process. Both the Pre-Disciplinary and Disciplinary Phase will be reported in the Combined Phases appendix if both concluded during the six-month reporting period. The Disciplinary Phase appendix also includes cases in which the Office of Internal Affairs approved direct disciplinary action without an investigation. A direct action case is one where there is no investigation opened because the facts are deemed sufficiently established such that no investigation is needed. The decision whether to open an investigation is made by the Office of Internal Affairs Central Intake Panel. As a result, on direct action cases, the Office of Internal Affairs is assessed on its decision whether to open an investigation or not and the timeliness of that decision.

This report provides an assessment of 348 monitored Office of Internal Affairs cases the OIG closed during the reporting period of January 1 through June 30, 2014. Most cases monitored by the OIG involve allegations of administrative misconduct. This includes cases for which the department conducted an internal affairs investigation and then determined if disciplinary action was appropriate, as well as direct action cases in which the department determined there may be sufficient evidence to impose discipline without an internal affairs investigation or with only an interview of the subject of the investigation.

THE EMPLOYEE DISCIPLINE PROCESS

Whenever the department reasonably believes employee misconduct may have occurred, it is the responsibility of the hiring authority to request an investigation in a timely manner. The matter is referred to the Office of Internal Affairs Central Intake Panel, which then determines if an internal affairs investigation is warranted, whether enough information exists for the department to proceed with a disciplinary action without an investigation, if a subject-only interview is needed, or if no further action is warranted. The OIG participates in the Office of Internal Affairs Central Intake Panel meetings to monitor the process, provide recommendations on Central Intake Panel determinations, and determine which cases the OIG will accept for monitoring. The following table is the OIG guide for determining which cases to accept for monitoring.

Madrid-Related Criteria	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 when the discharge does not constitute a warning shot.
Dishonesty	Perjury; material misrepresentation in an official law enforcement report; failure to report a use of force resulting in, or which could have resulted in, serious injury or death; or material misrepresentation during an internal affairs investigation.
Obstruction	Intimidating, dissuading, or threatening witnesses; retaliation against an inmate or against another person for reporting misconduct; or the destruction or fabrication of evidence.
Sexual Misconduct	Sexual misconduct prohibited by Penal Code Section 289.6.
High Profile	Cases involving alleged misconduct by high-ranking department officials; misconduct by any employee causing significant risk to institutional safety and security, or for which there is heightened public interest, or resulting in significant injury or death to an inmate, ward, or parolee (excluding medical negligence).
Abuse of Position or Authority	Unorthodox punishment or discipline of an inmate, ward, or parolee; or purposely or negligently creating an opportunity or motive for an inmate, ward, or parolee to harm another inmate, staff, or self, i.e., suicide.
Criminal Conduct	Trafficking of items prohibited by the Penal Code or criminal activity that would prohibit a peace officer, if convicted, from carrying a firearm (all felonies and certain misdemeanors or “wobblers” such as those involving domestic violence, brandishing a firearm, and assault with a firearm).

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

When the investigation is complete, the hiring authority is required to review the investigative report within 14 days of receipt of the report. Policy requires the hiring authority to consult with the assigned Special Assistant Inspector General on the discipline decision. If the Special

Assistant Inspector General believes the hiring authority's decision is unreasonable, the matter may be elevated to the next supervisory level through an executive review process.¹

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

MONITORING THE PRE-DISCIPLINARY PHASE

The Pre-Disciplinary Phase starts with either the request for investigation by the hiring authority or direct initiation by the Office of Internal Affairs. This phase involves hiring authorities, the Office of Internal Affairs Central Intake Panel, assigned investigators, and department attorneys, if assigned.² It is not purely an investigative phase, although the investigation may be a major component.

MONITORING CENTRAL INTAKE

The Office of Internal Affairs Central Intake Panel meets weekly to review the referrals for investigation submitted from throughout the department. Within the OIG's Discipline Monitoring Unit are Special Assistant

The OIG reviewed 1,160 cases referred to the Office of Internal Affairs. Approximately 27 percent (315 cases) met the OIG's criteria and were opened for monitoring.

Inspectors General assigned to attend the weekly Office of Internal Affairs Central Intake Panel meetings and also review the investigation referrals. They make recommendations to the department regarding whether the case should be opened for investigation and the level of investigation needed. The Special Assistant Inspectors General also inform the department which cases the OIG will accept for monitoring. In this six-month reporting period, the OIG reviewed 1,160 cases forwarded to the Office of Internal Affairs Central Intake Panel for evaluation.

The number of cases reported does not correlate to the number of cases the department's Office of Internal Affairs opened during the reporting period. It is only a reflection of the number of cases the OIG monitored that came to a conclusion during this period and were, therefore, reportable by the OIG. The OIG only reports those cases that have completed a phase in order to protect the integrity of the process.

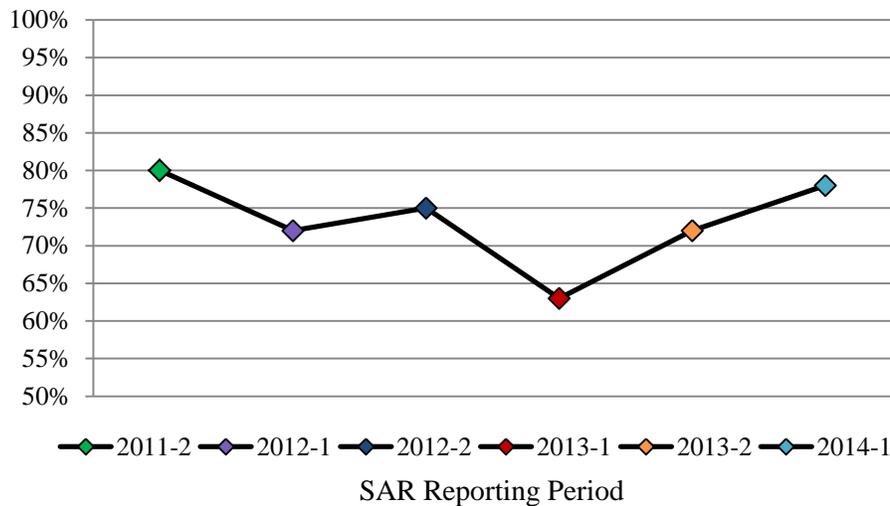
¹ Pursuant to Department Operations Manual, Chapter 3, Section 33030.14, when there is a disagreement over a hiring authority's decision concerning findings, penalty, or settlement, the OIG, or other designated stakeholders, can elevate that decision to a higher level of managerial review.

² Not every case is assigned to a department attorney in the Pre-Disciplinary Phase.

This report reveals three areas where delays in the pre-disciplinary process are occurring. The first area is timely referrals of misconduct cases to the Office of Internal Affairs Central Intake Panel by hiring authorities. In previous reports, the OIG made recommendations that the department adopt a 45-day standard for referral of misconduct cases. During this reporting period, the department adopted the OIG’s recommendation. Chart 1 displays the number of cases that were referred to the Office of Internal Affairs Central Intake Panel within 45 days.

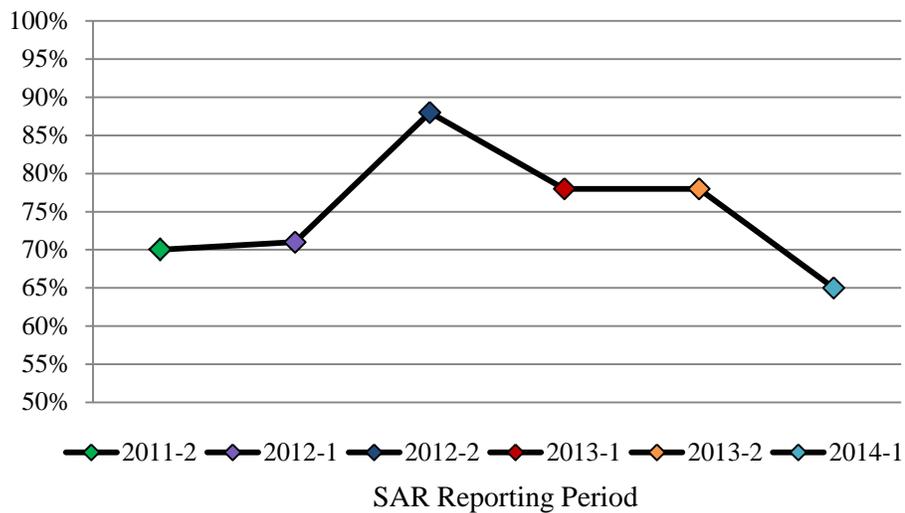
Of the cases being reported this period, the hiring authority timely referred 78 percent to the Office of Internal Affairs Central Intake Panel within 45 days, representing a 6 percent increase over the last reporting period. This represents an increase in timely referrals; however, 22 percent were still not timely. The OIG is hopeful that this issue will become less prevalent and, with the adoption of the 45-day policy by the department, hiring authorities will be more diligent in timely referring cases for investigation. Every day saved at the beginning of the process can add to the overall sufficiency of the investigation.

Chart 1: Cases Referred to Central Intake by the Hiring Authority Within 45 Days



The second area of delay is within the Office of Internal Affairs Central Intake process itself. Although departmental policy requires the Central Intake Panel to make a determination on a particular case or request for investigation within 30 days of referral to the Office of Internal Affairs, only 65 percent of the cases closed and reported in this reporting period had timely determinations when they went through the Central Intake Panel process. This represents a 13 percent decrease from the previous reporting period. The department reports that although it has attempted to hire new special agents for the Office of Internal Affairs Central Intake Unit, there is still a 40 percent vacancy rate in the unit. The department explains this high vacancy rate by advising that the lengthy background investigation process and a recent State Personnel Board clarification on when an employee can laterally transfer to a new position has severely impacted its ability to fill these vacant positions. The OIG strongly recommends that the department take action to reduce the time for background investigations and utilize programs such as the training and development process to ensure candidates can eventually meet the minimum qualifications for an Office of Internal Affairs special agent position.

Chart 2: Percent of Cases with Timely Determinations by Central Intake



The third area of delay is in the completion of the actual investigations. A core *Madrid* concern was the failure of the department to timely complete investigations, resulting in the statute of limitations precluding imposition of discipline on many cases.³ Pursuant to Department Operations Manual, Chapter 3, Section 33030.13, “As soon as operationally feasible, but no more than twenty-one (21) calendar days following receipt of the investigative report, the Vertical Advocate⁴ shall review the investigative report and supporting documentation and provide feedback to the assigned investigator.” As part of the *Madrid* reforms, the department instituted time limits so that each actor in the disciplinary process would have sufficient time to complete his or her part of the process. Section 33030.13 of the Department Operations Manual further specifies, “As soon as operationally possible, but no more than fourteen (14) calendar days following the receipt of the final investigative report, the hiring authority shall review the investigative report and supporting documentation.” The purpose of the review is to determine whether the investigation is sufficient, whether the allegations are founded, whether disciplinary action is supported by the facts, what penalty is appropriate, and what recommendations may be made by the OIG.

The OIG’s position is that the 21 calendar days afforded the department attorney for review must precede the 14 days afforded the hiring authority for review. The OIG and the department agree on that issue. The OIG believes this requires the investigation to be completed no later than 35 days before the statute of limitations expires so the department attorney can review the investigation. Even with a report completed 35 days prior to the statute, if the department attorney or the hiring authority, or both, within their respective time frames, should require more investigation or additions to the report, the timeliness of the investigation and discipline decisions required is put at risk. This 35-day time frame does not take into account the time needed to draft and serve a notice of adverse action. The Department Operations Manual does not address the time frame needed to serve a notice of adverse action. The department disputes that the Department Operations Manual requires the investigative report to be provided to the hiring authority 35 days before expiration of the statute of limitations. The department instead contends that the 21 days for attorney review constitutes part of the investigation time and that the investigation is not complete before the review. The reader will notice a number of cases that are procedurally insufficient because the investigative report is not given to the hiring authority 35 days prior to the expiration of the statute of limitations. The department and the OIG have agreed to consult and reach consensus regarding when the report is provided to the hiring authority to ensure appropriate hiring authority review and adequate time for drafting a notice of adverse action. It is the OIG’s intention to share the results of that consultation in the next Semi-Annual Report.

³ *Madrid v. (Gomez) Cate*, 889 F. Supp. 1146 (N.D. Cal. 1995).

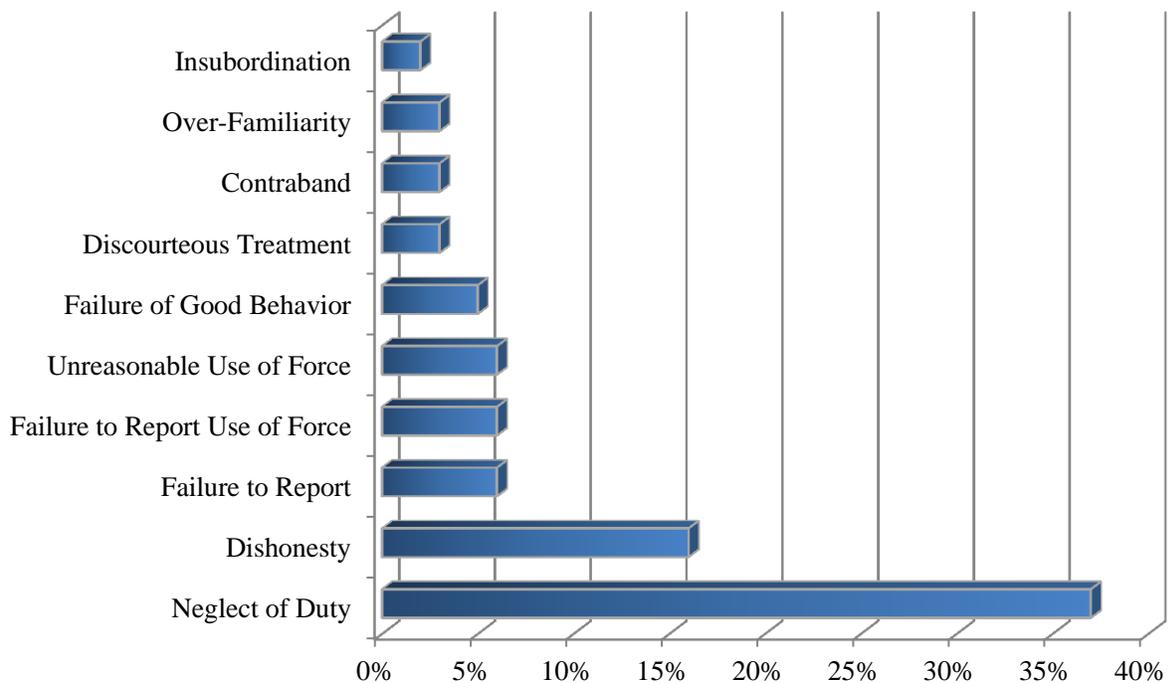
⁴ A department attorney who litigates CDCR employee discipline cases is called a “vertical advocate.”

ALLEGATION TYPE DISTRIBUTION

Consistent with prior reporting periods, the OIG focused a large portion of its monitoring activities on cases involving core *Madrid* issues. The core *Madrid* allegations involve unreasonable use of force, officer dishonesty, failure to report misconduct, and code of silence. Cases involving peace officers or sworn staff are given priority for monitoring. In this reporting period, the OIG monitored cases involving 617 sworn officers, representing 91 percent of all subjects reported in the monitoring tables.

Chart 3 provides a summary of the allegations, both core *Madrid* allegations and other allegation types, in the cases the OIG monitored and closed during this reporting period. It is important to note that a single case often contains many allegations of misconduct; therefore, the number of allegations exceeds the number of cases reported. Furthermore, neglect of duty is frequently alleged in conjunction with many other allegations. This chart does not reflect any trends regarding CDCR discipline issues, but rather is a reflection of the allegation distribution for the cases the OIG monitored and closed during the reporting period.

Chart 3: Allegations for Cases Monitored and Closed by the OIG, January–June 2014



MONITORING THE DISCIPLINARY PHASE

The Disciplinary Phase starts with the hiring authority's determination whether to sustain the allegations. If allegations are sustained, the hiring authority must impose a penalty consistent with the provisions of CDCR's policies and procedures.

FINDINGS AND PENALTIES

A critical step in the administrative disciplinary process is when a hiring authority determines which allegations should be sustained, if any, and the appropriate penalty. Based on the evidence presented, the hiring authority must determine whether there is enough to make a finding. If there is not enough 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 exonerated. If sustained, the appropriate penalty must be drawn from the disciplinary matrix,⁵ which sets out penalty ranges for each type of misconduct. The hiring authority consults with the department attorney (on cases where a department attorney is assigned) and the Special Assistant Inspector General if it is an OIG-monitored case. The hiring authority considers each case on its own merits to determine the penalty, while taking into consideration any aggravating or mitigating factors.

EXECUTIVE REVIEW

If either the Special Assistant Inspector General or the department attorney believes the hiring authority has made an unreasonable decision as to findings or penalty, executive review can be sought pursuant to CDCR's policies and procedures. In the executive review, the hiring authority's supervisor and the department attorney's supervisor determine the findings and penalty with an OIG supervisor as the monitor.

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

Overall, for the last five OIG Semi-Annual Report reporting periods, 10 out of 14 executive review decisions were ultimately consistent with OIG recommendations. The OIG continues to believe executive review is a valuable tool and will invoke it whenever necessary. Chart 4 provides a comparison of OIG executive review requests that took place during this reporting period and in prior reporting periods. In the current reporting period, the OIG invoked executive review on five occasions. In the cases where the OIG invoked executive review during this reporting period, three were decided consistent with the OIG's position, one was not, and, in the

⁵ Department Operations Manual, Chapter 3, Section 33030.17, states "Sufficient evidence establishing preponderance is necessary before any disciplinary action can be taken. The Employee Disciplinary Matrix shall be the foundation for all disciplinary action considered and imposed by the department and shall be utilized by the Hiring Authority to determine the penalty to impose for misconduct." The disciplinary matrix is located in the Department Operations Manual, Chapter 3, Section 33030.19.

remaining case, although OIG invoked executive review, the higher level of review was prevented because the Office of Internal Affairs submitted an untimely investigative report to the hiring authority.

Chart 4: Executive Review

Reporting Period	OIG Requested Executive Review*	Executive Review Decision Consistent with OIG's Position
Jan–Jun 2014	4**	3
Jul–Dec 2013	1	0
Jan–Jun 2013	1	1
Jul–Dec 2012	2	1
Jan–Jun 2012	6	5
	14	10

*Prior OIG reports included data regarding cases in which the department attorneys requested executive reviews and cases in which the department attorney and the OIG jointly requested executive review. This report only includes cases in which solely the OIG requested executive review.

** The OIG requested executive review on one additional case in this reporting period, but the Office of Internal Affairs failed to submit its investigative report to the hiring authority in a timely manner, so the executive review process could not take place.

CASE SUFFICIENCY RATINGS

The OIG and the department continue to work collaboratively to improve internal affairs investigations and employee discipline processes. Cases are not generally lost because the department fails to comply with the statute of limitations. However, the concern is that in some instances the reports are delivered with insufficient time for each stakeholder to appropriately consider all aspects of the case. The OIG assesses each case to determine on the whole whether the Pre-Disciplinary Phase or the Disciplinary Phase for each case sufficiently complied with best practices and departmental policies. An insufficient rating does not necessarily mean that a negative outcome occurred. An insufficient rating simply indicates that there were deficiencies that had the potential for creating an adverse outcome. In response to a request from the department, the OIG now provides both procedural and substantive ratings. In prior reports the OIG simply gave one overall rating, which could have resulted from procedural deficiencies, substantive deficiencies, or both. The purpose for the change is twofold. First, it may enable the department to better identify and address those areas that need the most attention. Second, it is fairer to those department employees who may do a good job qualitatively. Sometimes, through no fault of theirs, a procedural insufficiency exists in meeting a timeline or process requirement by another departmental entity that ultimately does not damage the case going forward. In the prior reporting format, there could have been the errant impression that all departmental entities involved had failed in some way. However, due to the potential adverse impact process failures pose for successful investigations, the OIG still does not agree that such insufficiencies are irrelevant simply because a case ultimately gets to the hiring authority in time to make a decision. Therefore, the OIG will continue to assess process deficiencies regardless of outcome or specific entity responsibility within the department. Minor deviations typically do not result in an insufficient rating.

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

Charts 5 and 6 display the OIG’s assessments by region for the Pre-Disciplinary and Investigative Phases and the assessments for the Disciplinary Phase.⁶ These ratings are discussed in detail for each case in Appendix A, B, or C. The following charts provide sufficiency ratings for the department as a whole and are not broken down by the individual entity (Office of Internal Affairs, department attorney, or hiring authority) responsible for the rating.

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

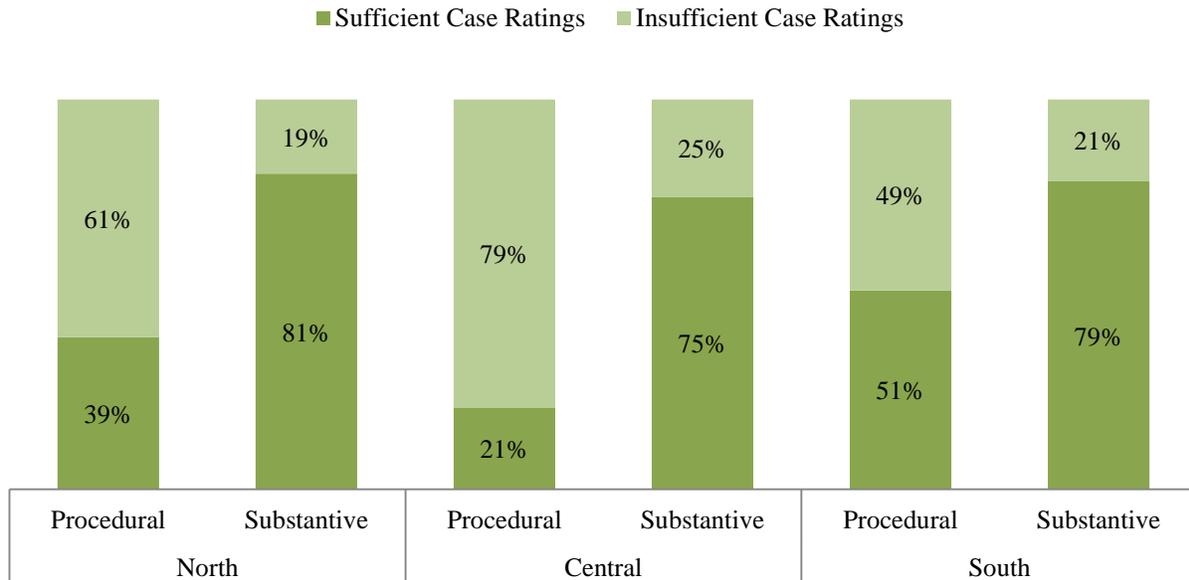
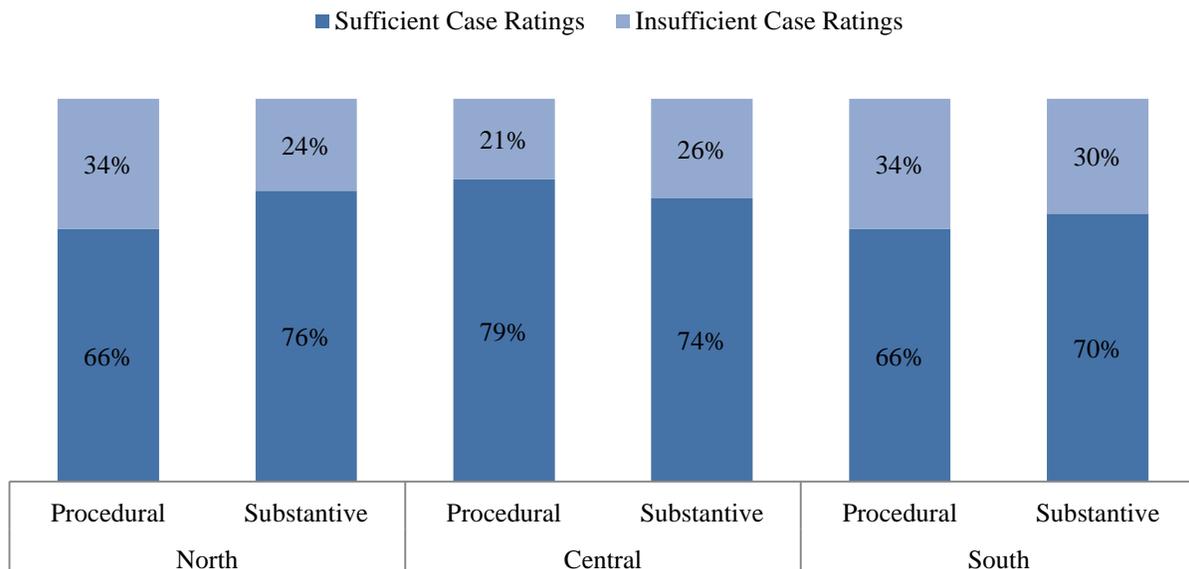


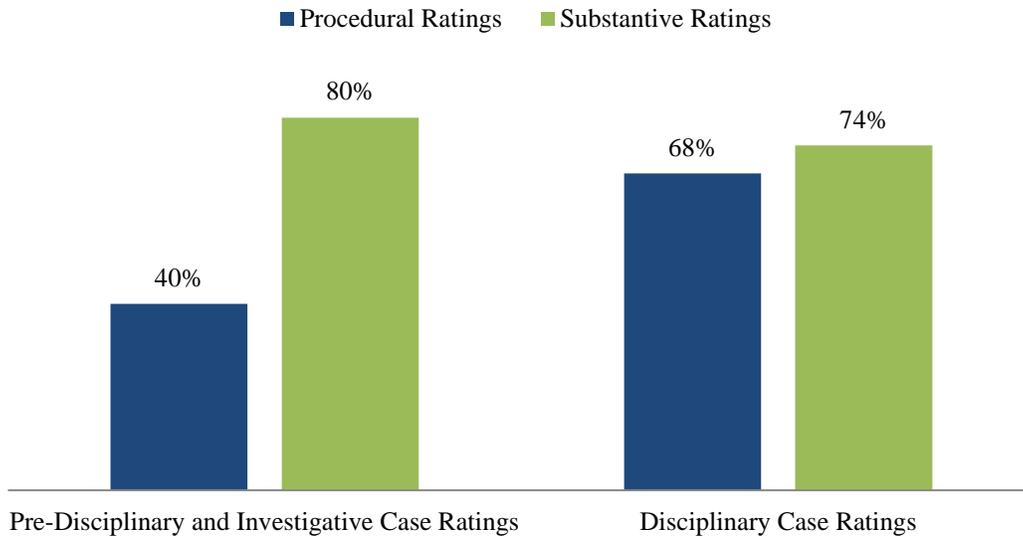
Chart 6: Department Disciplinary Case Ratings by Region



⁶ A “Pre-Disciplinary Phase” takes place in cases involving administrative allegations. In criminal cases, the same phase is called the “Investigative Phase.”

Chart 7 displays Pre-Disciplinary, Investigative, and Disciplinary overall statewide sufficiency ratings during the current reporting period. Out of the 348 monitored cases being reported, 40 percent of the Pre-Disciplinary and Investigative cases were procedurally sufficient and 80 percent were substantively sufficient. Of the Disciplinary cases, 68 percent were assessed as procedurally sufficient and 74 percent were assessed as substantively sufficient. The specific reasons for the insufficiencies in each case are detailed in Appendices A, B, and C.

Chart 7: Department Overall Case Sufficiency Ratings



VOLUME I CONCLUSION

The OIG serves a vital oversight role in CDCR's investigation and employee discipline process. Since the termination of the *Madrid* federal litigation, the OIG has provided ongoing oversight and transparency to CDCR as it maintains reforms mandated by the court for internal investigations and the employee discipline process. In addition, the Semi-Annual Report now states specific recommendations resulting from OIG monitoring activities regarding policies and procedures within CDCR.

The OIG also reports systemic flaws. For example, as previously reported, the amount of time to begin and complete investigations and the disciplinary process within CDCR is still too long. It is problematic to the alleged subjects, who sometimes wait years for allegations to be resolved, detrimental to the morale of the department and its inability to separate subpar employees expediently, and damaging to the efficacy of the process itself. The department has instituted policies to establish guidelines to insure timeliness—for example, 30 days for the Office of Internal Affairs Central Intake Panel to process a case, 14 days for a hiring authority to review an investigation after receiving it, 30 days to serve an adverse action on a peace officer after a final decision has been made, and now 45 days for a case to be referred for investigation once potential misconduct is discovered. However, these deadlines will not have the desired positive impact on the system if they are not followed. Notwithstanding these issues, the department should be commended for no longer having statutes of limitations expire prior to action being taken.

The department's contention that the quality of the investigation and the discipline process is higher when viewed separately from procedural lapses not affecting outcome appears to be correct. In the Pre-Disciplinary and Investigative Phase, the department scored 80 percent substantively sufficient, and in the Disciplinary Phase, it scored 74 percent substantively sufficient (Chart 7). These percentages represent passing grades and improvement over some past reports, but there is still considerable room for improvement.

There are still the troubling statistics regarding process where only 40 percent of Pre-Disciplinary and Investigative Phase cases were sufficient and 68 percent of the Disciplinary Phase cases were sufficient (Chart 7). It is true that many cases that are untimely processed still end in appropriate results. The danger, as explained, is the potential failures if these lapses continue to occur.

Furthermore, the OIG monitored two cases during this reporting period that illustrate the need for the department to develop clear guidelines for processing and investigating cases involving allegations of staff-on-inmate sexual assaults. The OIG has also increased its response to inmate Prison Rape Elimination Act complaints against staff and has discovered that while policy requires such complaints to be sent automatically to the Office of Internal Affairs, not all institutions follow this requirement. The Department Operations Manual, Chapter 4, Section 54040.9, requires all reports of alleged staff-on-inmate sexual assault incidents to be immediately referred to the Office of Internal Affairs for investigation. However, the Department Operations Manual fails to specify the method of referral, which has led to a disparity in how cases are handled, and the department has also failed to clarify how these allegations are to be

investigated. In one instance, an off-duty lieutenant notified an Office of Internal Affairs special agent during a high school football game of an allegation of a staff-on-inmate sexual assault incident, and the institution interpreted this informal, off-duty notification as having satisfied the department's referral requirement. In another case, an institution's investigative services unit conducted the interviews and other investigative activities despite the requirement that these investigations be handled by the Office of Internal Affairs. In fact, in some instances, the Office of Internal Affairs conducts the investigations, and at other times the matter is delegated to the institutions' investigative services units. The latter takes place despite the requirement in the Department Operations Manual that these types of investigations be conducted by an entity outside the institution, namely the Office of Internal Affairs. There appear to be no clear guidelines as to which cases are investigated by the Office of Internal Affairs and which are delegated to the investigative services units. It is also unclear from where delegation authority is derived.

Lastly, an issue has arisen regarding claims that Office of Internal Affairs special agents conduct interviews with subjects or witnesses without first ascertaining if they are under the influence, such that their ability to understand and meaningfully participate in the interviews is compromised. In one case, an officer was dismissed for being dishonest during her interview with the Office of Internal Affairs. The department later entered into a settlement agreement reducing the officer's penalty from a dismissal to a five-month suspension because the officer provided proof that she was receiving medical treatment during the time of her Office of Internal Affairs interview and argued that the use of prescription medication impaired her ability to meaningfully participate in the interview. Prior to the commencement of the interview, the Office of Internal Affairs special agent did not inquire of the officer regarding the consumption of any substance that would impair her ability to understand the questions or tell the truth.

The OIG has made recommendations to address both of these issues. The OIG commends the department on implementing prior recommendations and continues to encourage CDCR to implement those that remain. Notably, there continue to be cases involving CDCR officers being issued concealed carry weapons permits that do not contain the standard revocation requirement virtually all other law enforcement agencies place on such permits, namely prohibiting consumption of alcohol while carrying a concealed weapon.

The OIG remains committed to assessing and reporting on the area of employee discipline. The OIG shares the same goal as CDCR: a fair and properly functioning system for all involved that can be a model for correctional practice. To that end, the OIG will continue to rigorously monitor the processes and entities involved and seek to add value to the system whenever possible.

VOLUME I RECOMMENDATIONS

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

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

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

RECOMMENDATIONS FROM PRIOR REPORTING PERIODS

The OIG recommends the department implement the following recommendations from Volume I of the prior Semi-Annual Report, July–December 2013.

July–December, 2013

Recommendation 1.2 was prompted by past monitored cases and two cases during this reporting period that the OIG monitored involving off-duty CDCR officers carrying weapons while under the influence of alcohol. There is no departmental policy addressing when these officers' permits should be revoked. Best practices in most jurisdictions incorporate an automatic revocation for concealed carry weapons (CCW) permit holders who possess a weapon and consume alcohol. Off-duty correctional officers subject the issuing department and the State to civil liability under these circumstances. Off-duty possession of a weapon is not within the scope of the CDCR peace officer position, and to carry a weapon officers must have a CCW permit issued by CDCR.

July–December, 2013

Recommendation 1.2 The OIG recommends that the department adopt a consistent statewide policy on the factors that should lead to a revocation of a concealed weapons permit. Specifically, the policy should include an automatic revocation of the concealed weapons permit if the peace officer had been consuming alcohol while in possession of a weapon.

Pending Implementation

The department has a proposed action plan to develop a department-wide policy governing concealed carry weapon (CCW) permits for active duty peace officers, to be implemented January 1, 2015.

July–December, 2013

Recommendation 1.3 The OIG has previously recommended and continues to recommend that the department adopt a statewide policy to develop a list of officers who have been deemed to be dishonest, to have used excessive force, or to have committed domestic violence, and that the list is maintained in one central office and available to prosecutorial agencies.

Not implemented

The department is currently reviewing this recommendation.

July–December, 2013

Recommendation 1.4 The OIG recommends that parole agents receive academy level training for peace officers who are performing their duties in public, including pre-event planning, cooperation with outside law enforcement, operation plans, and improved tactical training for such situations.

Fully Implemented

The OIG recommends the department implement the following recommendations from the Volume I Semi-Annual Report, January–June 2013.

January–June, 2013

Recommendation 1.1 The OIG recommends the department set a time frame of 45 days or some reasonable timeliness standard to refer cases to the Central Intake Panel.

Partially Implemented

The department is establishing a policy that requires referral of cases to the Office of Internal Affairs Central Intake Unit within 45 days of discovery of the misconduct. Limited exceptions will be allowed with approval.

January–June, 2013

Recommendation 1.3 The OIG recommends that the department develop a plan to adequately staff the Office of Internal Affairs Central Intake Panel or explore other ways to achieve the 30-day time frame required by policy.

Substantially Implemented

The Office of Internal Affairs has been authorized to fill positions within the Central Intake Unit to comply with the Department Operations Manual, Chapter 3, Section 31140.4.10. Recruitment is ongoing, although the lengthy background process will delay filling of positions until November 2014.

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APPENDICES

Appendix A contains the assessments for 84 Pre-Disciplinary Phase and Investigative cases monitored during this reporting period, listed by geographical region.

A1 displays the assessments of the 15 Pre-Disciplinary Phase cases that involved use of force.

A2 displays the assessments of the 46 Pre-Disciplinary Phase cases that did not involve use of force.

A3 displays the assessments of the 23 Investigative Phase cases.

Appendix B contains the assessments for 162 Disciplinary Phase cases monitored during the reporting period, listed by geographical region.

B1 displays the assessments of the 27 Disciplinary Phase cases that involved use of force.

B2 displays the assessments of the 135 Disciplinary Phase cases that did not involve use of force.

Appendix C contains the results and outcomes of 102 Combined Phase cases monitored during the reporting period, listed by geographical region.

C1 displays the assessments of the 31 Combined Phase cases that involved use of force.

C2 displays the assessments of the 71 Combined Phase cases that did not involve use of force.

APPENDIX A1

PRE-DISCIPLINARY INVESTIGATIVE PHASE

CASES INVOLVING USE OF FORCE

CENTRAL REGION

15

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-11	13-2733-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty

Incident Summary

On June 11, 2013, an officer allegedly escorted an inmate out of a classroom then slammed the inmate into a wall and the floor, pinning the inmate down. The officer allegedly failed to report his use of force. Additionally, a second officer and a teacher allegedly witnessed the first officer's use of force and failed to report it. Further, a sergeant allegedly knew about the first officer's use of force, but failed to ensure the incident was properly reported.

Predisciplinary Assessment

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

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The department delayed more than nine months before beginning any investigative work.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was July 22, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until November 2, 2013, over three months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department first learned of the misconduct on July 22, 2013, but the Office of Internal Affairs did not commence interviews until April 22, 2014, nine months later.

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-30	13-2494-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Misuse of Authority

Incident Summary

On June 30, 2013, a lieutenant allegedly directed a sergeant to do whatever was needed to get two disruptive inmates out of their holding cells and have them submit to unclothed body searches. The sergeant allegedly sprayed one of the inmates in the face with pepper spray even though both the inmates were still in separate holding cells and did not pose any immediate threat. On July 9, 2013, the lieutenant allegedly ordered the sergeant to change the wording in his report to make it appear as if the sergeant's use of force was appropriate. The sergeant changed his report then spoke to another lieutenant, who directed the sergeant to turn in the original version accurately describing the events.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination regarding the case.

CENTRAL REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on July 10, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 20, 2013, 72 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on September 23, 2013, but did not take action until October 30, 2013, 37 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to timely take action on it.

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-19	13-2322-IR	Administrative Investigation	<ol style="list-style-type: none"> Failure to Report Unreasonable Use of Force Neglect of Duty

Incident Summary

On August 19, 2013, a sergeant allegedly used a bed sheet to tie an inmate's wrists and ankles together in a "hog tie" fashion. The sergeant also allegedly directed three officers to lift the inmate onto a utility cart to transport the inmate to a housing unit, then allegedly directed the officers to carry the inmate upstairs to a cell. Additionally, the sergeant allegedly placed the inmate in a cell, while the inmate was still restrained, with an incompatible cellmate. Further, the sergeant and the three officers allegedly failed to report their own use of force and the use of force by others that they witnessed.

<h3>Predisciplinary Assessment</h3> <p>OIA Central Intake, the department attorney, and the special agent failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake waited 33 days after receiving the request for investigation before opening an investigation. The special agent delayed five months after being assigned before starting case interviews.</p>	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on September 20, 2013, but did not take action until October 23, 2013, 33 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake delayed making a determination regarding the case. The special agent was assigned on November 1, 2013; however, no significant investigative work started until March 21, 2014, when a site visit and tour were conducted. Interviews did not start until April 4, 2014, five months after the special agent was assigned to the case.

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-29	13-2320-IR	Administrative Investigation	<ol style="list-style-type: none"> Failure to Report Use of Force Unreasonable Use of Force Misuse of Authority Neglect of Duty Discourteous Treatment

Incident Summary

On August 29, 2013, an officer allegedly used unreasonable force when he pushed an inmate from behind, causing the inmate to stumble. The officer also allegedly failed to report his use of force, was verbally discourteous, conducted an unclothed body search in front of other inmates, and threatened to use pepper spray on the inmate when the inmate requested an inmate appeal form.

CENTRAL REGION

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the predisciplinary process. The special agent failed to conduct a scene visit and obtain a scene diagram or photos before interviewing the officer. The special agent also failed to adequately conduct the officer's initial interview. The department attorney failed to correctly assess the date of discovery and failed to recognize the inadequacy of the officer's initial interview. A second interview of the officer was conducted only after the OIG requested the follow-up interview.

Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the date of discovery as August 30, 2013. The actual date of discovery was August 29, 2013 when a sergeant first learned of the possible misconduct.
- Did the special agent adequately prepare for all aspects of the Investigation?
The special agent failed to conduct a scene visit and obtain photos and a diagram of the scene before beginning interviews.
- Were all of the interviews thorough and appropriately conducted?
The special agent failed to use a scene diagram during the officer's first interview to clarify where certain events occurred. The special agent also failed to adequately ask the officer about training the officer received regarding unclothed body searches and whether the officer's conduct conformed with policy. After OIG's recommendation, the special agent interviewed the officer a second time, used a scene diagram for reference, and also asked the officer about his training.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorney failed to recognize that the officer's first interview was incomplete because the officer was not adequately questioned on the policy and training he received related to conducting unclothed body searches.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-07	12-1931-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty

Incident Summary

On June 7, 2012, an officer allegedly used unreasonable force when he applied pepper spray on an inmate while the inmate was confined in a holding cell. Allegedly, the officer and another officer were dishonest in their reports, a sergeant failed to obtain clarification from one of the officers, and a lieutenant failed to request an administrative review of the incident.

Predisciplinary Assessment

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

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to conduct the investigation with due diligence. The department attorney failed to make all of the appropriate entries in CMS and failed to provide feedback to the special agent regarding the investigative report prior to its delivery to the hiring authority. The investigative report was sent to the hiring authority only 15 days before the deadline to take disciplinary action.

Assessment Questions

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

The department attorney did not make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, or the deadline for taking disciplinary action.
- 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 to the investigator addressing the thoroughness and clarity of the report.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?

The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The investigative draft report did not include all of the allegations raised against the sergeant during the course of the investigation.
- Was the final investigative report thorough and appropriately drafted?

Despite recommendations from the OIG, the final investigative report did not include all of the allegations raised against the sergeant during the course of the investigation.
- Was the predisciplinary/investigative phase conducted with due diligence?

The special agent was assigned to the case on August 23, 2012, but did not start conducting interviews until March 12, 2013, more than six months after being assigned to the case.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The investigative report was sent to the hiring authority 15 days before the deadline to take disciplinary action.

NORTH REGION

Incident Date 2013-02-05	OIG Case Number 13-0602-IR	Case Type Administrative Investigation	Allegations 1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty
<p>Incident Summary</p> <p>On February 5, 2013, an officer assigned to maintain constant visual supervision of an inmate on suicide watch was allegedly inattentive and failed to stop the inmate from tearing a blanket and wrapping velcro around his neck, and failed to immediately report the inmate's conduct to a supervisor. A sergeant was alerted by a nurse who observed the inmate's actions. The sergeant responded to the cell and allegedly used unreasonable force when he used pepper spray on the inmate. The sergeant also allegedly prepared a false report.</p>			
<p>Predisciplinary Assessment</p> <p>The Office of Internal Affairs and the department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake did not make a timely determination regarding the case and the special agent did not provide a draft copy of the investigative report to the OIG until 27 days before the deadline to take disciplinary action. The department failed to cooperate with the OIG. The department attorney failed to confirm the deadline to take disciplinary action within 21 days of being assigned, failed to consult with the special agent and the OIG within 21 days of being assigned, and failed to review the draft investigative report within 21 days of receiving it.</p>			<p>Procedural Rating: Insufficient Substantive Rating: Insufficient</p>

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on March 28, 2013, but did not take action until May 1, 2013, 34 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The department attorney was assigned to the case on May 8, 2013, but did not make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known until June 3, 2013, 26 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 to the case on May 8, 2013, but did not consult with the assigned special agent and the OIG regarding the elements of a thorough investigation until July 9, 2013, 62 days after assignment.
- 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 draft copy of the investigative report was not forwarded to the OIG until the OIG requested it, and it was not received until 27 days prior to the deadline to take disciplinary action.
- 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 any feedback regarding the investigative 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 any feedback regarding the investigative report.
- Was the predisiplinary/investigative phase conducted with due diligence?

OIA Central Intake delayed making a determination regarding the case.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The deadline to take disciplinary action was February 4, 2014. The investigation was not completed until January 9, 2014, only 26 days before the deadline to take disciplinary action.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent failed to timely deliver a copy of the investigative report to the OIG. The OIG contacted the Office of Internal Affairs about the status of the report 27 days prior to the deadline to take disciplinary action and was only then provided with a copy.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?

The department attorney did not timely respond to communications from the OIG and the special agent regarding scheduling conferences and interviews, nor did the department attorney provide any feedback to the OIG or the special agent in regards to the investigative report.

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-17	13-0711-IR	Administrative Investigation	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty Other Failure of Good Behavior

Incident Summary

On February 17, 2013, two officers allegedly used unreasonable force when they dragged a compliant and unclothed inmate out of his cell and onto the tier during a cell extraction. A sergeant and a lieutenant allegedly failed to stop the unreasonable force they witnessed and also failed to report it.

NORTH REGION

Predisciplinary Assessment			Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department failed to comply with the department's policies and procedures governing the predisciplinary process. The special agent delayed three months before beginning substantive investigative work. The draft investigative report was not completed prior to the scheduled findings and penalty conference, and the conference had to be rescheduled. The final investigative report was not forwarded to the hiring authority until five days before the deadline to take disciplinary action and after the findings and penalty conference had been completed.</p>			
Assessment Questions			
<ul style="list-style-type: none"> 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>A draft investigative report was not timely provided to the OIG. The draft was provided on February 24, 2014, the date of the scheduled findings and penalty conference. Therefore, the findings and penalty conference had to be postponed and rescheduled to February 28, 2014, to allow time for the hiring authority to review the investigation. The final investigative report was not forwarded to the hiring authority until March 3, 2014, only five days before the deadline to take disciplinary action and after the findings and penalty conference had been completed.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The special agent was assigned on June 5, 2013, and began working on the case on June 28, 2013. For the following three months, until October 9, 2013, there was no documented case activity.</i> Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The deadline to take disciplinary action was March 8, 2014. The investigation was completed on February 26, 2014, only ten days before the deadline to take disciplinary action.</i> 			
Incident Date 2013-05-18	OIG Case Number 13-2634-IR	Case Type Administrative Investigation	Allegations 1. Failure to Report Use of Force 2. Neglect of Duty
Incident Summary			
<p>On May 18, 2013, an officer allegedly failed to take action to subdue a large-scale riot while working in a tower. The riot took place directly beneath his tower for 90 seconds, and he failed to use any force options. After the incident, he allegedly failed to submit a written report as required by departmental policy until ordered to do so six days later.</p>			
Predisciplinary Assessment			Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The department did not begin the investigation until more than ten months after the date of discovery and the investigation was not completed until nine days before the deadline to take disciplinary action.</p>			

NORTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on May 18, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 3, 2013, over four months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on October 10, 2013, but did not take action until December 11, 2013, 62 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination regarding the hiring authority's request. The Office of Internal Affairs did not begin the investigation until more than ten months after the date of discovery.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The investigation was not completed until May 8, 2014, nine days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-25	13-2358-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force

Incident Summary

On June 25, 2013, a youth counselor allegedly used unreasonable force when he sprayed numerous wards with pepper spray while they were lying on their stomachs on the ground, not posing an immediate threat. The youth counselor also allegedly failed to report his use of force. A sergeant, two officers, a case work specialist, and six other youth counselors all allegedly failed to report the use of force they witnessed.

Predisciplinary Assessment

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

The hiring authority delayed in referring the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on June 26, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 4, 2013, 70 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on September 9, 2013, but did not take action until October 23, 2013, 53 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed in referring the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-17	13-2399-IR	Administrative Investigation	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty

Incident Summary

On July 17, 2013, during an escort, two officers allegedly used unreasonable force by continuing to escort a resistive inmate against his will after the inmate had buckled his knees and used his body weight to drop to the ground.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs waited nearly five months before starting the investigation. In addition, the investigation was completed three days before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was July 17, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until October 11, 2013, almost three months after the date of discovery.
- 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?
A draft copy of the investigative report was not forwarded to the OIG before it was forwarded to the hiring authority. The report was completed and forwarded to the hiring authority on July 14, 2014, three days before the deadline to take disciplinary action, with insufficient time for the OIG to provide feedback regarding the draft.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed almost three months before referring the matter to the Office of Internal Affairs and the special agent did not begin the investigation until June 24, 2014, 11 months after the date of discovery. The investigation was not completed until July 14, 2014, three days before the deadline to take disciplinary action. The OIG made seven inquiries about the status of the investigation between April and June 2014.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The hiring authority submitted a request for an internal affairs investigation on October 11, 2013. OIA Central Intake approved the request on November 6, 2013, and the Office of Internal Affairs assigned a special agent on November 18, 2013. The special agent did not begin the investigation until April 8, 2014. The investigation was completed on July 9, 2014, eight days before the deadline to take disciplinary action. The OIG made seven inquiries about the status of the investigation from April through June 2014.

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-27	14-0109-IR	Administrative Investigation	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty

Incident Summary

On July 27, 2013, an officer allegedly used unreasonable force when he deployed pepper spray on an inmate through the food port. A sergeant also allegedly used unreasonable force when he ordered an emergency cell extraction without an imminent threat and without approval from the lieutenant, and then he allegedly failed to properly assemble the extraction team.

Predisciplinary Assessment

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

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs completed the investigation only 18 days before the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on August 2, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 12, 2013, over four months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was July 27, 2013. The investigation was completed on July 9, 2013, only 18 days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-08	13-2258-IR	Administrative Investigation	<ol style="list-style-type: none"> Failure to Report Use of Force Unreasonable Use of Force

Incident Summary

On August 8, 2013, two officers allegedly used unreasonable force on an inmate when they slammed him into a wall during an escort. Both officers also allegedly failed to report the use of force. The incident was discovered two days later when the inmate asked a lieutenant for a blanket and the lieutenant noticed the inmate had two swollen black eyes.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The department attorney did not attend the interview of the inmate who made the underlying allegations of unreasonable force and she instructed the special agent to proceed with the inmate interview without her presence and the OIG's presence.

Assessment Questions

- 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 inmate who alleged unreasonable force against the officers.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?
During the investigation, the department attorney instructed the special agent to proceed with the interview of the inmate without her presence and without the OIG's presence. This instruction could have interfered with the OIG's ability to monitor the investigation had the OIG not objected and attended the interview.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-14	13-0452-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report Use of Force 3. Insubordination 4. Neglect of Duty

Incident Summary

On December 14, 2012, two officers allegedly failed to report their use of force while handcuffing an inmate. The two officers and a control booth officer who observed the use of force allegedly failed to activate their alarms during the use of force. A sergeant allegedly failed to initiate the required reporting process and was allegedly dishonest during an interview with the Office of Internal Affairs regarding when he became aware of the use of force.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-14	13-0708-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty

Incident Summary

On February 14, 2013, a lieutenant allegedly authorized a cell extraction in violation of departmental policy. The lieutenant allegedly did not obtain authorization from his two direct supervisors, ensure a supervisor was present during the extraction, ensure a licensed health care staff was on scene, and ensure the incident was videotaped. The lieutenant also allegedly failed to obtain incident reports from all officers who either witnessed or participated in the cell extraction. Further, a sergeant who allegedly participated in the use of force did not write a report as required, and six officers and a second sergeant allegedly did not include the first sergeant in their reports as a participant in the cell extraction.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake failed to make a timely determination regarding the case. Additionally, the investigation was not conducted with due diligence in that no action was taken for almost three months. The special agent failed to provide sufficient time for the department attorney to review the draft investigative report before finalizing the investigation and the draft report provided to the OIG did not reference relevant departmental policy and training.

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 22, 2013, but did not take action until May 22, 2013, 61 days later.
- 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 department attorney received a draft copy of the investigative report but was provided less than 21 days to review the draft report. The final report was forwarded to the hiring authority before the department attorney could provide any feedback to the special agent.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft report failed to include pertinent departmental policy and training records.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake failed to timely process the request for investigation. The investigation commenced on June 5, 2013, and was not completed until January 8, 2014. No work was completed on the case for almost three months.
- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the investigative phase?
The department attorney received a draft copy of the investigative report but was provided less than 21 days to review the draft report. The final report was forwarded to the hiring authority before the department attorney could provide any feedback to the special agent.

Incident Date 2013-05-05	OIG Case Number 13-2043-IR	Case Type Administrative Investigation	Allegations 1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty 4. Discourteous Treatment
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Incident Summary

On May 5, 2013, an officer allegedly deployed pepper spray on an inmate's face from only three feet away, punched the inmate three times in the head and face, violated departmental policy when he approached the inmate to take physical control without waiting for officers to respond. The officer was also allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed referring the case to the Office of Internal Affairs and OIA Central Intake delayed in taking action on the case. The Office of Internal Affairs did not complete its investigation until 24 days before the deadline to take disciplinary action.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on May 7, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 16, 2013, 70 days after the date of discovery.

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on July 16, 2013, but did not take action until September 19, 2013, 65 days after the receipt of the request.

- Was the predisciplinary/investigative phase conducted with due diligence?

The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination on the case. The combined delay was more than four months.

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The deadline to take disciplinary action was May 5, 2014. The investigation was completed on April 11, 2014, only 24 days before the deadline to take disciplinary action.

APPENDIX A2
PRE-DISCIPLINARY INVESTIGATIVE PHASE
CASES NOT INVOLVING USE OF FORCE
CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2009-09-08	13-2453-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Neglect of Duty

Incident Summary

On September 8, 2009, an officer allegedly failed to process a urinalysis test for an inmate in order to avoid a positive test. On September 10, 2012, a warden, an associate warden, and a sergeant allegedly granted a request to withdraw the inmate's rules violation report for possession of controlled substances for sale even though there was overwhelming evidence for a finding of guilt. The associate warden, a lieutenant, and the sergeant also allegedly failed to forward the criminal case to the district attorney's office for filing consideration. On September 26, 2012, another sergeant was allegedly dishonest regarding the matter during his testimony to the Board of Parole Hearings.

Predisciplinary Assessment

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

The department's predisciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-05	13-2548-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty

Incident Summary

From January 5, 2012, to October 12, 2012, an officer allegedly falsified medical substantiation notes to excuse his absences from work.

Predisciplinary Assessment

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

The hiring authority and OIA Central Intake failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed over two months before referring the matter to OIA Central Intake and OIA Central Intake delayed 42 days before deciding to open an investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was July 29, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until October 11, 2013, over two months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on October 16, 2013, but did not take action until November 27, 2013, 42 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination regarding the hiring authority's request.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-31	13-2495-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Over-Familiarity 4. Other Failure of Good Behavior

Incident Summary

From January 31, 2013, until October 24, 2013, an officer allegedly smuggled narcotics and mobile phones into the institution. On October 24, 2013, the officer allegedly accepted a bribe from a parolee by taking payment in exchange for providing the parolee a ride. Additionally, the officer was allegedly dishonest to outside law enforcement and dishonest to a supervisor.

Predisciplinary Assessment

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

The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter for investigation to OIA Central Intake. OIA Central intake delayed over three months before opening an administrative investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on June 6, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 1, 2013, 56 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on August 2, 2013, but did not take action until November 20, 2013, over three months after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to OIA Central Intake and OIA Central Intake failed to make a timely determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-10	13-0630-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment

Incident Summary

On March 10, 2013, three officers allegedly allowed inmates to haze another inmate who was scheduled to parole. The inmate was allegedly tied to a rolling chair partially naked and pushed around the housing unit in the presence of the three officers, who failed to intervene or report the incident. The sergeant allegedly knew about the incident but failed to investigate it. One of the three officers was also allegedly discourteous to an inmate on November 15, 2012, when he referred to the inmate by ethnic slurs. The same officer also allegedly made inappropriate comments to the same inmate during an unclothed body search on February 10, 2013. The same officer also allegedly brought foul-smelling spray into the institution and sprayed it in an inmate's cell. The officer was then allegedly dishonest in his interview with the Office of Internal Affairs on December 26, 2013.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The investigative report was not completed timely, leaving only 30 days before the deadline to take disciplinary action.

CENTRAL REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on March 21, 2013, but did not take action until May 9, 2013, 48 calendar days after the receipt of the request.

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The deadline to take disciplinary action was March 11, 2014. The investigation was completed on February 10, 2014, only 30 days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-04-03	13-2671-IR	Direct Action with Subject Only Interview	1. Dishonesty 2. Neglect of Duty

Incident Summary

On April 3, 2013, two officers allegedly provided razor blades to two inmates who were housed in the security housing unit. On February 4, 2014 and February 10, 2014, both officers were allegedly dishonest about providing the razor blades during their interviews with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to timely take action on the case. The hiring authority delayed five months before requesting reconsideration and OIA Central Intake failed to approve the case for an investigation.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on April 10, 2013, but did not take action until June 19, 2013, 70 days after the receipt of the request.

- If the case was submitted to OIA Central Intake or to the Chief of OIA for reconsideration, was an appropriate decision made regarding the request?

The case was resubmitted to OIA Central Intake with a request for an investigation; however, OIA Central Intake only approved interviews of the subject officers and not of the two staff witnesses who observed the alleged misconduct.

- Was the predisciplinary/investigative phase conducted with due diligence?

The investigation was not conducted with due diligence. OIA Central Intake delayed making a determination regarding the case. The hiring authority did not submit a request for full investigation to the Office of Internal Affairs until November 19, 2013, five months after the case was initially returned to the hiring authority to take action on the case.

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-30	13-2030-IR	Administrative Investigation	1. Dishonesty 2. Misuse of Authority 3. Neglect of Duty

Incident Summary

On May 30, 2013, a lieutenant allegedly instructed a nurse to not identify an inmate's wounds as puncture wounds, thereby minimizing the severity of injuries the inmate sustained from an inmate fight. The nurse was also allegedly dishonest when documenting the inmate's injuries in a medical report. Further, the lieutenant and a sergeant allegedly failed to properly document and preserve evidence following that inmate fight. The lieutenant allegedly failed to manage the collection of evidence. As a joke, the sergeant also allegedly instructed officers to tell other inmates that the inmate had died.

CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake delayed making a determination regarding the case. The department attorney failed to consult with the OIG before modifying the deadline to take disciplinary action and failed to enter the relevant dates into CMS.	

Assessment Questions
<ul style="list-style-type: none"> Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the case on June 26, 2013, but did not take action until September 11, 2013, 77 days after the receipt of the request.</i> Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>Although the department attorney made a CMS entry within 21 days of assignment confirming agreement on the date for the deadline to take disciplinary action, the department attorney failed to enter any actual key dates.</i> 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? <i>The department attorney appropriately determined that the deadline for taking disciplinary action should be modified but did not consult with the OIG.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>OIA Central Intake delayed making a determination regarding the case.</i>

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-12	14-0275-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary
On August 12, 2013, a psychiatric technician allegedly refused to enter a cell to render aid to an unresponsive inmate.

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-15	13-2457-IR	Administrative Investigation	1. Dishonesty 2. Misuse of Authority 3. Neglect of Duty

Incident Summary
On October 15, 2013, an inmate was discovered hanging in his cell. A psychiatric technician wanted to perform life-saving measures; however, a sergeant allegedly determined that rigor mortis had set in and ordered medical staff not to cut down the inmate or perform life-saving measures. The sergeant also allegedly failed to perform life-saving measures. A lieutenant allegedly failed to intervene. An officer allegedly failed to conduct proper inmate counts before the inmate was discovered hanging and was allegedly dishonest when he documented in the security log that he conducted security checks when he had not. A second officer allegedly failed to provide observation during the counts and security checks.

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	

CENTRAL REGION

Incident Date 2013-11-04	OIG Case Number 14-1114-IR	Case Type Administrative Investigation	Allegations 1. Contraband 2. Over-Familiarity
<p>Incident Summary</p> <p>From November 4, 2013, to November 18, 2013, an officer allegedly engaged in a sexual relationship with an inmate. The officer was also allegedly overly familiar with that inmate's family when the officer sent a picture of the inmate to the inmate's family via the officer's personal mobile phone. On November 19, 2013, the officer also allegedly brought contraband into the institution, including a mobile phone, tobacco, and electrical devices.</p>			
<p>Predisciplinary Assessment</p>			<p>Procedural Rating: Sufficient Substantive Rating: Sufficient</p>
<p>The department's predisciplinary process sufficiently complied with policies and procedures.</p>			

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Incident Date	OIG Case Number	Case Type	Allegations
2011-02-24	14-0131-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Contraband 2. Over-Familiarity

Incident Summary

Between February 24, 2011, and July 10, 2013, an officer allegedly engaged in a romantic relationship with an inmate and brought greeting cards, cigarettes, headphones, and an electric shaver into the institution for the inmate.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. The special agent failed to adequately confer with the OIG and department attorney upon case initiation and prior to finalizing the investigative plan. While the department attorney met with the hiring authority and special agent, the meeting occurred after the officer's interview and without the OIG. The department attorney failed to attend the interview of the inmate with whom the officer was allegedly overly familiar.

Assessment Questions

- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?
Although the special agent contacted the OIG and the department attorney regarding a case conference to discuss the investigative plan, no initial case conference occurred.
- Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan?
Although the special agent contacted the OIG and the department attorney regarding a case conference to discuss the investigative plan, no initial case conference occurred.
- 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?
Although the department attorney advised the special agent an investigative plan should be discussed, no discussion occurred.
- 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 inmate with whom the officer was allegedly overly familiar; therefore, the department attorney was not able to assess demeanor and credibility.

Incident Date	OIG Case Number	Case Type	Allegations
2011-05-09	13-2222-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty

Incident Summary

On May 9, 2011, May 30, 2012, and May 23, 2013, an officer allegedly submitted forged annual physical fitness certifications to a personnel office in order to continue collecting additional compensation.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs for investigation and the Office of Internal Affairs failed to make a timely determination regarding the referral. In addition, the Office of Internal Affairs completed its investigation only 25 days before the deadline to take disciplinary action.

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Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the alleged misconduct on May 23, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until July 16, 2013, 54 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 17, 2013, but did not make a determination regarding the case until October 9, 2013, 84 days after the referral.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the referral. The investigation was not completed until 25 days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was May 22, 2014. The Office of Internal Affairs did not complete its investigation until April 28, 2014, only 25 days before the deadline.

Incident Date	OIG Case Number	Case Type	Allegations
2011-08-12	13-0447-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Contraband 3. Neglect of Duty 4. Controlled substances-use or possession off duty

Incident Summary

From August 12, 2011, through December 15, 2011, a supervising cook allegedly smuggled narcotics and mobile phones into the institution for personal gain. From August 18, 2011, to September 13, 2012, the live-in boyfriend of the aunt of the supervising cook was incarcerated at the institution where he worked and he allegedly failed to report this to his supervisor. On January 30, 2013, the supervising cook was arrested for cultivation of marijuana and theft of utilities. He also allegedly failed to report the arrest to his supervisor. From August 13, 2012, to January 30, 2013, the supervising cook allegedly used marijuana daily before reporting to work.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2011-10-25	12-2597-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Insubordination 2. Disclosure of Confidential Information 3. Misuse of State Equipment or Property 4. Improper Access to Confidential Information 5. Discourteous Treatment

Incident Summary

Between October 25, 2011, and August 6, 2012, an executive assistant allegedly failed to appropriately complete route slips and enter information into a computerized tracking log, was discourteous toward another employee, gained improper access to a warden's e-mail account containing confidential information, and inappropriately shared a confidential email with another employee.

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority did not refer the case to the Office of Internal Affairs in a timely manner and the special agent failed to begin the investigation for more than six months after OIA Central Intake approved the case for investigation.</p>	
Assessment Questions	
<ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical? <i>The department learned of the misconduct on August 6, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 15, 2012, 71 days later.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The case was approved for investigation on November 7, 2012, but the special agent did not conduct any interviews until June 5, 2013, more than six months later. The first interview was not conducted until ten months after the date of discovery.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-19	13-2255-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior Disclosure of Confidential Information

Incident Summary

On June 19, 2012, an off-duty parole agent allegedly punched his girlfriend eight to ten times, causing injuries, and allegedly stalked his girlfriend and her sons. The parole agent was not arrested until August 8, 2013, after the stalking was reported. The parole agent also allegedly failed to report the change in his ability to possess a firearm, confiscated contraband from parolees and kept it for personal use, and stored confidential and personal parolee information on a personal computer in violation of departmental policy.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. The department attorney failed to attend the interviews of the alleged victim, her sons, and the outside law enforcement officers who responded to the incident. The department attorney also failed to provide any feedback to the special agent regarding the investigative report.</p>	
Assessment Questions	
<ul style="list-style-type: none"> Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility? <i>The department attorney did not attend the interviews of the alleged victim, her sons, or any of the responding outside law enforcement officers.</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 about the report to the special agent.</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 any feedback regarding the investigative report.</i> 	

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Incident Date	OIG Case Number	Case Type	Allegations
2012-11-01	13-0545-IR	Administrative Investigation	1. Discourteous Treatment

Incident Summary

Between November 2012 and January 2013, an off-duty sergeant allegedly stalked, verbally harassed, and repeatedly made discourteous comments to his neighbor, an outside law enforcement officer, stating the officer was a sexual predator in front of the officer's family and in public settings.

Predisciplinary Assessment

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

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. The investigation was completed five days before the deadline to take disciplinary action and the department attorney failed to attend two key witness interviews.

Assessment Questions

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend two victim-witness interviews.
- Was the predisciplinary/investigative phase conducted with due diligence?
The deadline to take disciplinary action was January 27, 2014. The investigation was completed on January 22, 2014, only five days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was January 27, 2014. The investigation was completed on January 22, 2014, only five days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-13	13-0599-IR	Administrative Investigation	1. Misuse of Authority 2. Willful Disobedience

Incident Summary

On November 13, 2012 and November 15, 2012, a supervising parole agent allegedly appeared on local television news without prior authorization to discuss the department's practices regarding sex-offender parolees. On December 19, 2012, the supervising parole agent allegedly signed a declaration on behalf of a sex-offender parolee without prior authorization. On June 27, 2013, the supervising parole agent allegedly participated in a television interview after being told by her supervisor not to give any more interviews without prior authorization.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination on the request. The department attorney failed to make an entry into CMS regarding the relevant dates.

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Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on October 29, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 15, 2013, over four months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 18, 2013, but did not take action until April 24, 2013, 37 days after receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned on April 30, 2013, but did not make an entry into CMS confirming the relevant dates.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination on the request.

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-20	13-1382-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On February 20, 2013, an officer allegedly failed to properly secure an inmate in a holding cell. The inmate was attacked and stabbed by another inmate.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake failed to make a determination regarding the case within 30 calendar days and the investigation was completed 15 days before the deadline to take disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 6, 2013, but did not take action until July 24, 2013, 48 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake delayed making a determination regarding the case and the investigation was not completed until 15 days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was February 20, 2014. The investigation was completed on February 5, 2014, only 15 days before the deadline to take disciplinary action.

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Incident Date	OIG Case Number	Case Type	Allegations
2013-02-25	13-1288-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Neglect of Duty

Incident Summary

On February 25, 2013, an officer was allegedly asleep in a storage room and in possession of a mobile phone. On March 13, 2013, the officer allegedly provided false information in a memorandum she wrote regarding the incident. A second officer, who was allegedly aware the first officer was asleep, allegedly neglected her duty by failing to report this information to the sergeant and to check on the other officer, who was absent from her post, and later wrote a false memorandum regarding the incident.

Predisciplinary Assessment

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

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed in referring the matter to the Office of Internal Affairs and OIA Central Intake delayed in making a determination regarding the case.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on February 25, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 6, 2013, 70 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 24, 2013, but did not take action until July 19, 2013, 56 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination regarding the case.

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-21	13-0813-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On March 21, 2013, a sergeant and seven officers allegedly failed to properly process confiscated mobile phones into evidence lockers. In addition, the sergeant and five of the seven officers allegedly completed false reports regarding the discovery of the mobile phones.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

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Incident Date	OIG Case Number	Case Type	Allegations
2013-04-21	13-2223-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Discourteous Treatment

Incident Summary

On April 21, 2013, an officer allegedly intentionally deployed pepper spray on an inmate's bedding while the inmate was out of his cell. The officer also allegedly failed to take appropriate action to ensure the safety of other officers and inmates after deploying the pepper spray, was dishonest when reporting the incident to the sergeant, abandoned her post to search the inmate's cell, and failed to document the cell search. The officer also allegedly referred to the inmate in a derogatory manner and failed to take appropriate action after claiming the inmate threatened her life. On March 19, 2014, the officer was allegedly dishonest during the interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The department attorney failed to timely contact the assigned special agent and the OIG to discuss the elements of a thorough investigation. The department delayed nearly 11 months before beginning interviews and the investigation was not completed until ten days before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was April 21, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until September 18, 2013, nearly five months after the date of discovery.
- 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 or the OIG to discuss the elements of a thorough investigation until January 10, 2014, almost three months after assignment of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed five months before referring the case to the Office of Internal Affairs. Thereafter, the Office of Internal Affairs did not start interviews until March 11, 2014, nearly 11 months after the date of discovery.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was April 20, 2014. The investigation was not completed until April 10, 2014, ten days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-28	13-2097-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty

Incident Summary

On May 28, 2013, an officer allegedly failed to conduct sufficient security checks and inmate counts, and a second officer allegedly failed to sufficiently observe the counts. An inmate was later found dead in his cell. His cellmate admitted killing him at midnight. The officers' post orders required officers to see "live breathing flesh." During the course of the investigation, two additional officers, who were being interviewed as witnesses, were allegedly dishonest during their investigative interviews. It was also discovered that one of the additional officers also allegedly failed to observe both inmates during a security check and failed to report her actions. The other officer allegedly failed to report her coworker's failure to properly conduct the security check

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Officer of Internal Affairs. The Office of Internal Affairs failed to make a determination regarding the case in a timely manner and completed the investigation only 21 days before the deadline to take disciplinary action.</p>	
Assessment Questions <ul style="list-style-type: none"> • Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical? <i>The department learned of the alleged misconduct on May 28, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until August 1, 2013, 65 days after the discovery date.</i> • Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the request for investigation on August 6, 2013, but did not take action until September 25, 2013, 50 days after receipt of the request.</i> • Were all of the interviews thorough and appropriately conducted? <i>The special agent attempted to interview two sergeants without advance notice even though the sergeants had been identified as potential witnesses weeks earlier. One sergeant agreed to waive notice, but the other demanded proper notice. This necessitated another interview and unnecessarily delayed the case because the parties had to return to the institution on a later date.</i> • Was the predisciplinary/investigative phase conducted with due diligence? <i>The hiring authority delayed referring the matter to the Office of Internal Affairs, the Office of Internal Affairs delayed making a timely determination regarding the case, and the investigation was not completed in a timely manner.</i> • Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The hiring authority did not receive a copy of the report until May 6, 2014, only 21 days before the deadline to take disciplinary action.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-31	13-1898-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty

Incident Summary

On May 31, 2013, an officer was allegedly dishonest when he asked a return-to-work coordinator to falsely inform a loan officer that he had been returned to full duty following a workers' compensation injury when he had not been released to full duty. During the course of the investigation, the officer also allegedly submitted seven fraudulent physician verification forms indicating that he was seen by medical staff when, in fact, he had not been seen.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
<p>Overall, the department's predisciplinary process sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-05	13-1755-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Discourteous Treatment

Incident Summary

On June 5, 2013, an officer allegedly intentionally stepped on the injured foot of an inmate while the inmate was in a wheelchair. The officer also allegedly yelled profanities at the inmate.

NORTH REGION

Predisciplinary Assessment The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination regarding the request for investigation and failed to include an allegation supported by the facts.	Procedural Rating: Sufficient
	Substantive Rating: Insufficient

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-16	13-1827-IR	Administrative Investigation	1. Dishonesty 2. Insubordination 3. Neglect of Duty

Incident Summary

On June 16, 2013, five officers, a sergeant, and four nurses allegedly failed to initiate immediate life-saving measures upon discovering an inmate hanging in his cell. One of the officers also allegedly failed to document that security checks were conducted every 30 minutes. One of the nurses was allegedly dishonest in her investigative interview. A lieutenant and another sergeant allegedly improperly completed reports regarding the incident.

Predisciplinary Assessment The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake failed to process the case in a timely manner. The department attorney failed to document critical case dates and contact the assigned special agent in a timely manner. The investigation was completed only 34 days before the deadline to take disciplinary action.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 16, 2013, but did not take action until August 21, 2013, 36 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make an entry into CMS within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action. The entry was made 24 days after the case was assigned.
- 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 agent until 24 days after assignment of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the case and failed to complete the investigation in a timely manner.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was June 17, 2014. The investigation was completed on May 14, 2014, only 34 days before the deadline to take disciplinary action.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-18	13-2038-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

On June 18, 2013, an officer allegedly falsified and provided to an inmate a Notice of Conditions and Post Release Community Supervision Form that changed the inmate's release date to two and one-half years earlier than his actual release date. The officer allegedly did this in retaliation against the inmate.

Predisciplinary Assessment

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

The department failed to comply with the department's policies and procedures governing the predisciplinary process. The special agent failed to provide the OIG with a draft copy of the investigative report for review. The deadline for taking disciplinary action was June 19, 2014. The investigation was completed on June 16, 2014, only three days before the deadline to take disciplinary action.

Assessment Questions

- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
The OIG requested a draft copy on April 14, 2014, when the special agent indicated the report was almost completed. A draft report was not provided. The report was completed on June 16, 2014, three days before the deadline for taking disciplinary action. There was insufficient time to allow for feedback.
- 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 report was completed on June 16, 2014, three days before the deadline for taking disciplinary action. There was insufficient time to allow feedback.
- Was the predisciplinary/investigative phase conducted with due diligence?
The special agent delayed in completing the investigative report.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline for taking disciplinary action was June 19, 2014. The investigation was completed on June 16, 2014, only three days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-20	13-1762-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Over-Familiarity 4. Misuse of State Equipment or Property 5. Petty Theft

Incident Summary

Between June 20, 2013, and June 23, 2013, an officer allegedly cut and transported redwood trees from private property without the permission of the owner. The officer also allegedly used a state vehicle and a state-owned chainsaw to complete the cutting and transportation. The officer allegedly instructed inmates to cut, load, and transport the redwood.

NORTH REGION

Predisciplinary Assessment The department failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake failed to make a timely determination regarding the case. The investigation was completed five days before the deadline to take disciplinary action.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the case on July 8, 2013, and made its determination regarding the case on August 14, 2013, 37 days after receipt of the case.
- 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?

A draft copy of the report was not provided to the OIG or the department attorney.
- 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?

A draft copy of the report was not provided to the OIG or the department attorney.
- Was the predisciplinary/investigative phase conducted with due diligence?

The investigation was not completed until five days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The investigation was completed on June 17, 2014, and the deadline for taking disciplinary action was June 22, 2014.

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-27	14-0282-IR	Administrative Investigation	1. Over-Familiarity 2. Neglect of Duty 3. Other Failure of Good Behavior

Incident Summary

On June 27, 2013, two officers allegedly failed to take action after an inmate advised them that he had been raped by his cellmate. One of the officers also allegedly orchestrated an attack on an inmate and allowed inmates to make unauthorized phone calls.

Predisciplinary Assessment The department's predisciplinary process sufficiently complied with policies and procedures.	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-02	13-1890-IR	Direct Action with Subject Only Interview	1. Dishonesty 2. Neglect of Duty 3. Other Failure of Good Behavior

Incident Summary

On July 2, 2013, an officer allegedly attempted to redeem four employee overtime meal authorization forms with altered expiration dates for financial reimbursement.

Predisciplinary Assessment The department's predisciplinary process sufficiently complied with policies and procedures.	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-17	13-2550-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty 3. Threat/Intimidation-Toward Inmate 4. Retaliation

Incident Summary

On July 17, 2013, two officers allegedly conducted a retaliatory cell search of an inmate, failed to log the cell search, and failed to provide the inmate with a receipt for his property. One of the two officers and a third officer allegedly threatened the inmate when they told him he would be assaulted if he filed an inmate complaint regarding the cell search.

Predisciplinary Assessment

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

The department failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake delayed making a determination regarding the case and the investigation was completed with only 12 days remaining before the deadline to take disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on October 15, 2013, but did not take action until November 27, 2013, 43 days after the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs failed to timely take action on the request for investigation and the investigation was not completed until 12 days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was July 19, 2014. The investigation was completed on July 7, 2014, only 12 days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-09	14-0110-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

Between September 9, 2013, and September 19, 2013, a psychiatrist, three psychologists, and an officer allegedly became aware of reports from an inmate that he was a victim of various sexual assaults by other inmates, and each staff member allegedly failed to take appropriate action to safeguard the inmate victim.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

NORTH REGION

Incident Date 2013-10-19	OIG Case Number 13-2553-IR	Case Type Administrative Investigation	Allegations 1. Dishonesty 2. Contraband
<p>Incident Summary</p> <p>On October 19, 2013, an officer allegedly was in possession of numerous contraband items inside the secure perimeter, including reading materials, razor blades, a mirror, a bottle of cologne, a small knife, scissors, ear buds, mobile phone chargers, a fake cigarette, and two fake mobile phones. The officer also allegedly had additional contraband items in his vehicle, including a canister of pepper spray that was not state-issued and five knives. The officer was allegedly dishonest when he said that he had these contraband items to lure inmates who might solicit the trafficking of contraband.</p>			
<p>Predisciplinary Assessment</p>			<p>Procedural Rating: Sufficient Substantive Rating: Sufficient</p>
<p>Overall, the department's predisciplinary process sufficiently complied with policies and procedures.</p>			

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-06-07	12-1857-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Neglect of Duty 4. Other Failure of Good Behavior 5. Misuse of State Equipment or Property

Incident Summary

On June 7, 2011, November 16, 2011, and March 12, 2012, a senior laboratory technician allegedly directed staff to draw his blood and have it sent to a laboratory for testing as a laboratory quality control without authorization. The tests cost the institution approximately \$2,032. The senior laboratory technician was also allegedly dishonest on each date when he falsely documented that the tests were authorized, and he was allegedly dishonest on January 31, 2013, and January 24, 2014, during interviews with the Office of Internal Affairs.

Predisciplinary Assessment

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

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. There was a five-month delay in conducting investigative activity and another nine-month delay before conducting additional investigative activity. The Office of Internal Affairs failed to adequately consult with the OIG. The draft investigative report failed to mention a dishonesty allegation. The department attorney failed to provide written feedback concerning the investigative report.

Assessment Questions

- 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 written confirmation failed to summarize discussions concerning the thoroughness and clarity of the report. The written confirmation was not provided to the OIG until four months after the report was reviewed.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report failed to include an allegation of dishonesty for the second Office of Internal Affairs interview in which the senior laboratory technician repeated the same dishonest statements he provided during his first Office of Internal Affairs interview.
- Was the predisciplinary/investigative phase conducted with due diligence?
A special agent was assigned on August 20, 2012, but with the exception of an initial case conference on September 7, 2012, and the receipt of some documents in December 2012, there was no investigative activity until the senior laboratory technician was interviewed on January 31, 2013, a delay of more than five months. Although a full investigation was approved on March 6, 2013, no further investigative activity took place for nine months when additional interviews were conducted on October 23, 2013. Two months later another interview took place. A month later he was reinterviewed.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to notify the OIG of an important witness interview, precluding real-time monitoring by the OIG.
- Was the investigation thorough and appropriately conducted?
The investigation was not initially thorough. A second interview of the senior laboratory technician was needed but was not conducted until recommended by the OIG.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-01	13-1811-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On multiple occasions between November 1, 2012 and December 20, 2012, three licensed vocational nurses allegedly failed to document an inmate's missed medications and failed to attempt to identify barriers preventing the inmate from receiving the medications. During the same time, a physician and physician's assistant allegedly failed to address documented missed medications, which prevented them from completing a comprehensive evaluation or counseling for the same inmate.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed processing the case. The department attorney failed to provide written confirmation regarding the investigative report.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the alleged misconduct on January 4, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 22, 2013, 77 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 29, 2013, but did not take action until July 17, 2013, almost four months after receipt of the request.
- 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?
Although the department attorney reviewed the investigative report and discussed his recommendations with the special agent and the OIG, the department attorney did not provide written confirmation summarizing the discussions.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination on the request.

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-03	14-0693-IR	Administrative Investigation	1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Discourteous Treatment

Incident Summary

On February 3, 2013, a lieutenant allegedly called an inmate a racially derogatory name, ordered the agitated inmate to be escorted without being handcuffed, supervised the preparation of reports concerning the incident, and conducted an inquiry in response to an inmate appeal concerning the matters.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process by failing to refer the matter to the Office of Internal Affairs for six months after he learned of the misconduct.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on August 1, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 30, 2014, almost six months after the date of discovery.

- Was the predisciplinary/investigative phase conducted with due diligence?

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-19	13-1634-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Other Failure of Good Behavior

Incident Summary

On February 19, 2013, an executive secretary allegedly altered another employee's time sheet. In addition, between March 2013 and June 2013, the executive secretary allegedly failed to type minutes of executive meetings. On March 18, 2013, the executive secretary allegedly was dishonest when she wrote in a memorandum that she had informed the assistant superintendent she was ill during three days in March when she had not made the notification.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed in making a determination regarding the case.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on February 20, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 29, 2013, more than three months after the date of discovery.

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on June 12, 2013, but did not take action until July 24, 2013, 42 days after receipt of the case.

- Was the predisciplinary/investigative phase conducted with due diligence?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to timely take action on the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-26	14-0754-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> Dishonesty Neglect of Duty

Incident Summary

Between February 26, 2013, and December 24, 2013, a counselor allegedly forged the signature of her supervisor on inmate classification documents because she had gotten behind in her work and did not want her supervisor to know.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process when the hiring authority failed to timely refer the matter to the Office of Internal Affairs.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on November 12, 2013. The matter was not referred to the Office of Internal Affairs until February 27, 2014, more than three months later.

- Was the predisciplinary/investigative phase conducted with due diligence?

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-07	13-2654-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On March 7, 2013, a lieutenant allegedly failed to take appropriate steps to protect the safety of an inmate who requested protective housing. The following day, an officer also allegedly failed to protect the safety of the inmate when the officer opened the door to the inmate's cell without ensuring there were no other unsecured inmates in the housing unit. As a result, the inmate was battered by another inmate and sustained injuries. The officer allegedly violated escort policy when he failed to handcuff the inmate before opening his cell door.

Predisciplinary Assessment

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

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to complete the investigation until 23 days before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The date of discovery was March 8, 2013; however, the matter was not referred to the Office of Internal Affairs until November 1, 2013, almost eight months later.

- Was the predisciplinary/investigative phase conducted with due diligence?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely complete the investigation.

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The hiring authority delayed almost eight months before referring the matter for investigation. The deadline to take disciplinary action was March 8, 2014. The investigation was not completed until 23 days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-28	13-0750-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On March 28, 2013, a supervising parole agent who allowed a male ward to use a male restroom allegedly failed to properly supervise the male ward. A female ward with whom the male ward had a romantic relationship allegedly entered the restroom undetected and remained alone with the male ward. The supervising parole agent, a senior youth counselor, and a senior case work specialist allegedly failed to report and document the incident involving the two wards.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-04-10	13-2689-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty

Incident Summary

Between April 10, 2013, and June 30, 2013, an officer allegedly failed to accurately complete his Division of Apprenticeship Standards forms and stated he had worked on several different dates, totaling 64 hours, when he was actually out on other leave credits. The officer also allegedly failed to turn in his Division of Apprenticeship Standards form by the tenth day of each month as required.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-04-20	13-2138-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On April 20, 2013, a sergeant allegedly asked a lieutenant to report that the sergeant had been injured in an auto accident when, in fact, the sergeant had been injured in a bar fight. On April 22, 2013, the lieutenant allegedly reported to the warden that the sergeant was injured in an auto accident and allowed the sergeant to use furlough time to cover his absence from work.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation. The first interview in the case was not held until 112 days after the agent was assigned to the case and the investigation was completed only 27 days before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on May 6, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 8, 2013, 94 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on August 8, 2013, but did not take action until October 2, 2013, 55 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation. The special agent was assigned to investigate the case on October 18, 2013, but did not conduct the first interview in the case until February 7, 2014, 112 days after the agent was assigned. The investigation was completed only 27 days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The deadline to take disciplinary action was May 6, 2014. The investigation was completed on April 9, 2014, only 27 days before the deadline to take disciplinary action.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-08	13-1541-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On May 8, 2013, an officer allegedly failed to assist an inmate on contraband surveillance watch who fell on the floor of the cell. The inmate defecated and urinated on himself and allegedly continued to lie in the feces on the floor for hours. The officer allegedly failed to notify a supervisor, failed to search the feces for contraband, and left his assigned post at the end of his shift without properly briefing the relieving officer regarding the inmate's actions during the first officer's shift. The officer was allegedly dishonest during his Office of Internal Affairs interview concerning his actions toward the inmate. A sergeant allegedly failed to conduct the two required checks on the inmate during his shift.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-20	14-0759-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Misuse of Authority 4. Discourteous Treatment

Incident Summary

On July 20, 2013, a lieutenant allegedly called an inmate derogatory names and threatened the inmate by walking toward the inmate while verbally challenging him. Three officers allegedly failed to report the lieutenant's conduct. The lieutenant was also allegedly dishonest with the Office of Internal Affairs.

Predisciplinary Assessment

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

The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs for nearly six months after the date of discovery.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on August 28, 2013, and the matter was referred to OIA Central Intake on February 20, 2014, nearly six months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-01	13-2456-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Misuse of Authority 4. Over-Familiarity 5. Neglect of Duty 6. Misuse of State Equipment or Property

Incident Summary

In September 2013, a lieutenant allegedly asked an inmate how much she would charge to perform sexual acts, provided the inmate with cigarettes and chewing gum, and, together with the inmate, viewed photos of her taken when the inmate had worked as an exotic dancer. The lieutenant also allegedly utilized his state-issued computer to access social media websites to view photographs of inmates, partially clothed women, and genitals. On October 23, 2013, the lieutenant allegedly maintained tobacco products, two unauthorized thumb drives, and an inmate's central file in his office desk drawer rather than in designated secured locations. On April 17, 2014, the lieutenant was allegedly dishonest during his interview with the Office of Internal Affairs when he denied utilizing his state-issued computer to view photographs of partially clothed women and genitals.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-01	14-0599-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Over-Familiarity

Incident Summary

Between October 2013 and February 2014, an office technician allegedly engaged in an overly familiar relationship with an inmate, including the exchange of love letters. On December 16, 2013, a counselor allegedly failed to report the overly familiar relationship between the office technician and the inmate.

Predisciplinary Assessment

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

The department's predisciplinary process sufficiently complied with policies and procedures. The special agent's report was thorough and provided the hiring authority with sufficient information to properly assess the allegations.

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-27	14-0334-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty

Incident Summary

On November 27, 2013, an officer was ordered to stay on duty to fill a vacancy in the next shift. The officer allegedly refused the order and then was dishonest when he stated the reason he could not work was because he had to care for his sick father.

Predisciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date 2013-12-17	OIG Case Number 14-0299-IR	Case Type Administrative Investigation	Allegations 1. Neglect of Duty
Incident Summary On December 17, 2013, a department attorney allegedly failed to timely prepare an opposition to a motion to strike.			
Predisciplinary Assessment			Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.			

APPENDIX A3 INVESTIGATIVE PHASE CASES

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CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-20	13-1338-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On November 20, 2012, an off-duty officer allegedly sexually assaulted a woman he was dating. 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: **Sufficient**

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The case was neither referred to nor processed by the Office of Internal Affairs in a timely manner.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on February 15, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 14, 2013, 88 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 16, 2013, but did not take action until July 24, 2013, 69 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-05	13-0817-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between December 5, 2012, and April 22, 2013, an information systems technical specialist allegedly introduced contraband, including narcotics, mobile phones, tobacco, clothing, jewelry, and perfume, into the institution for financial gain and sexual favors. 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 information systems technical specialist resigned, and a letter indicating that he resigned under unfavorable circumstances was placed in his official personnel file. The Office of Internal Affairs did not open an administrative investigation.

Investigative Assessment

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

The department's investigative process sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-31	13-2134-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between January 31, 2013 and June 2013, an officer allegedly introduced controlled substances, including methamphetamines, 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 Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The hiring authority and Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The case was neither referred to nor processed by the Office of Internal Affairs in a timely manner.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was June 12, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until August 1, 2013, 50 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on August 2, 2013, but did not take action until September 25, 2013, 54 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination regarding the case. The total delay was three months.

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-04	13-2298-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On September 4, 2013, a building maintenance worker allegedly introduced narcotics 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 district attorney agreed to prosecute the case. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs was not responsive to the institution when the criminal misconduct was initially discovered.

CENTRAL REGION

Assessment Questions

- Was the investigation thorough and appropriately conducted?

The investigation was not appropriately conducted by the Office of Internal Affairs at the outset of the investigation. The building maintenance worker was observed in an area he was not authorized to work and the investigative services unit stopped the employee as he was trying to leave the area. The employee spontaneously stated he had brought something in for an inmate and officers then read the employee his rights and obtained a brief statement. The investigative services unit then attempted to contact the Office of Internal Affairs to request continuation of the interview; however, none of the special agents or senior special agents were available for consultation or to perform an exigent interview of the employee. Therefore, the investigative services unit completed the interview without the benefit of advice from the Office of Internal Affairs. The employee admitted his involvement. When the Office of Internal Affairs finally responded to the institution's request for advice, the Office of Internal Affairs instructed the institution not to arrest the employee or summon outside law enforcement. Therefore, the employee was reassigned to a work area outside of the secure perimeter and later placed on paid administrative leave.

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-04	13-2545-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On November 4, 2013, an officer allegedly sexually assaulted two inmates. On November 18, 2013, the officer also allegedly orally copulated a third inmate and provided methamphetamines to that 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.

Investigative Assessment

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

The department's investigative process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-18	14-0440-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On November 18, 2013, an inmate reported that an officer allegedly smuggled mobile phones into the institution on an ongoing basis and allegedly sold the mobile phones to 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's investigative process sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-07-13	11-2310-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On July 13, 2011, a nurse allegedly filed a false report when she claimed she was attacked and sexually assaulted in an institution by an unknown assailant. The investigation failed to establish probable cause to believe a crime was committed. Therefore, the matter was not referred to the district attorney's office. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department's investigative process complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-01	13-1639-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between January 1, 2013, and May 20, 2013, an officer allegedly facilitated the introduction of narcotics and mobile phones into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department's investigative process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-04-01	13-0977-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between April 1, 2013, and June 28, 2013, a case records analyst allegedly engaged in sexual misconduct with an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department's investigative process sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-23	14-0760-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On May 23, 2013, an officer allegedly submitted a forged annual physical fitness certification to a personnel office in order to continue collecting additional compensation. During the course of the investigation, the Office of Internal Affairs discovered the officer had also allegedly provided forged annual physical fitness certification forms in 2011 and 2012 for which he received compensation totaling \$3,120. 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 Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The special agent failed to conduct an investigation and failed to consult with the OIG.

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 confer with the OIG prior to finalizing the investigative plan.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not consult with the OIG until after completing a draft investigative report.
- Was the investigation thorough and appropriately conducted?
The special agent failed to conduct any interviews and relied on another investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-01	13-2501-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From July 1, 2013, through November 8, 2013, an officer allegedly communicated with an inmate via telephone. Some of these conversations were allegedly of a sexual nature. The inmate made several telephone calls from an institutional pay phone to the officer's personal number. Upon searching the inmate's cell, several photographs of the officer were discovered. 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's investigative process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-10	13-1987-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On July 10, 2013, an officer allegedly conspired to introduce drugs, mobile phones, and tobacco into an institution. The officer allegedly engaged in unauthorized communications with an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

NORTH REGION

Investigative Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-01	13-2153-IR	Criminal Investigation	1. Criminal Act

Incident Summary

In August 2013, an officer allegedly engaged in a sexual relationship with a former ward she previously supervised at a youth correctional facility. 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: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the investigative process. The special agent failed to forward a draft copy of the investigative report to the OIG for review.	

Assessment Questions

- Did the special agent appropriately enter case activity in CMS?
The special agent did not enter case information concerning the drafting and review of the investigative report.
- 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 OIG did not receive a draft copy of the investigative report. Upon request, the OIG was provided a final copy of the report three days after it was signed by the agent and his supervisors.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-26	14-0620-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On February 26, 2014, a youth counselor allegedly engaged in a sexual relationship with a ward, engaged in unauthorized communications, and provided a mobile phone to that ward. 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 youth counselor resigned during the investigation. A letter indicating she resigned under adverse circumstances was placed in her official personnel file.

Investigative Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-03-01	11-2787-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From March 1, 2011, to November 28, 2013, an officer allegedly smuggled heroin, marijuana, mobile phones, and tobacco into an institution. On November 28, 2013, the Office of Internal Affairs arrested the officer after he was found to be in possession of 101 grams of suspected marijuana, 26 grams of suspected heroin, and ten mobile phones as he entered the institution to start his shift. The Office of Internal Affairs determined there was 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 Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process in that the investigation took over two years to complete when it could have concluded sooner. Additionally, the Office of Internal Affairs failed to provide continual real-time consultation with the OIG, which hindered the OIG's ability to fully monitor the department's actions.

Assessment Questions

- Was the predisciplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs initiated the investigation on November 7, 2011, and did not complete it until October 24, 2013, over two years later. There were no extenuating circumstances to justify the delay.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The Office of Internal Affairs did not provide the OIG with continual real-time consultation on this case. There were at least 13 interviews and significant meetings that took place without notice to the OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2011-03-27	13-0079-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between March 27, 2011, and April 2, 2011, a health records technician allegedly engaged in a sexual relationship with an inmate, resulting in a child being born on December 28, 2011. Between January 24, 2012, and September 4, 2012, the health records technician allegedly received approximately \$7,950 from inmates or inmate family members through wire money transfers. On February 28, 2013, the health records technician resigned. A letter indicating she resigned under unfavorable circumstances was placed in her official personnel file. 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.

Investigative Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. OIA Central Intake did not make a timely determination regarding the case and the Office of Internal Affairs did not timely complete its investigation.

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on November 15, 2012, but did not take action until December 26, 2012, 42 days after the receipt of the request.

- Was the predisciplinary/investigative phase conducted with due diligence?

OIA Central Intake delayed making a determination regarding the case, the special agent did not conduct any activity from April 10, 2013, to September 10, 2013, and the investigation was not completed until 22 days before the deadline for referring the case to the district attorney.

- Was the investigation, or subject interview, completed at least 35 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 was March 1, 2014, for prosecution of the criminal misdemeanor offenses. The investigation was not completed until February 7, 2014, only 22 days before the deadline.

Incident Date	OIG Case Number	Case Type	Allegations
2012-10-01	12-2361-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On October 1, 2012, a chief nurse executive allegedly introduced numerous bottles of prescription medication, some not prescribed to her, a bottle of wine, and a mobile phone into the institution. The chief nurse executive also allegedly unlawfully prescribed the medication to herself and her sister. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

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

The department's investigative process failed to comply with policies and procedures. The special agent failed to completely question the chief nurse executive and failed to appropriately enter case activity into CMS.

Incident Date	OIG Case Number	Case Type	Allegations
2012-10-01	13-0594-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between October 1, 2012, and May 15, 2013, a sergeant allegedly used his state-issued computer to view child pornography. 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. The sergeant retired before the criminal investigation was completed.

Investigative Assessment

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

The department's investigative process sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-11	13-2684-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On March 11, 2013, an officer allegedly introduced mobile phones and tobacco into the institution, provided gifts to an inmate, and engaged in sexual intercourse with that 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.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department's investigative process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-04-30	13-2349-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From April 30, 2013, to May 2013, three officers allegedly conspired with inmates to orchestrate inmate-on-inmate batteries. 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 hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the conduct on June 4, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 9, 2013, more than four months later.

- Was the predisciplinary/investigative phase conducted with due diligence?

The department learned of the conduct on June 4, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 9, 2013, more than four months later.

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-01	13-1333-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between May 1, 2013, and June 30, 2013, an officer allegedly provided narcotics and mobile phones to 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's investigative process sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-21	13-2048-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On June 21, 2013, a sergeant from the investigative services unit discovered nude photographs of a private citizen on a mobile phone seized from an inmate and allegedly posted the photographs for public viewing on the inmate's page on a social networking site. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department's investigative process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-06	14-1071-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On February 6, 2014, an office technician allegedly corresponded with an inmate, brought him gifts, and allowed the inmate to kiss her. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department's investigative process sufficiently complied with policies and procedures.

APPENDIX B1

DISCIPLINARY PHASE

CASES INVOLVING USE OF FORCE

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-01-11	13-0390-IR	<ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Not Sustained 		

Incident Summary

On January 11, 2013, an officer allegedly violated a local operational procedure when he conducted an unclothed body search of an inmate inside his cell. The officer allegedly endangered himself and other staff when he ordered a cell door in an administrative segregation unit be opened because he thought the inmate inside the cell was in possession of contraband. The officer allegedly used unreasonable force when he entered the cell and engaged in a physical struggle with the inmate. Another officer allegedly instructed the cell door be reopened and ran inside the inmate's cell.

Disposition

The hiring authority sustained the allegation that the first officer endangered his safety and that of other staff when he ordered the cell door to be opened, and imposed a 5 percent salary reduction for six months. The hiring authority did not sustain the remaining allegations against the first officer and did not 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. On the date of the hearing, the department entered into a settlement agreement with the officer because the expert witnesses' opinions posed evidentiary issues. The department modified the officer's penalty to the equivalent of a 5 percent salary reduction for one month because the officer agreed to waive the pay he'd lost prior to the State Personnel Board hearing. Additionally, the disciplinary action was replaced with a letter of instruction in the officer's official personnel folder. The OIG did not concur with the last-minute settlement agreement; however, the terms of the settlement did not merit a higher level of review due to the evidentiary issues with the case.

Disciplinary Assessment

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

The department attorney failed to exercise due diligence by failing to adequately prepare expert witnesses prior to the State Personnel Board hearing. This led to a last-minute settlement the morning of the hearing with witnesses already present. The department attorney also provided the draft pre-hearing settlement conference statement to the OIG for review the day before it was due to be filed by mail. Additionally, the CDCR Form 402 failed to document that two allegations were sustained against the first officer.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL No Change
2013-04-21	13-1986-IR	<ol style="list-style-type: none"> Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained 		

Incident Summary

On April 21, 2013, officers observed two inmates engaged in a physical altercation. The inmates refused to comply with orders to stop fighting. The officers deployed pepper spray to stop the inmates and ordered them to get on the ground. The inmates stopped fighting and lay on the ground. Immediately thereafter, one of the officers allegedly approached one of the inmates who was lying on the ground, lifted the inmate's shirt, which was covering his face, and deployed pepper spray again.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the officer 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.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

Overall, the hiring authority and department attorney sufficiently complied with the department's policies and procedures. However, OIA Central Intake failed to timely process the case.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 14, 2013, but did not take action until September 12, 2013, almost four months after receipt of the request.
- Was the disciplinary phase conducted with due diligence by the department?
The OIA Central Intake failed to timely take action on the request for investigation.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-02	13-2312-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On August 2, 2013, an officer allegedly used unreasonable force when he grabbed an inmate and physically forced him to the ground after the inmate walked away after being ordered to stop. The officer allegedly failed to activate his personal alarm device.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for three months against the officer. The OIG concurred. At the *Skelly* hearing, the officer demonstrated remorse and accepted responsibility for his misconduct. Due to this mitigating information, the hiring authority elected to enter into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for two months and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred with the hiring authority's decision based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination regarding the case and the hiring authority failed to timely conduct the findings and penalty conference.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on August 26, 2013, but did not take action until October 23, 2013, 58 days after the receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on October 23, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until November 26, 2013, 34 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on October 23, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until November 26, 2013, 34 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake failed to timely take action on the request for investigation and the hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-02	13-2360-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Neglect of Duty 3. Weapons - Misuse/non-use of weapon 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Salary Reduction	No Change

Incident Summary

On August 2, 2013, after an inmate threw plastic cups at a control booth window, a control booth officer allegedly fired two less-lethal rounds at the inmate, aiming above the inmate's waist area. The control booth officer also allegedly failed to maintain his quarterly firearms qualification. Further, the control booth officer allegedly failed to notify his supervisor that he was no longer firearms qualified and allegedly assumed the control booth officer position despite being unqualified. Also, a sergeant allegedly replaced an officer's prior report with an updated report without an appropriate clarifying statement in the incident package.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the control booth officer and imposed a 10 percent salary reduction for 12 months. The hiring authority determined there was sufficient evidence to sustain the allegations against the sergeant and issued a letter of instruction. The OIG concurred. The control booth officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-23	14-0441-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Letter of Reprimand	Letter of Instruction

Incident Summary

On October 23, 2013, an officer allegedly deployed pepper spray into an inmate's cell after the inmate acted agitated, refused orders to remove a mattress from the cell window, and began to snort an unknown white powder off the sink in his cell. A sergeant allegedly failed to intervene and stop the officer from deploying pepper spray on the inmate. Further, the sergeant allegedly failed to establish a crime scene and collect the unknown powder.

Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation against the sergeant for failing to establish a crime scene and failing to collect the unknown powder. The hiring authority issued a letter of reprimand to the sergeant. The hiring authority determined there was insufficient evidence to sustain the other allegation against the sergeant and the allegation against the officer. The OIG concurred with the hiring authority's determinations. At the sergeant's *Skelly* hearing, the sergeant explained there was an insufficient amount of powder residue left on the sink to recover. The sergeant further explained that he had processed numerous crime scenes and was very familiar with what would constitute a recoverable amount. Due to this mitigating information and because there were no other witnesses who could contradict the sergeant's account of how much powder residue remained, the hiring authority elected to withdraw the disciplinary action against the sergeant and instead issued a letter of instruction. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings and disciplinary determinations in a timely manner.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 23, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 8, 2014, 77 days after the date of discovery.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on February 12, 2014; however, the consultation with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until March 28, 2014, 44 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on February 12, 2014; however, the consultation with the OIG and the department attorney regarding the disciplinary determinations did not occur until March 28, 2014, 44 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-10	12-0222-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report Use of Force 3. Failure to Report 4. Unreasonable Use of Force 5. Neglect of Duty 6. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 	Dismissal	No Change

Incident Summary

On November 10, 2011, an officer allegedly used unreasonable force by dispensing pepper spray in an inmate's upper torso and facial area after the inmate had been restrained and was under control. It was further alleged the officer failed to accurately report the use of force. In addition, four other officers and two sergeants allegedly witnessed the unreasonable use of force and failed to report it. On the following day, one of the sergeants and one of the officers told a lieutenant that they felt uncomfortable with their initial reports because they witnessed the unreasonable force and failed to report it. Following the disclosure of the new information, the officer who used the unreasonable force reported that the inmate lunged at her a second time, causing her to discharge pepper spray a second time, which occurred prior to the inmate being placed in restraints. The officer was allegedly dishonest during her investigative interview when she continued to maintain that the inmate was not restrained and lunged at her when she used pepper spray the second time. In addition, the officer was allegedly dishonest when she denied that she intentionally omitted the second use of force in her initial report, denied that she followed the inmate into the corridor where she used force, denied that she argued with the inmate, denied that she used profanity, and denied that her behavior was unprofessional.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer who used unreasonable force, failed to report it, and was dishonest in her investigative interview and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board, which sustained the penalty of dismissal after a hearing. The hiring authority determined there was sufficient evidence to sustain the allegations against the first sergeant and imposed a 5 percent salary reduction for nine months. The OIG concurred. The sergeant filed an appeal with the State Personnel Board, which sustained the penalty after a hearing. The hiring authority determined there was insufficient evidence to sustain the allegations of failure to report use of force observed or dishonesty against the second sergeant but found there was sufficient evidence to sustain the allegation of negligence and issued a letter of instruction. The OIG concurred. The hiring authority determined there was sufficient evidence to sustain the allegations against a second officer for failure to report use of force observed, failure to report the misconduct of the first officer, and neglect of duty, but found there was insufficient evidence to sustain the dishonesty allegation, and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The second officer filed an appeal with the State Personnel Board, which sustained the penalty. The hiring authority determined there was sufficient evidence to sustain the allegations against the third officer and imposed a salary reduction of 5 percent for nine months. The OIG concurred. The department entered into a settlement agreement with the third officer wherein the penalty was reduced to a 5 percent salary reduction for three months after a *Skelly* hearing because the officer acknowledged his actions violated policy, he accepted responsibility, he had only a peripheral view of the incident, and he had an otherwise exemplary performance record. The OIG concurred based on the factors learned at the *Skelly* hearing. The hiring authority determined there was insufficient evidence to sustain the allegations against the fourth officer. The OIG concurred.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-12	13-0405-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Letter of Reprimand	No Change

Incident Summary

On August 12, 2012, two officers allegedly used unreasonable force on an inmate. One officer observed the inmate attempting to cover his cell window with toilet paper. The officer ordered the inmate to stop, but he did not comply, so the officer deployed pepper spray through the food port. The inmate retreated to the back of the cell and covered his face with clothing. The officer ordered the inmate to drop the clothes, but he did not comply. The officer threw a pepper spray grenade into the cell. A second officer responded and the first officer deployed a second grenade after the inmate ran toward the cell door with a mattress. The inmate attempted to move toward the cell door with the mattress again, and the second officer applied pepper spray through the food port. The inmate dropped the mattress and began washing his face with water from the toilet. The first officer again deployed pepper spray on the inmate. The inmate retreated to his bed and began to tie a towel around his head. The second officer ordered the inmate to stop, but the inmate continued. The second officer deployed pepper spray on the inmate again, and the inmate finally submitted to restraints. A third officer allegedly failed to activate his personal alarm during the incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the first officer used unreasonable force and failed to activate his alarm and issued a letter of reprimand. The hiring authority also sustained the allegations that the other two other officers failed to activate their personal alarms and issued letters of reprimand. The hiring authority determined there was insufficient evidence to sustain the allegation that the second officer used unreasonable force. The OIG concurred with the hiring authority's determinations. At the *Skelly* hearings for the officers, it was discovered that the supervisor for the housing unit where the officers were working previously instructed them not to activate their personal alarms every time they used pepper spray. Due to this mitigating information, the hiring authority withdrew the disciplinary actions against the second and third officers, and amended the disciplinary action against the first officer by withdrawing the allegation that he failed to activate his alarm. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing. The first officer appealed to the State Personnel Board. The administrative law judge sustained the allegation that the officer used unreasonable force and the penalty was upheld.

Disciplinary Assessment

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

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, and the Office of Internal Affairs failed to make a timely determination regarding the case. The hiring authority also failed to conduct the findings and penalty conference in a timely manner. The disciplinary officer failed to document relevant dates.

NORTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on August 26, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 4, 2013, over four months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on January 17, 2013, but did not take action until March 6, 2013, 48 days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The disciplinary officer did not make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

OIA Central Intake returned the case to the hiring authority to take action without an investigation on March 6, 2013, but the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until May 6, 2013, 61 days later.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

OIA Central Intake returned the case to the hiring authority on March 6, 2013, but the hiring authority did not consult with the OIG regarding disciplinary determinations until May 6, 2013, 61 days later.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority failed to refer the matter to OIA Central Intake in a timely manner, OIA Central Intake failed to timely process the hiring authority's request, and the hiring authority failed to consult with the OIG regarding the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-11	13-0109-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	No Change

Incident Summary

On October 11, 2012, a sergeant allegedly used unreasonable force when he deployed pepper spray on a nonresistive inmate who had his hands flat against the wall. A lieutenant allegedly witnessed the use of force and failed to identify it as unreasonable.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for six months against the lieutenant and served the sergeant with an official letter of reprimand. The OIG concurred with the hiring authority's determination. The lieutenant and sergeant filed appeals with the State Personnel Board. Prior to the hearing, the department entered into settlement agreements with the lieutenant and sergeant. The department agreed to strike the willful disobedience cause of action from the lieutenant's disciplinary action and agreed to remove the letter of reprimand from the sergeant's official personnel file after 18 months. Both employees agreed to withdraw their appeals. The OIG concurred because neither settlement represented a material change in penalty.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination regarding the case. The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The employee relations officer failed to make required CMS entries and failed to provide the OIG with a draft of the pre-hearing settlement conference statement. The disciplinary action was not served on the sergeant within 30 days of the decision to take disciplinary action.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on December 7, 2012, but did not take action until January 11, 2013, 35 calendar days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

Prior to the department attorneys' assignment of the case on January 24, 2014, the employee relations officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on January 11, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until August 20, 2013, seven months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on January 11, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until August 20, 2013, seven months after receipt of the case.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served on the sergeant within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on August 20, 2013; however, the sergeant was not served the action until September 26, 2013.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-22	13-0690-IR	1. Failure to Report Use of Force	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On November 22, 2012, an officer allegedly failed to accurately identify another officer who was involved in a use-of-force incident where a disruptive inmate was forced to the ground.

Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for ten months. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. Prior to an evidentiary hearing, the department determined it had improperly aggravated the penalty. Therefore, the department entered into a settlement agreement with the officer wherein the department agreed to modify the penalty to a 10 percent salary reduction for five months. The OIG concurred with the terms of the settlement because the initial penalty may have been improperly aggravated when the hiring authority considered allegations of misconduct that were subsequent to those alleged in this case. Also, by settling the case, the department avoided legal challenges to the action based on the department's failure to serve the action within 30 days of the decision to take disciplinary action.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority considered improper aggravating factors when determining a penalty and the department attorney failed to appropriately advise the hiring authority of the error. The department attorney failed to timely provide the OIG a draft copy of the disciplinary action and failed to provide a copy of the pre-hearing settlement conference statement before it was filed. Also, the disciplinary action was not served within 30 days of the decision to take disciplinary action.

NORTH REGION

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney failed to identify that aggravating factors were improperly applied when determining the penalty.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority considered improper aggravating factors when determining the penalty.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The OIG was provided with a copy of the disciplinary action one day prior to the deadline to take disciplinary action. Therefore, the OIG was not provided an opportunity for meaningful review.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The OIG was not provided a draft of the pre-hearing settlement conference statement prior to it being filed.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney failed to timely give the OIG a draft of the disciplinary action and failed to provide a copy of the pre-hearing settlement conference statement before it was filed.
- Was the disciplinary phase conducted with due diligence by the department?
The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on October 9, 2013; however, the officer was not served until November 22, 2013, 44 days after the decision to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-16	13-1092-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Neglect of Duty 3. Failure to Intervene 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Letter of Reprimand	No Change

Incident Summary

On February 16, 2013, an officer allegedly used unreasonable force on a mental health inmate who was attempting to cover up his window with paper. The officer gave the inmate an order to stop, but the inmate continued applying the paper. The officer then allegedly applied pepper spray, and the inmate stopped, retreated to the back of the cell, and placed a blanket over his head. The officer ordered the inmate to remove the blanket, but he refused. The officer applied a second burst of pepper spray, and the inmate complied with orders. A second officer allegedly observed the incident but failed to intervene when unreasonable force was used. A lieutenant allegedly failed to recognize the violation of departmental policy during his review of the incident.

Disposition

The hiring authority determined that there was sufficient evidence to sustain the allegation that the second officer used unreasonable force and issued him a letter of reprimand. The OIG concurred with the hiring authority's determinations. The second 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 his personnel file one year after the effective date. The officer agreed to withdraw his appeal. The OIG concurred because the officer had received supplemental and remedial training from the department regarding immediate use of force and there was a reduced likelihood of recurrence. The hiring authority determined there was insufficient evidence to sustain the allegations against the lieutenant and the first officer. The lieutenant received training on how to review a use-of-force incident. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The OIA Central Intake did not make a timely determination regarding the case, and the hiring authority did not timely consult with the OIG regarding the investigative findings and disciplinary determinations. The employee relations officer failed to assess relevant dates.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 24, 2013, but did not take action until July 3, 2013, 70 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make an entry into CMS prior to the findings conference confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline known at the time.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on July 5, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until July 26, 2013, 21 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on July 5, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until July 26, 2013, 21 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The Office of Internal Affairs failed to timely take action on the request for investigation, and the hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-20	13-0978-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Letter of Reprimand	No Change

Incident Summary

On February 20, 2013, an officer allegedly deployed pepper spray on an inmate who was in the process of barricading his cell with a mattress. The inmate dropped the mattress and retreated to the back of his cell. The inmate then returned to his mattress and picked it up again, and a second officer allegedly deployed pepper spray to stop him. A lieutenant also allegedly approved the use-of-force reports despite the alleged violations of policy.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the second officer and issued him a letter of reprimand. The OIG concurred with the hiring authority's determinations. The second 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 his personnel file one year after the effective date. The officer agreed to withdraw his appeal. The OIG concurred because the officer had received supplemental and remedial training from the department regarding immediate use of force and there was a reduced likelihood of recurrence. The hiring authority determined there was insufficient evidence to sustain the allegations against the lieutenant and the first officer who initially deployed the pepper spray. The OIG concurred.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake did not make a timely determination regarding the case, and the hiring authority did not timely consult with the OIG regarding the investigative findings and disciplinary determinations. The disciplinary officer failed to make an entry into CMS confirming relevant dates.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 25, 2013, but did not take action until June 26, 2013, 62 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make an entry into CMS prior to the findings conference confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline known at the time.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on July 1, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until July 26, 2013, 25 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on July 1, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until July 26, 2013, 25 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The Office of Internal Affairs failed to timely take action on the request for investigation and the hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-07	13-0853-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On March 7, 2013, an inmate approached an officer at the podium in a verbally challenging manner. The officer activated his alarm and ordered the inmate to get down. The inmate continued to be verbally threatening and then moved around the podium toward the officer. The officer then took out his expandable baton while instructing the inmate to get down. The inmate continued yelling. The officer then allegedly used unreasonable force when he struck the inmate with his baton even though the inmate had turned away, causing the inmate to fall to the ground where he was then restrained.

Disposition

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

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake delayed making a determination regarding the case. The hiring authority failed to timely consult with the OIG regarding the sufficiency of the investigation, the investigative findings, and the disciplinary determination. The disciplinary officer failed to make an entry into CMS confirming relevant dates.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 6, 2013, but did not take action until June 16, 2013, 41 days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make any entries into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on June 19, 2013; however, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and investigative findings until December 24, 2013, more than six months later.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on June 19, 2013; however, the hiring authority did not consult with the OIG regarding the disciplinary determinations until December 24, 2013, more than six months later.
- Was the disciplinary phase conducted with due diligence by the department?
The Office of Internal Affairs failed to timely take action on the request for investigation, and the hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-29	13-2256-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Unreasonable Use of Force 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On May 29, 2013, a sergeant feared that inmates were destroying evidence or attempting to retrieve weapons. The sergeant ordered the inmates to stop and submit to restraints, but the inmates disobeyed. The sergeant allegedly used unreasonable force when he deployed three bursts of pepper spray into the cell rather than initiating a calculated cell extraction. A lieutenant allegedly failed to intervene to stop the use of force and failed to write a report documenting force he witnessed.

Disposition

The hiring authority sustained the allegations against the lieutenant and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Prior to the hearing, the lieutenant entered into a settlement agreement with the department wherein the penalty was reduced to a 5 percent salary reduction for six months and the lieutenant agreed to withdraw his appeal. The OIG concurred because the lieutenant reviewed the policies after he was given the disciplinary action, realized he made a mistake, and was remorseful. The hiring authority sustained the allegation against the sergeant and issued a letter of reprimand. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the hearing, the sergeant entered into a settlement agreement with the department wherein the department agreed to remove the disciplinary action from the sergeant's official personnel file after one year and the sergeant agreed to withdraw his appeal. The OIG concurred because the penalty was not reduced and the disciplinary action could still be used for progressive discipline.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake delayed making a determination regarding the case and the hiring authority delayed conducting the findings and penalty conference. The employee relations officer failed to assess relevant dates.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 26, 2013, but did not take action until October 16, 2013, 82 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The employee relations officer did not make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exception to the deadline.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The hiring authority received approval to take action without an investigation on October 16, 2013, but did not consult with the OIG regarding the investigative findings until November 19, 2013, 34 days later.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The hiring authority received approval to take action without an investigation on October 16, 2013, but did not consult with the OIG regarding the disciplinary determinations until November 19, 2013, 34 days later.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake failed to timely take action on the request for investigation and the department failed to conduct the findings and penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-08	14-0073-IR	1. Unreasonable Use of Force	1. Sustained	Suspension	No Change

Incident Summary

On November 8, 2013, an officer allegedly used unreasonable force on an inmate. The officer had observed the inmate trying to hide something between his legs and ordered the inmate to give him the item. The officer began to search the inmate and the inmate ran away, dragging the officer across a bunk. The inmate eventually submitted to another officer, who restrained him in a chair in an office. While alone in the office with the inmate, the first officer allegedly pushed the side of the inmate's neck causing the inmate to fall backward onto the ground.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 30-working-day suspension. The OIG concurred because, although the allegation was serious, the officer reported his misconduct immediately and was forthright and truthful and there were no serious injuries as a result of his misconduct. 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.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-19	14-0130-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 3. Neglect of Duty 4. Other Failure of Good Behavior 5. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On November 19, 2013, an officer assigned to a gun post saw inmates attempting to pass and retrieve contraband. The officer ordered the inmates to stay away from the contraband but they refused. The officer allegedly fired a less-lethal round at an inmate but missed. The officer also allegedly failed to immediately notify his supervisor that he had discharged his weapon.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations, combined the disciplinary action with another action involving the same officer, and dismissed the officer. The OIG concurred. Prior to the *Skelly* hearing, the department entered into a settlement agreement with the officer whereby he resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred with the settlement agreement as the ultimate goal of separating the officer from state service was achieved and the department eliminated the risk that the officer would prevail at hearing and be eligible to return to work.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-22	14-0542-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On January 22, 2014, an officer and a sergeant allegedly used unreasonable force when they used pepper spray and baton strikes on an inmate who had covered his cell window with paper and refused to relinquish control of the food port.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for two months against the sergeant because he had more culpability, and imposed a letter of reprimand against the officer. The OIG concurred. Following the *Skelly* hearings, the department entered into a settlement agreement with the sergeant whereby the penalty was reduced to a 5 percent salary reduction for one month. In addition, upon written request from the sergeant, the disciplinary action will be removed from the sergeant's official personnel file in two years. The department also entered into a settlement agreement with the officer whereby the penalty was not modified but the department agreed, upon written request from the officer, to remove the disciplinary action from the officer's official personnel file in one year as long as he engages in no future similar misconduct. The OIG concurred because at the *Skelly* hearings, the sergeant and officer each accepted responsibility for their actions.

Disciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The disciplinary officer did not make any entries into CMS confirming relevant dates. The hiring authority failed to adequately consult with the OIG regarding findings and penalty determinations and failed to provide draft disciplinary actions to the OIG for review. After notification to the hiring authority that no consultation with the OIG had occurred, the hiring authority provided the disciplinary documents to the OIG. After a review of the disciplinary actions, the OIG agreed with the hiring authority's determinations.

NORTH REGION

Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make any entries into CMS 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 hiring authority failed to consult with the OIG regarding the sufficiency of the investigation and the investigative findings.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The hiring authority failed to consult with the OIG regarding disciplinary determinations.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The hiring authority failed to provide draft disciplinary actions to the OIG for review.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The disciplinary officer failed to adequately consult with the OIG regarding findings and penalty determinations and failed to provide draft disciplinary actions to the OIG for review.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The hiring authority failed to adequately consult with the OIG regarding findings and penalty determinations and failed to provide draft disciplinary actions to the OIG for review.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely consult with the OIG regarding the findings and penalty determinations and failed to provide the draft disciplinary action to the OIG for review.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-11	12-0277-IR	<ol style="list-style-type: none"> Code of Silence Dishonesty Failure to Report Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On September 11, 2011, a sergeant and two officers approached an inmate in a housing unit to confront the inmate about being disruptive during a prior watch. The sergeant allegedly used unreasonable force on the inmate when the inmate was taken to the ground without justification. The sergeant, the two accompanying officers, and a third officer allegedly engaged in a code of silence by falsely reporting in writing and in their interviews that the inmate physically assaulted the sergeant, justifying the use of force. The control booth officer reported that the sergeant took the inmate to the ground without provocation.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the three officers and the sergeant and determined that dismissal was the appropriate penalty. The OIG concurred. The three officers and the sergeant each filed appeals with the State Personnel Board. At the hearing, one officer failed to appear in person and his appeal was dismissed. Following the hearing, the State Personnel Board revoked the dismissals of the other two officers and the sergeant. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officers' and the sergeant's denials.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-08	13-0563-IR	<ol style="list-style-type: none"> Failure to Report Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On June 8, 2012, a fire broke out on a housing unit. A ward failed to comply with orders to leave the unit, resulting in the use of a pepper-ball launcher. A sergeant and four officers allegedly failed to report the force that they witnessed. A lieutenant also allegedly failed to list in official reports the identities of the staff who witnessed or participated in the use of force.

SOUTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that three of the four officers failed to report the force they witnessed. The hiring authority did not find sufficient evidence to sustain the allegations against the lieutenant and determined the allegation against the sergeant was unfounded. The OIG concurred with the hiring authority's determinations. One officer received a letter of reprimand. The OIG did not concur with the penalty imposed because the officer had 14 years of experience and had received training concerning use-of-force reporting. The OIG did not seek a higher level of review because although the officer did not report the use of force, he was the only one who prepared a report about the incident. Another officer received a salary reduction of 10 percent for six months for failing to document the use of force observed, and the remaining officer received a salary reduction of 10 percent for seven months because he failed to document the use of force observed and left the institution immediately thereafter, indicating his unwillingness to prepare a written report. The OIG concurred with the penalties imposed as to these two officers. The three officers filed appeals with the State Personnel Board. In preparation for hearing, the department attorney discovered that officers had been improperly trained that reportable use of force had to be visually observed. Based on this information, the department entered into settlement agreements with each of the officers. The department agreed to early removal of the letter of reprimand from the official personnel file of the first officer in exchange for a dismissal of the appeal, and the OIG concurred with this settlement. The department reduced the penalties of the two officers with salary reductions to 5 percent salary reductions for three months in exchange for dismissals of the appeals. The OIG concurred with these settlements based on the new information that undermined the ability of the department to prevail on the allegations, but disagreed that the department should issue back pay to the officers. The OIG discussed with the hiring authority the need to address the improper training given to staff. The hiring authority immediately modified the training related to use-of-force reporting.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney did not provide appropriate legal consultation to the hiring authority, and did not provide the OIG with copies of the draft disciplinary actions for review.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-09	13-0186-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Use of Force Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained Not Sustained 	Dismissal	No Change

Incident Summary

On November 9, 2012, an officer allegedly shoved an inmate against a wall, failed to accurately document his use of force, and failed to activate a personal alarm. On May 17, 2013, the officer allegedly was dishonest to the Office of Internal Affairs about the incident. Two other officers allegedly witnessed the force used by the first officer but failed to document their observations and also failed to activate their personal alarms. On May 17, 2013, one of the other two officers was also allegedly dishonest to the Office of Internal Affairs about the incident.

Disposition

The hiring authority sustained the dishonesty allegations against two of the officers. The OIG concurred. At his *Skelly* hearing, one of the officers admitted to the dishonesty but absolved the other officer, stating that he copied his partner's report without his knowledge. Based on this admission, the hiring authority upheld the dishonesty allegation against the officer who admitted to copying the incident report and dismissed the dishonesty allegation against the vindicated officer. The hiring authority determined there was insufficient evidence to sustain the allegations that an officer used unreasonable force on the inmate and that all three officers failed to report the use of force they observed. The OIG concurred with the hiring authority's determinations. The dismissed officer filed an appeal with the State Personnel Board, which rendered a decision against the officer and upheld his dismissal.

Disciplinary Assessment

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

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed in conducting the findings and penalty conference.

SOUTH REGION

Assessment Questions

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

The case was returned to the hiring authority on August 14, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until October 8, 2013, 55 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on August 14, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until October 8, 2013, 55 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority failed to timely conduct the findings and penalty conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-22	13-0449-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Use of Force Unreasonable Use of Force Insubordination Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On November 22, 2012, a sergeant allegedly threw her baton twice at a fleeing inmate in an unsuccessful attempt to strike him and failed to report the use of force. Later that day, the sergeant allegedly commented about her unreported use of force to a second sergeant. The second sergeant allegedly did not report the admission until December 6, 2012, 13 days after the incident. On December 19, 2012, the first sergeant described the incident to a captain, who directed her to document the use of force; however, the sergeant allegedly failed to comply with the order. On July 30, 2013, the first sergeant was allegedly dishonest in her interview with the Office of Internal Affairs when she claimed to have disclosed her actions to a lieutenant.

Disposition

The hiring authority sustained all of the allegations as to each sergeant and determined that dismissal was the appropriate penalty for the first sergeant and a salary reduction of 5 percent for three months was the appropriate penalty for the second sergeant. The OIG concurred with the hiring authority's determinations. However, the first sergeant resigned prior to the completion of the investigation; therefore, disciplinary action was not taken as to her. The second sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the second sergeant wherein the penalty was reduced to a letter of reprimand and the sergeant would receive no back pay. The OIG concurred with the settlement because the second sergeant still received the impact of the salary reduction and he received a penalty that sufficiently accomplished the goal of deterring similar misconduct in the future.

Disciplinary Assessment

The department sufficiently complied with policies and procedures.

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-17	13-1331-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	Salary Reduction	Counseling

Incident Summary

An inmate alleged that on January 17, 2013, seven officers and a sergeant either participated in or witnessed officers come into the inmate's cell, beat him up, and then forcefully carry him to another cell. Once in the second cell, the inmate claimed he was suicidal and one of the officers allegedly failed to take appropriate steps to ensure the inmate's safety. None of the seven officers nor the sergeant wrote reports detailing the alleged incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that one of the officers and the sergeant did not appropriately respond to the inmate's claim that he was suicidal. The officer and sergeant received salary reductions of 5 percent for six months. After the *Skelly* hearing and further review of policy, the hiring authority determined that the policy concerning suicide protocols was in need of clarification or correction regarding whether staff is required to maintain constant visual observation of the inmate pending the arrival of medical assistance. As a result, the hiring authority withdrew the two disciplinary actions and provided the officer and sergeant with counseling. Additionally, the hiring authority has recommended to his chain of command that the policy be revised to require staff to maintain constant visual observation of inmates claiming suicidal tendencies. The OIG concurred with the hiring authority's actions and the need for policy review. Subsequently, the department modified the policy to require constant visual observation of inmates pending the arrival of medical assistance. The hiring authority determined there was insufficient evidence that a use of force had occurred; therefore, no allegations regarding the use of force were sustained. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

The department sufficiently complied with policies and procedures.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-15	13-1083-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On February 15, 2013, an officer allegedly entered the cell of an inmate and hit the inmate several times in the head without cause. The same officer and another officer allegedly allowed the inmate's arm to be trapped in the cell door for approximately 20 minutes. Both officers also allegedly failed to report either the inmate being hit or the inmate's arm being trapped in the cell door.

Disposition

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

Disciplinary Assessment

The department sufficiently complied with policies and procedures.

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-28	13-1971-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	No Penalty Imposed

Incident Summary

On February 28, 2013, an officer allegedly used unreasonable force when he deployed pepper spray on an inmate who refused to return a property receipt the inmate had grabbed from the officer.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. During the preparation for the pre-hearing settlement conference, the hiring authority, after consultation with use-of-force experts, determined that the officer's actions were justified and proper under departmental policy. The officer was exonerated. The OIG concurred with the hiring authority's determination based upon the new information provided by the use-of-force experts.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not timely refer the matter to the Office of Internal Affairs. OIA Central Intake did not timely make a determination on the matter. The disciplinary officer did not make an entry into CMS confirming relevant dates.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on February 28, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 7, 2013, 99 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 12, 2013, but did not take action until September 11, 2013, 91 days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make an entry into CMS confirming relevant dates.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination on the case.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-24	13-0981-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Sustained 2. Sustained	Letter of Reprimand	No Change

Incident Summary

On March 24, 2013, a sergeant allegedly used unreasonable force on an inmate to prevent the inmate from swallowing suspected contraband. The sergeant and an officer allegedly submitted initial reports that accurately reflected the use of force but later submitted second reports that were back-dated and did not accurately reflect the use of force.

SOUTH REGION

Disposition

The hiring authority sustained the allegations that the sergeant used unreasonable force, but the hiring authority did not sustain the allegation that the sergeant covered the inmate's airway. In addition, the hiring authority sustained the allegation that both the sergeant and the officer submitted an additional second, more detailed report on which both the sergeant and officer improperly placed the date of the incident rather than the date the second report was authored. The hiring authority issued the sergeant a letter of reprimand and the officer was served with a letter of instruction. The OIG concurred with the hiring authority's determinations as to both. The sergeant filed an appeal with the State Personnel Board. Prior to hearing, the department entered into a settlement agreement with the sergeant wherein the sergeant agreed to withdraw his appeal and the department agreed to remove the disciplinary action from the sergeant's official personnel file upon the completion of the sergeant's academy or by February 2015, whichever came first. The OIG concurred with the settlement because it did not significantly alter the original penalty.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-25	14-0104-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On May 25, 2013, an officer allegedly opened the food port in a cell door and deployed pepper spray on an inmate who had battered the officer. At the time the alleged force was used, the inmate was secured inside his cell and did not pose an immediate threat to the officer.

Disposition

The hiring authority sustained the allegation and imposed a salary reduction of 10 percent for six months. The OIG concurred with the hiring authority's determination. At the *Skelly* hearing, the officer was remorseful and took responsibility for his conduct. The officer also claimed that he was not thinking clearly at the time he used force because the inmate had punched him several times in the face. Due to this mitigating information, the hiring authority entered into a settlement agreement with the officer. The department agreed to reduce the penalty to a salary reduction of 5 percent for three months in exchange for a waiver of appeal. The OIG concurred with the terms of the settlement agreement because of the mitigating information learned at the *Skelly* hearing.

Disciplinary Assessment

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

The department failed to comply with policies and procedures. The hiring authority failed to timely refer the matter to the Office of Internal Affairs for investigation. Additionally, the department attorney failed to make a timely entry into CMS confirming relevant dates and also failed to complete a required form.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The incident was discovered on May 25, 2013; however, the matter was not referred to the Office of Internal Affairs until November 25, 2013, six months later.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned to the case on January 28, 2014. The entry concerning the relevant dates was not entered into CMS until March 5, 2014, 36 days later.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The OIG did not receive a CDCR Form 3021 from the department attorney.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-15	13-2105-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Failure to Report Use of Force 3. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Counseling	No Change

Incident Summary

On July 15, 2013, an inmate alleged that an officer yelled and cursed at him, forcefully pushed her knee into his buttocks, and kicked his shin with her boot, causing an abrasion. The officer also allegedly dragged the inmate across the dayroom floor while the inmate was seated in a chair. The inmate further alleged that the officer balled up her fist, held it within inches of his face, and threatened to punch the inmate. The officer also allegedly failed to report the use of force.

Disposition

The hiring authority determined there was sufficient evidence to find that the officer had been discourteous when she pulled the chair in which the inmate was sitting across the dayroom floor; however, the hiring authority determined there was insufficient evidence to prove the officer kicked the inmate. Additionally, the hiring authority did not sustain the allegation concerning pulling the inmate in the chair as a use of force due to a lack of clarity with the departmental escort policy. The officer was given counseling. According to the hiring authority, the department is currently reviewing the policy. The OIG concurred with the hiring authority's decision due to the lack of evidence and clear policy directive.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-08	13-0697-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On December 8, 2013, an officer allegedly deployed pepper spray onto a ward through a food port after the ward threatened the officer and refused orders to close the food port. The officer allegedly violated departmental policy by taking action without first reviewing the ward's crisis intervention plan and without utilizing de-escalation strategies.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and imposed a 30 working-day suspension. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to a hearing, the department entered into a settlement agreement with the officer and agreed to reduce the officer's penalty to a 15 working-day suspension. The OIG did not concur with the settlement because there was no change in circumstances to justify a reduction of the original penalty. The OIG did not seek a higher level of review because the ultimate penalty was not unreasonable.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not timely refer the matter to the Office of Internal Affairs and delayed in conducting the findings and penalty conference. The employee relations officer failed to document relevant dates in CMS. The department entered into a settlement agreement modifying the imposed penalty without justification.

SOUTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 10, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 22, 2013, 133 days after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The employee relations officer did not make any entry in CMS 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 that time.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on May 29, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and investigative findings did not occur until September 25, 2013, 119 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on May 29, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until September 25, 2013, 119 days after receipt of the case.
- 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 penalty modification because there was no justification for the reduction in penalty.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake delayed making a timely determination regarding the case and the department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

APPENDIX B2
DISCIPLINARY PHASE
CASES NOT INVOLVING USE OF FORCE
CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-06-07	11-0653-IR	1. Dishonesty 2. Insubordination	1. Sustained 2. Sustained	Dismissal	No Change

Incident Summary

On June 7, 2010, a lieutenant allegedly instructed an officer to falsify a report that documented the search of an inmate for drugs. It was further alleged that the officer falsified the report documenting the search of an inmate. The lieutenant allegedly provided false or misleading statements during his interview with Office of Internal Affairs by denying that he instructed the officer to falsify the report. The lieutenant was allegedly insubordinate when he discussed the pending allegations with an officer against a direct order.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against both the lieutenant and the officer and dismissed both. However, the lieutenant retired before the disciplinary action took effect. A letter indicating the lieutenant retired pending disciplinary action was placed in his official personnel file. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal. The department filed a writ in superior court challenging the decision. The writ was denied.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. The department attorney failed to include a critical witness on the pre-hearing settlement conference statement and failed to provide the OIG with written confirmation of penalty discussions and a draft pre-hearing settlement conference statement.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide written confirmation of the decisions made during the penalty discussions.
- 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 witness with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?
The pre-hearing settlement conference statement provided by the department attorney did not list the involved inmate as a potential witness.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney failed to provide the draft pre-hearing settlement conference statement to the OIG prior to it being filed.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-06-21	13-2115-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

Incident Summary

On four occasions between June 21, 2010, and November 3, 2010, an officer allegedly provided false information to an insurance company in order to obtain reimbursement for custom vehicle tire rims that he falsely claimed were stolen. On August 2, 2010, the officer was allegedly dishonest with outside law enforcement when he claimed under oath that the rims were stolen. On August 24, 2011, the officer admitted to outside law enforcement that he had been dishonest under oath and that he had submitted false documents regarding the insurance claim for the rims.

CENTRAL REGION

<h2>Disposition</h2> <p>The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. However, the officer failed to attend his pre-hearing settlement conference. As a result, the officer's appeal was dismissed and the disciplinary action against him was sustained.</p>	
<h2>Disciplinary Assessment</h2> <p>The department failed to comply with policies and procedures. The hiring authority delayed referring the matter to the Office of Internal Affairs, and OIA Central Intake failed to timely take action on the request for investigation. Finally, required department forms noted an incorrect deadline to take disciplinary action.</p>	Procedural Rating: Insufficient Substantive Rating: Sufficient
<h2>Assessment Questions</h2> <ul style="list-style-type: none"> Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery? <i>The department learned of the misconduct on June 4, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 30, 2013, 56 days after the date of discovery.</i> Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the request on August 8, 2013, but did not take action until September 25, 2013, 48 days after receipt of the request.</i> Was the CDCR Form 402 documenting the findings properly completed? <i>The CDCR Form 402 contained an incorrect deadline to take disciplinary action.</i> Was the CDCR Form 403 documenting the penalty properly completed? <i>The CDCR Form 403 contained an incorrect deadline to take disciplinary action.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The disciplinary phase was not conducted in a diligent manner. The hiring authority failed to timely refer the matter to OIA Central Intake, and OIA Central Intake delayed taking action on the matter.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-03-28	11-3028-IR	<ol style="list-style-type: none"> Contraband Other Failure of Good Behavior Possession of Controlled Substances 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary
 On March 28, 2011, an officer allegedly provided contraband to inmates including narcotics, mobile phones, and food. On March 15, 2012, while off-duty, the same officer was arrested by outside law enforcement for alleged transportation and sales of narcotics.

<h2>Disposition</h2> <p>The hiring authority sustained the allegations against the officer and determined that dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determination. However, the officer resigned prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the officer resigned under adverse circumstances was placed in the officer's official personnel file. The officer was ultimately convicted on federal felony charges.</p>	
<h2>Disciplinary Assessment</h2> <p>The hiring authority failed to comply with policies and procedures governing the disciplinary process by failing to timely conduct the findings and penalty conference.</p>	Procedural Rating: Insufficient Substantive Rating: Sufficient

CENTRAL REGION

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 23, 2012. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 6, 2014, over 14 months after receipt of the case. Although the administrative investigation was tolled due to an ongoing criminal investigation, the officer had already resigned; therefore, there was no reason to delay the findings and penalty conference once the administrative investigation was completed.

- 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 October 23, 2012. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 6, 2014, over 14 months after receipt of the case. Although the administrative investigation was tolled due to an ongoing criminal investigation, the officer had already resigned; therefore, there was no reason to delay the findings and penalty conference once the administrative investigation was completed.

- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-07	12-1760-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On September 7, 2011, an off-duty officer allegedly impersonated an outside law enforcement officer when he drove his personal vehicle, which resembled a law enforcement vehicle, and flashed the vehicle's overhead emergency lights, causing other drivers to pull over and stop. The officer also allegedly made dishonest statements to one of the drivers when he claimed to be in an "undercover" status, or words to that effect, and was allegedly dishonest during two interviews conducted by the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the officer in which he agreed to resign in lieu of dismissal. The officer also agreed to not seek future employment with the department and to withdraw his appeal. The OIG concurred because the goal of separating the officer from employment with 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
2012-02-17	12-2150-IR	<ol style="list-style-type: none"> 1. Theft 	<ol style="list-style-type: none"> 1. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

Between February 17, 2012, and February 26, 2012, a nurse allegedly stole 150 narcotic medication pills from the institution.

CENTRAL REGION

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation against the nurse; however, before that determination was made, the nurse retired from the department. A letter was placed in the nurse's personnel file indicating that she retired under adverse circumstances. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

The hiring authority failed to comply with the department's policies and procedures governing the disciplinary process. The hiring authority delayed more than a year before conducting the findings and penalty 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 September 24, 2012. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 26, 2012, 32 days after receipt of the case. Furthermore, the conference was not completed at that time, and a second conference was not held until February 11, 2014, over one year and three months after the first conference was held.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 24, 2012. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 26, 2012, 32 days after receipt of the case. Furthermore, the conference was not completed at that time, and a second conference was not held until February 11, 2014, over one year and three months after the first conference was held.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-01	13-0597-IR	1. Dishonesty 2. Misuse of Authority 3. Over-Familiarity 4. Dissuade a Witness 5. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained	Dismissal	No Change

Incident Summary

From March 2012 to April 2013, an officer was allegedly overly familiar with inmates when he brought mobile phones into an institution, selling them to certain inmates for personal gain. During that time, the officer also allegedly confiscated mobile phones, money, and scheduled appointment passes during cell searches and either kept the items for himself or redistributed them to other inmates. From October 2, 2012, to March 13, 2013, the officer allegedly tried to dissuade witnesses from reporting incriminating information about the officer. On October 8, 2012, the officer allegedly submitted a false report about his conversation with an inmate, omitting several key details. On April 18, 2013, the officer was allegedly dishonest when interviewed by the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred with the hiring authority's determination. The officer filed an appeal and the State Personnel Board upheld the dismissal after an evidentiary hearing.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Insufficient
<p>Overall, the hiring authority sufficiently complied with the department's policies and procedures; however, the department attorney did not. The department attorney failed to subpoena and speak with a critical witness before the hearing, was not familiar with who could act as the department's representative at the hearing, did not know the requirements for the business records exception to the hearsay rule, failed to adequately demonstrate an ability to refresh recollection or impeach a witness, did not seek to have some evidence admitted at the hearing, and improperly stipulated to the introduction of evidence.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-21	12-1606-IR	<ol style="list-style-type: none"> Neglect of Duty Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Not Sustained 	Suspension	No Change

Incident Summary

On May 21, 2012, a lieutenant and a sergeant allegedly failed to document an in-cell fight and failed to follow a local operating procedure regarding in-cell assault reviews. Three officers also allegedly failed to document the fight. Another officer allegedly called one of the inmates involved in the fight a derogatory term and failed to take appropriate action when notified that one of the inmates had been slapped and threatened.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the lieutenant and imposed a one working-day suspension. The OIG concurred with the hiring authority's determination. The lieutenant filed an appeal with the State Personnel Board. At the State Personnel Board hearing, the administrative law judge made a credibility determination and sustained the allegation and the penalty. The hiring authority also determined there was sufficient evidence to sustain the allegation against the sergeant and issued a letter of reprimand to the sergeant. The OIG concurred with the hiring authority's determination. At the sergeant's *Skelly* hearing, the sergeant accepted responsibility for his actions, thereby minimizing the likelihood of recurrence. Therefore, the hiring authority entered into a settlement agreement with the sergeant, agreeing to withdraw the disciplinary action early from the sergeant's official personnel file. The OIG concurred due to the mitigating information provided at the *Skelly* hearing and because the actual penalty was not modified. The hiring authority sustained the allegation against one of the officers and determined that the officer should receive training. The OIG concurred with the hiring authority's determinations. The hiring authority determined there was insufficient evidence to sustain the allegation against one of the other officers and exonerated the remaining officer since that officer was not even working in the area at the time. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the disciplinary process. The disciplinary actions for the lieutenant and sergeant were not timely served after the hiring authority decided to take action. Additionally, the department attorney failed to provide the OIG with a copy of the CDC Form 3021.</p>	

Assessment Questions

- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The department entered into a settlement agreement with the sergeant on August 7, 2013; however, the department attorney failed to provide the OIG with a CDC Form 3021.
- Was the disciplinary phase conducted with due diligence by the department?
The findings and penalty conference was held on April 16, 2013; however, the disciplinary actions for the lieutenant and sergeant were not served until May 22, 2013, 36 days later.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-03	12-2090-IR	1. Neglect of Duty	1. Sustained	Counseling	No Change

Incident Summary

On June 3, 2012, a sergeant allegedly placed two handcuffed inmates into a one-person holding cell and left them unattended in the cell while handcuffed for over four hours. The sergeant also allegedly failed to document placement of the inmates in the holding cell.

Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation against the sergeant for failing to properly document the holding cell placement of two inmates. The hiring authority ordered a record of counseling and additional training for the sergeant. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determination. The counseling record was ultimately removed from the sergeant's official personnel file because the counseling record was untimely served 11 months after the hiring authority's decision.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The employee relations officer failed to properly complete the findings and penalty conference forms, inaccurately noting that no allegations were sustained and that no penalty was imposed. Additionally, the corrective action was untimely served on the sergeant.

Assessment Questions

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

Although one allegation was sustained against the sergeant, the CDCR Form 402 incorrectly noted that no allegations were sustained against him.
- Was the CDCR Form 403 documenting the penalty properly completed?

The hiring authority sustained one allegation against the sergeant and determined the sergeant should receive an employee counseling record and training. The CDCR Form 403 failed to reflect this disposition and only noted that no penalty was imposed.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The employee relations officer provided copies of the final findings and penalty documents only after repeated requests from the OIG and after several months had already elapsed. Additionally, the documents were incorrectly completed and did not reflect that the sergeant was to receive a counseling record and training. As a result, the counseling record was served 11 months later, but was ultimately removed from the sergeant's official personnel file due to its untimeliness.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to timely serve the corrective action.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-06	13-0553-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Contraband 4. Over-Familiarity 5. Neglect of Duty 6. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 	Dismissal	No Change

Incident Summary

Between September 6, 2012, and March 27, 2013, an officer allegedly introduced a mobile phone into the institution, took photographs of himself and another officer holding weaponry while on duty, photographed secure areas within the institution, posted those photographs while on duty on his public social networking site, engaged in overly familiar relationships with inmates when he accepted personalized artwork from them, and was dishonest during his interview with the Office of Internal Affairs. During that same period, three other officers allegedly introduced mobile phones into the institution for their personal use, posed for photographs, and took photographs of one another within the institution's secure perimeter. The officers allegedly failed to report the misconduct of the other officers.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations against the first officer and determined that dismissal was the appropriate penalty. The officer subsequently resigned. A letter indicating the first officer resigned under adverse circumstances was placed in his official personnel file. The hiring authority determined that there was sufficient evidence to sustain the allegations against the remaining three officers that they introduced their personal mobile phones into the institution. The hiring authority imposed a 49 working-day suspension against one officer and 60 working-day suspensions against the remaining two officers who, in addition to bringing in their personal mobile phones, also participated in taking and posing for photographs with the first officer who was dismissed. The OIG concurred with the hiring authority's determinations. At their *Skelly* hearings, the three officers showed remorse and accepted responsibility for their actions. The hiring authority entered into settlement agreements with those officers whereby the officer with the 49 working-day suspension received a salary reduction of 10 percent for 13 months and the two other officers received salary reductions of 10 percent for 24 months, in exchange for a waiver of their rights to file appeals with the State Personnel Board. The OIG concurred with the settlements because the officers accepted responsibility for their actions and because the financial impacts of the salary reductions were similar to the financial impacts of the suspensions.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney provided improper legal consultation to the hiring authority and, as a result, the investigative findings conference was delayed and an officer who was later dismissed remained on paid administrative leave during the interim. The department also failed to consult with the OIG throughout the disciplinary phase.

Assessment Questions

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

The department attorney did not provide the hiring authority with appropriate legal consultation concerning the sufficiency of the investigation and investigative findings. The department attorney recommended additional investigation concerning the officers' dishonesty. The OIG did not agree that additional investigation was required. The hiring authority then consulted with the Office of Internal Affairs and determined that additional investigation was not needed. The improper legal consultation resulted in a delay of 91 days between the first and second penalty conferences, which were held on July 22, 2013, and October 21, 2013.

- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The hiring authority failed to provide the OIG with draft forms for review.

- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative findings in a timely manner. Inappropriate consultation by the department attorney caused a 91-day delay in the investigative findings, during which time an officer who was later dismissed was on paid administrative leave.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-14	12-2556-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On September 14, 2012, three counselors allegedly failed to prepare the proper sexually violent predator screening form prior to an inmate's parole. As a result, the inmate was released on parole under the wrong conditions. The day after being released on parole, the inmate sexually assaulted a 15-year-old female.

Disposition

The hiring authority determined there was sufficient evidence to sustain allegations against two of the counselors and imposed salary reductions on both. The hiring authority imposed a 5 percent salary reduction for five months on the counselor with the greater responsibility, and a 5 percent salary reduction for four months on the counselor with the lesser responsibility. The hiring authority determined there was insufficient evidence to sustain the allegations against the third counselor. The OIG concurred with the hiring authority's determinations. The counselors who received salary reductions filed appeals with the State Personnel Board, and the cases were consolidated for hearing. Following the hearing, the State Personnel Board upheld the penalties.

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
2012-10-06	12-2628-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

On October 6, 2012, an off-duty officer allegedly pushed and punched his adult step-son in the face, then allegedly retrieved his loaded off-duty pistol, entered his step-son's bedroom, pointed the pistol at his step-son's head, and threatened to kill him while ordering him to get out of his home. The officer left the bedroom, but a few minutes later allegedly re-entered the bedroom and again pointed the pistol at his step-son's head, repeating his threats to kill him if he did not get out of his home. He then allegedly retrieved a crowbar from another room, re-entered the bedroom, and held the crowbar over his step-son's head while threatening him. When the officer's wife attempted to call outside law enforcement, the officer fled the residence. When contacted by outside law enforcement, the officer refused to return to the residence and refused to identify his location. The officer was later arrested.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. At the hearing, the department entered into a settlement agreement with the officer and agreed to allow the officer to resign in lieu of termination in exchange for a dismissal of the appeal. The OIG concurred with the settlement because the officer relinquished his right to appeal and the settlement achieved the ultimate goal of terminating the officer's employment with the department.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed ten months before conducting the findings and penalty conference.

CENTRAL REGION

Assessment Questions

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

The case was returned to the hiring authority on November 7, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until September 6, 2013, ten months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The hiring authority did not timely consult with the OIG and department attorney regarding disciplinary determinations. The case was returned to the hiring authority on November 7, 2012; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until September 6, 2013, ten months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The case was not conducted with due diligence by the department. The findings and penalty conference did not occur until ten months after the hiring authority received the case back from OIA Central Intake for disposition.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-19	13-0108-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Neglect of Duty Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On October 19, 2012, two officers allegedly failed to conduct required security checks and inmate counts and failed to report the misconduct of each other. The officers were allegedly dishonest when they verified in the institutional log books and computer that the security checks and inmate counts had been completed. One of the officers allegedly also failed to wear proper equipment.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined the appropriate penalty was dismissal. The OIG concurred. One of the officers had resigned prior to the conclusion of the investigation, and a letter was placed in her personnel file indicating the resignation was under unfavorable circumstances. The other officer was served with a notice of dismissal. The officer filed an appeal with the State Personnel Board but withdrew the appeal prior to the pre-hearing settlement conference.

Disciplinary Assessment

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

The hiring authority failed to timely consult with the OIG and department attorney regarding the investigative findings and disciplinary determinations.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 30, 2013. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 3, 2013, 34 days after receipt of the case.
- 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 30, 2013. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 3, 2013, 34 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-13	13-0463-IR	<ol style="list-style-type: none"> 1. Insubordination 2. Neglect of Duty 3. Discourteous Treatment 4. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Salary Reduction	No Change

Incident Summary

On December 13, 2012, a sergeant and an officer allegedly failed to promptly report the misconduct of another employee. The sergeant also allegedly directed the officer to falsify a report to add incorrect information and was discourteous to that officer by cursing at the officer when he refused to change his report. The sergeant was also allegedly willfully disobedient by repeatedly failing to appear for scheduled interviews with the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of neglect of duty, discourteous treatment, and insubordination against the sergeant and imposed a salary reduction of 10 percent for six months. The hiring authority determined there was insufficient evidence to sustain the allegation that the sergeant failed to report the misconduct of another employee. The hiring authority found insufficient evidence to sustain any allegations against the officer. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the sergeant and agreed not to impose a penalty on the sergeant until she returned to work from industrial disability leave and also agreed to early removal of the disciplinary action from the sergeant's official personnel file. The sergeant withdrew the appeal. The OIG concurred with the settlement because it did not alter the monetary penalty imposed.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-24	13-0709-IR	<ol style="list-style-type: none"> 1. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 	Demotion	No Change

Incident Summary

On January 24, 2013, an officer was allegedly dishonest when he falsified an authorization from his medical provider for time off from work.

CENTRAL REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and demoted the officer to a cook. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer provided additional information about his medical condition and advised that he was taking medication that strongly affected him at the time of the incident. After additional medical documentation was provided, the department entered into a settlement agreement with the officer wherein the penalty was modified to limit the officer's demotion to a one-year period as long as the officer did not incur any further disciplinary actions during that time. In exchange, the officer agreed to withdraw his appeal. The OIG concurred due to the mitigating information.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-01-26	13-0421-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Other Failure of Good Behavior 4. Possession of Controlled Substance 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 		

Incident Summary

On January 26, 2013, two officers, a husband and wife, allegedly engaged in a domestic dispute in which he punched her in the face and in which she lunged at him and threatened to inflict bodily harm. While at the officers' residence, outside law enforcement located illegal steroids possessed by the male officer. The female officer allegedly was aware that her husband possessed and used illegal steroids, but failed to report the misconduct. On April 11, 2013, the female officer was allegedly dishonest regarding the incident during her interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations against both officers. The first officer was served with a notice of dismissal. The second officer received a salary reduction of 10 percent for 25 months. The OIG concurred. Both officers filed appeals with the State Personnel Board. However, the first officer resigned in lieu of termination at the State Personnel Board hearing, withdrawing his appeal and agreeing to never seek future employment with the department. The OIG concurred with the settlement since it achieved the same result of terminating the officer's employment with the department. The department settled with the second officer at the State Personnel Board hearing. The second officer received a salary reduction of 10 percent for 20 months and the opportunity to request the disciplinary action be removed in 18 months from her official personnel file. The OIG did not concur with the settlement since there was no new evidence and no changed circumstances existed. However, the settlement terms did not merit a higher level of review because the settlement achieved the same result of terminating the officer's employment with the department. Additionally, although OIG did not concur with the second officer's settlement, the penalty reduction was not of a level significant enough to warrant a higher level of review.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-29	13-0532-IR	1. Dishonesty	1. Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

On January 29, 2013, and January 30, 2013, an officer was allegedly dishonest when he signed and dated two administrative segregation unit placement notices indicating he had provided the notices to two inmates when he had not done so. In addition, the officer allegedly falsely indicated on the notices that both inmates refused to sign the notices when served with them. During the investigation, the officer was allegedly dishonest when he stated that he served the two inmates with the notices and the inmates refused to sign them.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officer with a notice of dismissal. The OIG concurred. The officer subsequently admitted to being dishonest. Based on the officer's admission, the hiring authority proposed to reduce the dismissal to a salary reduction. The OIG intervened, seeking a higher level of review. Before a higher level of review could be conducted, the hiring authority decided uphold the dismissal. The department and officer later entered into a settlement agreement wherein the officer agreed to resign, never seek future employment with the department, and waive his appeal rights. A copy of the settlement was placed in the officer's official personnel file. The OIG concurred with the terms of the settlement because it still achieved the same result of terminating the officer's employment with the department.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The disciplinary action was not appropriately amended to include the officer's admissions of dishonesty, although the department later stated that his admissions provided a factual basis for the disciplinary action. The hiring authority also attempted to improperly reduce the penalty.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-22	13-0370-IR	1. Neglect of Duty 2. Misuse of State Equipment or Property	1. Sustained 2. Sustained	Salary Reduction	No Change

Incident Summary

On February 22, 2013, an Office of Internal Affairs special agent allegedly misused state equipment and resources while conducting an unauthorized investigation for personal reasons, misused his authority as a special agent to gain access to information for personal use, and failed to make proper notification that he has family members in the custody of the department.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the special agent and determined that a 5 percent salary reduction for three months was the appropriate penalty. The OIG concurred with the hiring authority's determinations. The special agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board sustained the penalty.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-24	13-0604-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Dishonesty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On February 24, 2013, an officer was arrested after he was allegedly involved in a physical altercation with his wife's former husband, in which the officer punched him. The officer was also allegedly dishonest when he told outside law enforcement that he never punched the wife's former husband during the altercation.

Disposition

The hiring authority sustained the allegation that the officer engaged in a physical altercation with his wife's former husband and imposed a 10 percent salary reduction for four months. The dishonesty allegation was not sustained. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. At State Personnel Board proceedings, the department entered into a settlement agreement whereby the disciplinary action could be removed early from the officer's official personnel file upon request by the officer. The OIG concurred since the actual penalty of a salary reduction was not modified and the disciplinary action could still be used as progressive discipline in the future.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-04	13-0673-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Letter of Reprimand

Incident Summary

On March 4, 2013, an officer was arrested after he allegedly physically abused and injured his step-son.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for two months. The OIG did not concur with the hiring authority's salary reduction determination because the penalty was outside departmental policy. The OIG did not seek a higher level of review because the deviation from departmental policy was not significant in that the salary reduction imposed was equivalent to a two working-day suspension. At the *Skelly* hearing, the officer presented credible information pertaining to the alleged victim's past that significantly mitigated the officer's behavior. Based upon this new information, the department entered into a settlement agreement in which the officer accepted a letter of reprimand and waived his appeal rights. The OIG did not concur with the settlement because the penalty was insufficient given the officer's criminal conviction and embarrassment caused to the department. The OIG did not seek a higher level of review because the ultimate penalty was only a minor deviation from the original penalty imposed.

Disciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-31	13-0997-IR	<ol style="list-style-type: none"> Over-Familiarity Insubordination Neglect of Duty Disclosure of Confidential Information 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Salary Reduction	No Change

Incident Summary

On March 31, 2013, a captain allegedly provided an inmate with a copy of a confidential corrective action plan that had been completed as part of a recent security audit. A lieutenant allegedly knew that the inmate had the confidential document but failed to confiscate it. The captain was also allegedly insubordinate when he refused to be interviewed by the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations. During the findings and penalty conference, the hiring authority determined that the captain was overly familiar with the inmate and that he was insubordinate when he refused to be interviewed by the Office of Internal Affairs. The hiring authority imposed a 10 percent salary reduction for 18 months on the captain and a 10 percent salary reduction for six months on the lieutenant. The OIG concurred. Before the disciplinary actions were served, the lieutenant was separated from state service for unexcused absences. Prior to the effective date of the disciplinary action, the captain retired. The disciplinary actions were placed in the employees' official personnel files.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake delayed making a determination on the case. The department attorney failed to appropriately advise the employee relations officer regarding completion of required departmental forms and the employee relations officer failed to appropriately complete the forms.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-24	13-1321-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On April 24, 2013, an officer allegedly failed to maintain constant observation of an inmate on contraband surveillance watch. As a result, the inmate was able to slip out of his restraints and restrictive clothing and then reach around to retrieve the contraband item from his rectum and reingest it. Additionally, the officer allegedly failed to accurately and completely annotate the log documenting the inmate's activities.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and imposed a 5 percent salary reduction for eight months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer acknowledged that his actions violated policy and admitted he should have been more attentive. He also provided mitigating information. The department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for six months and the officer agreed to withdraw his appeal. The OIG concurred with the penalty modification due to the mitigating information, the officer's remorse, and because it was only a slight penalty reduction.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-29	13-0808-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior 3. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On April 29, 2013, an officer was arrested after she allegedly stole items from a department store. The officer also allegedly failed to timely notify the hiring authority of her arrest and was allegedly dishonest to supervisors about the circumstances leading to her arrest.

Disposition

The hiring authority determined there was sufficient evidence to sustain allegations that the officer stole items from the department store and that she was dishonest about the incident, but did not sustain the allegation that the officer failed to timely notify the hiring authority of her arrest. The hiring authority dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. During the State Personnel Board proceedings, the department entered into a settlement agreement whereby the officer resigned in lieu of dismissal. The officer also agreed to never seek future employment with the department and to withdraw her appeal. A copy of the settlement agreement was placed in the officer's official personnel file. The OIG concurred with the settlement agreement because it still achieved the result of terminating the officer's employment with the department.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-09	13-0975-IR	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On May 9, 2013, an officer allegedly physically struggled with his wife over a mobile phone, resulting in bruises and scratches to his wife. On May 10, 2013, the officer again allegedly physically struggled with his wife and made sexual advances against her will, causing minor injuries.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred. Following a *Skelly* hearing, the hiring authority reduced the penalty to a 5 percent salary reduction for 12 months based on the officer's remorse, acceptance of responsibility, and the fact that he removed himself from the relationship. The OIG did not concur but did not seek a higher level of review because of the information learned at the *Skelly* hearing, the penalty was still within an acceptable range for the misconduct, and the reduced penalty was part of a settlement agreement wherein the officer agreed not to file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the findings and penalty conference, was not adequately prepared for the conference, and failed to make all appropriate determinations based on the evidence. The department attorney failed to adequately assess the relevant deadlines and failed to provide adequate legal advice to the hiring authority.

CENTRAL REGION

Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
Although the department attorney made a timely entry into CMS regarding the relevant dates, the department attorney incorrectly assessed the date of discovery and deadline for taking 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 case was returned to the hiring authority on July 19, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings did not take place until November 6, 2013, more than three months later.
- 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 did not listen to the recorded interviews of either the officer or his wife. The department attorney's recommendations were based in large part on her impression of the credibility of the officer and his wife. Since the hiring authority did not listen to the interviews, he could not make his own determinations. In addition, the hiring authority relied on the disciplinary officer to make recommendations rather than making his own decision.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
Based on the available evidence, the OIG recommended adding two allegations; however, the department attorney disagreed, claiming that she could only recommend allegations to which the officer admitted. A court adjudicating a restraining order against the officer found evidence existed that the events in question took place, but the department attorney improperly advised the hiring authority that those findings would not be admissible before the State Personnel Board.
- Did the HA who participated in the findings conference identify the appropriate Subjects and factual allegations for each subject based on the evidence?
Based on the inappropriate legal advice of the department attorney, the hiring authority did not add two allegations the evidence supported.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on July 19, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not take place until November 6, 2013, more than three months later.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
Following the Skelly hearing, the hiring authority reduced the penalty from a 10 percent salary reduction for 18 months to a 5 percent salary reduction for 12 months. The OIG did not concur with the modification; however, the OIG did not seek a higher level of review. There were some changed circumstances as a result of the Skelly hearing, including the officer's remorse, accepting responsibility, and the fact that he removed himself from the relationship. In addition, the penalty was still within an acceptable range for the misconduct and the officer agreed not to file an appeal with the State Personnel Board.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-13	13-2086-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	No Change

Incident Summary

On May 13, 2013, an officer allegedly failed to maintain constant observation of an inmate suspected of ingesting contraband as the inmate was able to rip his jumpsuit and reingest the suspected contraband. The officer also allegedly failed to ensure there was adequate lighting in the inmate's cell as the officer watched the inmate.

CENTRAL REGION

Disposition

The hiring authority sustained all allegations and served the officer with a letter of reprimand. The officer did not file an appeal with the State Personnel Board. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Instruction
2013-05-25	13-1696-IR	1. Neglect of Duty	1. Sustained		

Incident Summary

On May 25, 2013, an officer who was authorized to carry a mobile phone at the institution allegedly utilized the mobile phone's camera to photograph a second officer who sustained an injury during training. Further, the first officer allegedly had previously been instructed not to take photographs with the mobile phone while inside the secure perimeter.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the officer and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer presented information that a supervisor had assisted the officer in taking photographs at the time of the incident. Due to this information, the department entered into a settlement agreement with the officer, whereby the officer waived back pay already taken due to the salary reduction penalty. In return, the hiring authority agreed to replace the disciplinary action with a letter of instruction in the officer's official personnel file. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the initial penalty had actually been imposed and the incident still remained documented in the officer's official personnel file as a letter of instruction.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and improperly reduced the penalty.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-06-19	13-1660-IR	1. Neglect of Duty	1. Sustained		

Incident Summary

On June 19, 2013, an officer allegedly placed an inmate inside a cell to which he was not assigned. The control booth officer allegedly failed to notice that the inmate was placed in a cell not assigned to him and locked the inmate in the cell. The inmate hid out of view until the inmate assigned to the cell was placed and locked in the cell, at which point the first inmate began attacking the second inmate, causing the second inmate facial contusions and a fractured cheekbone.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officers and imposed a 10 percent salary reduction for six months against each officer. At his *Skelly* hearing, the officer who placed the inmate in the incorrect cell admitted to his error and requested a reduced penalty. The hiring authority agreed to reduce the officer's penalty from a 10 percent salary reduction for six months to a 10 percent salary reduction for four months in exchange for a waiver of appeal. The OIG did not concur with the settlement because there was no change of circumstances to warrant a reduction in the penalty. At his *Skelly* hearing, the control booth officer stated that his view of inmates waiting to be placed in their cells was not clear, making it difficult for him to identify them. In light of the information presented, the hiring authority reduced the officer's penalty to a letter of reprimand and the OIG concurred. The officer filed an appeal with the State Personnel Board, and the State Personnel Board dismissed the action because the department failed to submit into evidence a copy of the policy that the department alleged was violated by the officer.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department failed to comply with the department's policies and procedures governing the disciplinary process. The Office of Internal Affairs delayed in taking action on the case. The disciplinary officer failed to document relevant dates in CMS. During the hearing, the department's advocate failed to present evidence of the policy the department alleged was violated by the officer, resulting in the allegation not being sustained.

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake did not make a determination regarding the case within 30 days. The case was received on June 30, 2013, but no action was taken until August 16, 2013, 57 days after receipt of the case.</i> Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry in CMS confirming relevant dates.</i> Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing? <i>The department's advocate failed to adequately address legal issues during the hearing. During the investigatory hearing, the department's advocate failed to submit into evidence a copy of the policy the department alleged was violated by the officer. As a result, the administrative law judge did not sustain the allegation that the officer violated policy.</i> Did the department's advocate present the necessary available evidence regarding the allegations at the hearing? <i>The department's advocate failed to adequately address legal issues during the hearing. During the investigatory hearing, the department's advocate failed to submit into evidence a copy of the policy the department alleged was violated by the officer. As a result, the administrative law judge did not sustain the allegation that the officer violated policy.</i> Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence? <i>The department's advocate failed to adequately address legal issues during the hearing. During the investigatory hearing, the department's advocate failed to submit into evidence a copy of the policy the department alleged was violated by the officer. As a result, the administrative law judge did not sustain the allegation that the officer violated policy.</i> Was the disciplinary phase conducted with due diligence by the department? <i>OIA Central Intake did not make a determination regarding the case within 30 days. The case was received on June 30, 2013, but no action was taken until August 16, 2013, 57 days after receipt of the case.</i>
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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-23	13-1697-IR	1. Discourteous Treatment	1. Sustained	Salary Reduction	No Change

Incident Summary
On June 23, 2013, an off-duty officer allegedly loudly screamed profanities while parked outside the institution. The outside patrol sergeant attempted to make contact with the officer, but the officer allegedly fled the scene at a high rate of speed, drove erratically, and ultimately crashed her vehicle into a tree. Further, the officer allegedly yelled obscenities and threatened outside law enforcement officers when they responded to the scene.

Disposition
The hiring authority determined there was sufficient evidence to sustain the allegation against the officer and determined a 5 percent salary reduction for 12 months was the appropriate penalty. The OIG concurred. However, the officer was nonpunitively terminated for other reasons before the disciplinary action could be served. A letter indicating the department reserved the right to reopen disciplinary proceedings was mailed to the officer's last known address.

Disciplinary Assessment	Procedural Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	Substantive Rating: Sufficient

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-12	13-2137-IR	1. Neglect of Duty	1. Sustained	Suspension	Salary Reduction

Incident Summary

On July 12, 2013, two officers allegedly fell asleep while guarding an inmate at an outside hospital. One of the officers, who was armed, was allegedly asleep in the hospital room with the inmate.

Disposition

The hiring authority sustained the allegations and imposed a 60 working-day suspension on the armed officer and a 40 working-day suspension on the unarmed officer. The OIG concurred. At the *Skelly* hearings, both officers apologized, showed remorse, and offered to settle the cases without intervention of the State Personnel Board. Prior to the *Skelly* determination, the department entered into a settlement agreement with both officers. The armed officer's penalty was reduced to a 10 percent salary reduction for 24 months and the unarmed officer's penalty was reduced to a 10 percent salary reduction for 15 months. Both officers agreed not to file appeals with the State Personnel Board. The OIG concurred with the settlement agreements because the officers took responsibility and the penalty reductions were reasonable.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs, failed to timely conduct the findings and penalty conference, and failed to forward the draft disciplinary actions to the OIG for review prior to service on the officers. The disciplinary officer failed to make an entry into CMS confirming the deadline to take disciplinary action and failed to timely forward the CDC Form 3021 to the OIG. In addition, the disciplinary action was not served within 30 days of the decision to take disciplinary action.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on July 12, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 16, 2013, 66 days after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The disciplinary officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on October 3, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until November 14, 2013, 42 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on October 3, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 14, 2013, 42 days after receipt of the case.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

One of the draft disciplinary actions set forth an incorrect penalty.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The CDC Form 3021 was properly completed by the employee relations officer, but it was not forwarded to the OIG until two months later, when the OIG requested it.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on November 14, 2013; however, the officers were not served the actions until December 31, 2013.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-19	13-2087-IR	<ol style="list-style-type: none"> Discourteous Treatment Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Not Sustained 	Suspension	Salary Reduction

Incident Summary

On July 19, 2013, an off-duty officer allegedly punched his wife in the face. When outside law enforcement attempted to arrest the officer, the officer allegedly refused orders to stand up until a Taser gun was pointed at him by outside law enforcement. Further, the officer allegedly made threatening remarks when he told outside law enforcement that he was a second-degree black belt and they were lucky he had self-control.

Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation that the officer was discourteous to outside law enforcement and suspended the officer for two days, which was converted to an equivalent 5 percent salary reduction for two months. The allegation that the officer punched his wife was not sustained. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department failed to comply with policies and procedures. OIA Central Intake failed to open an investigation. As a result, the matter was delayed until further documentation from court proceedings and outside law enforcement could be obtained. The hiring authority delayed in holding the findings and penalty conferences. The disciplinary officer failed to provide to the OIG a copy of the CDCR Form 402 and 403, and also failed to provide a copy of the disciplinary action for review. Additionally, the disciplinary officer failed to give adequate notice to the OIG regarding the officer's *Skelly* hearing.

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Did OIA Central Intake make an appropriate initial determination regarding the case? <i>OIA Central Intake failed to make an appropriate determination in this case. The OIG's position was that an investigation should have been opened due to the potential dishonesty of the officer. Although the officer's wife had injuries consistent with the officer's alleged misconduct, he denied hitting his wife. OIA Central Intake denied the OIG's request.</i> Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>There is no record that the employee relations officer made a CMS entry confirming key 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 case was returned to the hiring authority on September 18, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until October 31, 2013, 43 days after receipt of the case.</i> Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The case was returned to the hiring authority on September 18, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until October 31, 2013, 43 days after receipt of the case.</i> Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG? <i>The disciplinary officer did not provide the OIG with a draft copy of the disciplinary action for review.</i> Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ? <i>The employee relations officer failed to provide a draft copy of the disciplinary action to the OIG for review. Additionally, the employee relations officer notified the OIG of the officer's <i>Skelly</i> hearing just two and one-half hours prior to the hearing and failed to forward the Forms 402 and 403 to the OIG.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.</i>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-19	13-2253-IR	1. Dishonesty	1. Sustained	Suspension	Salary Reduction

Incident Summary
On July 19, 2013, an officer was allegedly dishonest to his supervisor when he claimed he had a physician's appointment and could not stay for mandatory overtime.

Disposition
The hiring authority sustained the allegation and suspended the officer for 60 working days. The OIG concurred. After the *Skelly* hearing, the officer approached the hiring authority, apologized, and promised to improve his behavior. The department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 24 months because the officer had shown remorse and because the officer agreed not to appeal to the State Personnel Board. The OIG concurred because the officer took responsibility and the penalty was still significant.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination on the case and the hiring authority failed to timely consult with the OIG on the investigative findings and disciplinary determinations. The employee relations officer failed to assess relevant dates.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on August 16, 2013, but did not take action until October 17, 2013, 62 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The employee relations officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on October 17, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until November 25, 2013, 39 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on October 17, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 25, 2013, 39 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

OIA Central Intake failed to make a timely determination regarding the case, and the department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-06	13-2219-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On September 6, 2013, an officer allegedly entered the secure perimeter of the institution while in possession of a department-issued semi-automatic pistol that he had forgotten he was wearing. Two officers allegedly failed to prevent the officer from entering the institution with the weapon.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the officer who entered the secure perimeter with a weapon and imposed a 5 percent salary reduction for 12 months. The hiring authority also sustained the allegation that one of the other officers allowed the first officer to enter the secure perimeter with a weapon and imposed a 5 percent salary reduction for six months. The hiring authority did not sustain the allegation against the third officer. The OIG concurred. At the *Skelly* hearings for the two officers, it was determined that the operational procedure for locking weapons following the transition to new handguns was unclear. Both officers accepted responsibility and expressed remorse for their conduct. Due to this mitigating information, the hiring authority entered into settlement agreements with the officers modifying the first officer's penalty to a 5 percent salary reduction for four months and the second officer's penalty to a letter of reprimand. Both officers waived their appeal rights. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearings.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-01	13-2355-IR	<ol style="list-style-type: none"> 1. Insubordination 2. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	No Change

Incident Summary

On October 1, 2013, during an argument with his wife, an off-duty officer allegedly put his hands on his wife's arms, trying to pull her closer to him. When the wife tried to leave the room with their children, the officer allegedly blocked the doorway with his arms, not allowing his family to leave. The officer allegedly tried to prevent his family from going downstairs. The officer was arrested. The next day, the officer allegedly violated a restraining order by driving by the house. The officer was also allegedly insubordinate for failing to write a memorandum regarding his arrest.

Disposition

The hiring authority determined there was sufficient evidence to sustain all the allegations except that the officer grabbed his wife's arms and imposed a 5 percent salary reduction for 12 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's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-29	14-0336-IR	<ol style="list-style-type: none"> 1. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 	Dismissal	No Change

Incident Summary

On October 29, 2013, an officer was allegedly dishonest during an employment hearing when she stated that she had previously provided a medical work status report to the institution. In addition, on November 1, 2013, the officer was allegedly dishonest when she submitted a false medical work status report and telephoned the institution's employee relations officer claiming to be a hospital employee.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was separated from state service before disciplinary action could be imposed. A letter indicating the officer's separation occurred under adverse circumstances was placed in her official personnel file.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-01	13-2672-IR	<ol style="list-style-type: none"> 1. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 	Dismissal	No Change

Incident Summary

On November 1, 2013, an officer was allegedly dishonest during her Office of Internal Affairs interview when she stated that she had not seen a former inmate since his release from prison and was unaware of his release date when, in fact, she had been dating him since his release.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in her official personnel file.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-10	14-0174-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On November 10, 2013, an off-duty lieutenant allegedly barricaded himself in his home and began discharging a firearm. He allegedly continued to shoot at outside law enforcement officers after exiting the residence. After receiving a minor gunshot wound, the lieutenant was arrested.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the lieutenant. The OIG concurred. However, the lieutenant resigned before disciplinary action could be imposed. A letter indicating the officer resigned under unfavorable conditions was placed in his official personnel file.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-13	13-2730-IR	<ol style="list-style-type: none"> Dishonesty Misuse of Authority Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On November 13, 2013, an officer allegedly stole two necklaces from a jewelry store. Additionally, when arrested, the officer allegedly attempted to use his position as a correctional officer to gain leniency and was dishonest with the outside law enforcement officers.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-28	14-0173-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained 	Letter of Reprimand	No Change

Incident Summary

On November 28, 2013, an off-duty officer allegedly forced a door open, striking his wife in the head and arm, causing her to fall backward into a wall and table.

CENTRAL REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and issued a letter of reprimand to the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following the officer's *Skelly* hearing, the hiring authority and the officer entered into a settlement agreement whereby the letter of reprimand would be removed from the officer's official personnel file after 12 months. In exchange, the officer agreed to withdraw his appeal. The OIG concurred with the settlement terms because the actual penalty remained the same.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to conduct the disciplinary phase with due diligence. The department attorney failed to properly advise the hiring authority, improperly cited legal authority, and caused an unnecessary delay in the findings and penalty conference.

Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The date of the incident was not accurately confirmed in CMS. The incident occurred on November 28, 2013; however, the department attorney incorrectly indicated that the date of incident was November 29, 2013.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on January 13, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until March 19, 2014, 65 days after receipt of the case. The failure to timely consult was caused by the department attorney, not the hiring authority. The department attorney advised that an investigation was needed but did not take the steps necessary to initiate an investigation. Initially, the department attorney proposed to delay disciplinary action until court proceedings were concluded, yet there was sufficient information available to indicate that there were no pending court proceedings. The department attorney did not promptly advise the hiring authority that the district attorney would not prosecute the officer. Additionally, the department attorney did not promptly seek to resolve the officer's inconsistent statements.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
When preparing a written recommendation for the first consultation, the department attorney did not recognize the need to resolve the officer's inconsistent statements and obtain photographs of the victim's alleged injuries.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on January 13, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until March 19, 2014, 65 days after receipt of the case. The failure to timely consult was caused by the department attorney, not the hiring authority. The department attorney advised that an investigation was needed but did not take the steps necessary to initiate an investigation. Initially, the department attorney proposed to delay disciplinary action until court proceedings were concluded, yet there was sufficient information available to indicate that there were no pending court proceedings. The department attorney did not promptly advise the hiring authority that the district attorney would not prosecute the officer. Additionally, the department attorney did not promptly seek to resolve the officer's inconsistent statements.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
During the disciplinary determinations, the department attorney cited a State Personnel Board precedential decision, incorrectly advising that that precedential decision allowed for police reports to be relied upon as evidence if a victim refuses to testify or recants.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The department attorney failed to complete the CDC Form 3021.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-12-01	13-2740-IR	1. Other Failure of Good Behavior	1. Sustained		

Incident Summary

On December 1, 2013, an off-duty officer allegedly pushed his wife down, causing her to hit her head against a dresser. He was arrested for domestic violence.

Disposition

The hiring authority sustained the allegation and imposed a salary reduction of 10 percent for 20 months. The OIG concurred. At the *Skelly* hearing, the officer expressed remorse, took responsibility for his actions, and outlined the steps he had taken to change his behavior. Due to this mitigating information, the hiring authority negotiated a settlement agreement wherein the penalty was reduced to 10 percent for 15 months. The OIG concurred with the settlement agreement because the officer took responsibility and it was not a significant penalty reduction. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the findings and penalty conference. The settlement agreement failed to include all key clauses required by departmental policy.

Assessment Questions

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

The case was returned to the hiring authority on December 24, 2013; however, the hiring authority did not attempt to schedule the consultation with the OIG and the department attorney until January 13, 2014, 20 days after receipt of the case. The consultation regarding the sufficiency of the investigation and the investigative findings did not take place until February 5, 2014, 43 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on December 24, 2013; however, the hiring authority did not attempt to schedule the consultation with the OIG and the department attorney until January 13, 2014, 20 days after receipt of the case. The consultation regarding the disciplinary determinations did not take place until February 5, 2014, 43 days after receipt of the case.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide the hiring authority or the OIG written confirmation of penalty discussions.
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?

The settlement agreement did not include all of the key clauses required by departmental policy. The settlement agreement was missing language that is mandatory for employees over 40 years of age.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the findings and penalty conference in a timely manner.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-26	14-0276-IR	1. Other Failure of Good Behavior	1. Sustained	Letter of Instruction	No Change

Incident Summary

On December 26, 2013, two off-duty officers who were married to each other allegedly became intoxicated and engaged in a verbal and physical altercation inside their home. Outside law enforcement responded to the disturbance and arrested the male officer for spousal battery. The female officer was allegedly hostile and uncooperative when outside law enforcement responded on scene and attempted to investigate.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the male officer and issued a letter of instruction to him. The hiring authority did not sustain the allegation against the female 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.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-07	14-0538-IR	1. Criminal Act 2. Misuse of Authority 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Salary Reduction	No Change

Incident Summary

On January 7, 2014, an off-duty officer allegedly drove his personal vehicle while under the influence of alcohol. When outside law enforcement arrested the officer, the officer allegedly attempted to use his position as a peace officer to gain leniency. Further, the officer allegedly failed to timely notify the hiring authority of his arrest.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 18 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-13	14-0448-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

Incident Summary

On January 13, 2014, an off-duty officer allegedly had a physical altercation with his wife. The officer also allegedly pushed his step-daughter against a wall and damaged some of her personal property when he allegedly threw the items out of the residence. Outside law enforcement responded to the residence and arrested the officer for domestic violence.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for three months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

CENTRAL REGION

Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures.	Procedural Rating: Sufficient Substantive Rating: Sufficient
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NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-01-01	12-2425-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Misuse of State Equipment or Property 4. Weapons - Unauthorized Transport of Non-CDCR Weapon 5. Weapons - Unauthorized Use of State-Issued Weapon 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 	Dismissal	No Change

Incident Summary

Allegedly, on numerous dates in 2010, 2011, and 2012, a parole agent was dishonest when he documented on his official timesheets that he was working for the department when he was actually working for other employers in his secondary employment. From May 2010 to July 2012, the parole agent allegedly failed to report his secondary employment with two other employers. From March 27, 2012, to July 29, 2012, the parole agent allegedly misused his state vehicle and fuel card to drive to his secondary employment and used his state-issued firearm while working for another agency in his secondary employment. Further, from 2010 to 2012, the parole agent allegedly failed to follow policy regarding the supervision of parolees assigned to his caseload and was dishonest when he altered and falsified official reports or records related to his parolee caseload. From April 2011 to July 2012, the parole agent allegedly violated departmental policy by transporting a non-department-issued firearm in his state vehicle and storing his state-issued weapon in the locked trunk of his assigned vehicle while not on duty with the department.

Disposition

The hiring authority sustained the allegations and served the parole agent with a notice of dismissal. 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**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-03-12	11-0207-IR	<ol style="list-style-type: none"> 1. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 	Dismissal	Suspension

Incident Summary

On March 12, 2010, an officer allegedly lied to outside law enforcement officers serving an arrest warrant on his roommate. Allegedly, the officer claimed the roommate was not home, when the outside law enforcement officers entered the home and found the roommate hiding in a closet. It was also alleged that the officer was dishonest during his investigatory interview.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board modified the dismissal to a ten working-day suspension based on sustained allegations of misconduct stemming from an unrelated incident. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officer's credible denials concerning his interactions with the outside law enforcement officer.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-06-23	10-3070-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

Incident Summary

On June 23, 2010, a counselor allegedly forged an inmate's signature on an official classification form. It was further alleged that the officer was dishonest to his supervisor regarding the forgery.

Disposition

The initial hiring authority sustained the allegations but failed to impose the appropriate penalty of dismissal. The matter was therefore elevated to the hiring authority's supervisor. At the higher level of review, the department imposed a penalty of dismissal. The counselor filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board affirmed the dismissal. The counselor filed a writ with the superior court. Following a hearing, the superior court affirmed the dismissal.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the investigative findings and disciplinary determinations. The department attorney failed to provide written confirmation of penalty discussions and failed to timely provide the draft pre-hearing settlement conference statement to the OIG for review. The initial hiring authority failed to dismiss the counselor despite sustaining the allegation of dishonesty. The OIG elevated the matter to a higher level of review, which resulted in a penalty of dismissal.

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 investigation was completed January 6, 2011. The hiring authority did not consult with the OIG or department attorney regarding the sufficiency of the investigation and investigative findings until January 24, 2011, 18 calendar days after completion of the investigation.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The investigation was completed January 6, 2011. The hiring authority did not consult with the OIG or department attorney regarding the disciplinary determinations until January 24, 2011, 18 calendar days after completion of the investigation.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

Although the hiring authority sustained the allegations of dishonesty and fraud, the hiring authority failed to dismiss the counselor.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney failed to provide the hiring authority and the OIG with written confirmation of the penalty discussions.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The pre-hearing settlement conference statement was filed October 25, 2011. The OIG did not receive a draft statement and received the final statement November 1, 2011, after it was filed.
- Was an executive review invoked to raise an issue to a higher level of management in this case?

The initial hiring authority failed to dismiss the counselor despite sustaining the allegations. The OIG elevated the matter to a higher level of review, which resulted in a penalty of dismissal.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the findings and penalty conference in a timely manner.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-05-12	13-0598-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Counseling	No Change

Incident Summary

On May 12, 2011, the chief of personnel allegedly directed staff to place him in an appointment as a staff services analyst in violation of civil service rules. On June 1, 2011, the chief of personnel allegedly accepted the additional appointment as a staff services analyst in order to receive additional compensation outside of his salaried position as chief. On June 29, 2011, a staff services manager allegedly approved a request for personnel action for a labor relations manager indicating that she was approved to accept a dual appointment as a staff services analyst even though she did not meet the criteria. On June 30, 2011, the staff services manager allegedly approved a request for personnel action for the chief of personnel indicating that he was approved to accept a dual appointment as a staff services analyst even though he did not meet the criteria. On June 1, 2011, a labor relations manager allegedly accepted an additional appointment as a staff services analyst in order to receive additional compensation outside of her salaried position even though she was not qualified to accept the appointment.

Disposition

The hiring authority sustained the allegation that the chief of personnel submitted a timesheet for time he worked while in a position for which he was not eligible, but found insufficient evidence to sustain the allegations of misuse of authority and neglect of duty. The chief of personnel received a letter of counseling. The hiring authority also sustained the allegations that the staff services manager erroneously approved dual appointments for two employees and issued a letter of counseling. The hiring authority determined there was insufficient evidence to sustain the allegation against the labor relations manager. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-01	12-1282-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Sexual Misconduct 3. Failure to Report 4. Misuse of Authority 5. Neglect of Duty 6. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 	Dismissal	No Change

Incident Summary

Between September 1, 2011, and March 21, 2012, a department director allegedly sexually harassed a staff services analyst, asked her to perform various sex acts, sent her sexually-explicit text messages, and engaged in sexual misconduct with her. On March 1, 2012, a staff services manager, upon learning of the allegations, allegedly failed to immediately report the misconduct against the director and improperly agreed to the staff services analyst's request that she not disclose the allegations. On March 21, 2012, a lieutenant allegedly failed to take appropriate action when advised by the staff services analyst that she had been sexually harassed. On March 21, 2012, the chief of transportation, who was also an equal employment opportunity coordinator, allegedly failed to take appropriate action when he was advised by the staff services analyst that she had been subjected to sexual harassment by the department director and when he agreed to her request not to disclose the sexual harassment allegations. On March 21, 2012, a business manager allegedly failed to report misconduct when the department director informed her that he had inappropriate text messages on his mobile phone. On March 25, 2012, the department director allegedly directed the business manager to change his state-issued mobile phone number and delete his text messages from the device. On March 25, 2012, the business manager allegedly destroyed evidence by deleting all the data from the director's phone after he notified her that the phone contained inappropriate text messages. On March 25, 2012, the department director allegedly conspired with a former undersecretary and a former warden to prevent the staff services analyst from reporting the sexual harassment. On May 21, 2012, a sergeant allegedly utilized a state computer to send e-mail messages concerning the staff services analyst to the director's wife, who was not an employee of the department, and failed to report the sexual harassment allegations against the department director. On August 24, 2012, the department director allegedly provided false and incomplete information to the Office of Internal Affairs concerning his relationship with the staff services analyst.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the department director. However, the department director retired immediately upon learning of the allegations and before disciplinary action could be imposed. The hiring authority sustained the allegations against the chief of transportation, the business manager, and the staff services manager and determined dismissal was the appropriate penalty. The staff services manager also retired before disciplinary action could be imposed. A letter indicating that the staff services manager retired under adverse circumstances was placed in her official personnel file. The hiring authority sustained the allegations against the sergeant and demoted her to an officer. The hiring authority determined that the investigation conclusively proved that the lieutenant did not engage in misconduct. The OIG concurred with the hiring authority's determinations. Following a *Skelly* hearing, the hiring authority wanted to modify the penalty against the chief of transportation. The department attorney and OIG did not agree and the matter was elevated to the hiring authority's supervisor. At the higher level of review, the department determined that the chief of transportation would be demoted to a captain. The OIG did not seek a higher level of review. After a *Skelly* hearing, the hiring authority wanted to modify the business manager's penalty to a 10 percent salary reduction for 12 months. The department attorney and the OIG did not agree and the matter was elevated to the hiring authority's supervisor. At the higher level of review, the department decided to offer a demotion to the business manager instead of termination, which she rejected. The business manager filed an appeal with the State Personnel Board. At a pre-hearing settlement conference, the business manager agreed to a demotion to an associate governmental program analyst position and the disciplinary action documents would be removed from her file within one year of the effective date. The OIG concurred with the settlement because higher ranking staff had their penalties reduced, causing an inequity in penalties. The sergeant also filed an appeal with the State Personnel Board. Ultimately, the department entered into a settlement agreement wherein she was restored to the sergeant position and she received a 5 percent salary reduction for 12 months. The OIG concurred with the settlement.

Disciplinary Assessment

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

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner. In addition, the hiring authority failed to select the appropriate penalty for two of the employees and entered into two settlement agreements with reduced penalties without articulating a change of circumstances.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 24, 2012. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until March 13, 2013, almost four months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 24, 2012. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until March 13, 2013, almost four months after receipt of the case.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The hiring authority inappropriately settled two of the cases and agreed to modify dismissals to demotions. The OIG did not concur with the modifications because the hiring authority articulated no change in circumstance.
- Was an executive review invoked to raise an issue to a higher level of management in this case?
The OIG sought a higher level because the hiring authority failed to follow the department's penalty guidelines to dismiss two of the employees.
- If an executive review was invoked, was the appropriate decision made?
The OIG invoked a higher level of review because the hiring authority failed to follow the department's penalty guidelines to dismiss two of the employees. Ultimately, the hiring authority's supervisor improperly decided to demote the two employees.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely conduct the findings and penalty conference.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-28	12-0397-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	No Change

Incident Summary

On September 28, 2011, an officer allegedly escorted an inmate to a holding cell rather than a medical evaluation where the inmate was to be evaluated for suicidal ideations. The officer also allegedly failed to search the holding cell prior to securing the inmate in the cell and failed to complete the holding cell log. A second officer allegedly failed to conduct a proper search of the holding cell, failed to follow departmental policy when he opened the holding cell door without notifying other custody staff, and failed to report his own use of physical force. A third officer allegedly failed to report his use of force and the use of physical force he witnessed. A fourth officer allegedly provided false or misleading information on the holding cell log, submitted a false or misleading report, forged the signatures of two officers, and provided false or misleading statements during his investigatory interview. A sergeant allegedly ordered the inmate to be placed in a holding cell rather than escorted for a medical evaluation for suicidal ideations. A lieutenant allegedly failed to ensure the use of physical force by two officers was reported and failed to follow up with medical staff to determine whether the inmate had in fact attempted suicide.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the first officer failed to complete the holding cell logs, but determined there was insufficient evidence to sustain the allegations that he improperly escorted the inmate to a holding cell rather than to a medical evaluation and failed to search the holding cell. The hiring authority issued a letter of reprimand. The hiring authority sustained the allegation that the second officer failed to follow departmental policies and procedures when he opened the cell door without notifying other custody staff, but determined there was insufficient evidence to sustain the allegations that he failed to search the holding cell and failed to report his use of force. The hiring authority issued the second officer a letter of instruction. The hiring authority sustained both allegations against the third officer and issued a letter of reprimand. The hiring authority sustained the allegations against the lieutenant and identified a 5 percent salary reduction for three months as the appropriate penalty. The lieutenant resigned prior to disciplinary action being taken. A letter was placed in the lieutenant's official personnel file indicating he resigned under adverse circumstances. The hiring authority determined that there was insufficient evidence to sustain the allegation against the sergeant. The hiring authority sustained the three dishonesty allegations and the neglect of duty allegations against the fourth officer, and dismissed the officer. The OIG concurred with all the hiring authority's determinations. Only the fourth officer filed an appeal with the State Personnel Board. After the hearing, the administrative law judge sustained one dishonesty allegation, dismissed a second dishonesty allegation, did not address the third dishonesty allegation, but upheld the dismissal of the fourth officer.

Disciplinary Assessment

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

The department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to sufficiently describe in the draft disciplinary action the alleged dishonesty during the investigative interview and failed to allege that the fourth officer forged the signature of the other officers on the log, alleging only that he merely placed their names on the log. The disciplinary action served on the officer failed to specify which statements the officer made during the investigative interview were dishonest. In her decision, the administrative law judge did not address the allegation of dishonesty during the investigative interview. The administrative law judge also determined that the department attorney did not adequately respond to a discovery request and should have provided the officer's attorney with an incident report prior to the hearing.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-13	11-2977-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Contraband 4. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	No Change

Incident Summary

On October 13, 2011, two officers allegedly possessed 45 pounds of marijuana and were growing marijuana for sale as medical marijuana growers licensed in Oregon. One of the officers was also found to have remains of five deer killed in violation of state hunting limits. This officer was allegedly dishonest when questioned by outside law enforcement regarding his suspected poaching activities and again allegedly dishonest in his Office of Internal Affairs interview. It was further alleged that on January 5, 2012, this officer brought ammunition onto prison grounds and left it in an unattended vehicle. On October 13, 2011, a sergeant, who was the brother of one of the officers, allegedly interfered with the investigation conducted by outside law enforcement by being dishonest to them about the marijuana growing operation. The sergeant was also allegedly dishonest in his investigative interview on January 4, 2012, and allegedly failed to report his brother's misconduct regarding the marijuana. Finally, it was alleged that a third officer was dishonest to outside law enforcement on October 13, 2011, during the poaching investigation and dishonest on July 12, 2012, during his Office of Internal Affairs interview.

Disposition

The hiring authority sustained the allegations against the sergeant that he was dishonest in an internal affairs interview and for knowing that another officer was manufacturing marijuana and failing to report it to the hiring authority, and determined that dismissal was the appropriate penalty. The hiring authority did not serve the sergeant with a disciplinary action because the sergeant was previously dismissed for other misconduct. The hiring authority sustained the allegations that one officer was illegally manufacturing, possessing, and using marijuana, and that he failed to report his own misconduct and the misconduct of another officer, and determined that dismissal was the appropriate penalty. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file. The hiring authority sustained the allegations against a second officer for illegally manufacturing and possessing marijuana, illegally poaching deer, failing to report his own misconduct and the misconduct of another officer, dishonesty in a criminal investigation and in an internal affairs investigation, and bringing live ammunition onto institution grounds, and determined that dismissal was the appropriate penalty. The hiring authority sustained the allegations against a third officer for failing to cooperate with an outside criminal investigation and dishonesty in an internal affairs investigation. The hiring authority determined that dismissal was the appropriate penalty. The OIG concurred with all of the hiring authority's determinations. The second two officers appealed their dismissals to the State Personnel Board. Following separate hearings, the State Personnel Board sustained the dismissal of the second officer, but revoked the dismissal of the third officer. Regarding the second officer, the administrative law judge sustained the allegations that the officer was dishonest in both the criminal and internal affairs investigations, and brought discredit upon the department when he cultivated marijuana. However, the administrative law judge dismissed the allegations that the officer violated criminal statutes, holding that the State Personnel Board does not have authority to determine whether a state employee violated criminal statutes. Nonetheless, the dismissal was upheld. Regarding the third officer, the administrative law judge ruled that the officer was credible in denying that he intended to not cooperate with outside law enforcement or to deceive the internal affairs investigators, and did not sustain any of the allegations. The department did not appeal.

Disciplinary Assessment

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

Overall, the hiring authority sufficiently complied with the department's policies and procedures governing the disciplinary process; however, the department attorney did not. The department attorney failed to serve the disciplinary actions within 30 days of the findings and penalty conference. The department attorney also failed to adequately consult with the OIG during the State Personnel Board proceedings and failed to file the pre-hearing settlement conference statement by the deadline required by State Personnel Board regulations.

NORTH REGION

Assessment Questions

- 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 prior to it being filed.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney failed to adequately respond to the OIG requests for documentation including the pre-hearing settlement conference statement, and to the OIG inquiries into whether the department would appeal the State Personnel Board's decision to revoke the dismissal.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority consulted with the OIG and department attorney regarding disciplinary determinations for two of the officers on October 2, 2013; however, the department did not serve the disciplinary actions until November 8, 2013, 37 days after the consultation. The department attorney failed to timely file the pre-hearing settlement conference statement.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-22	12-0187-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Attendance 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	No Change

Incident Summary

October 22, 2011, a sergeant allegedly left his post and the institution without supervisor approval or notice. Additionally, the sergeant was allegedly dishonest when he falsified his timesheet, claiming to have completed his watch. It was further alleged that two other sergeants were dishonest when each reported to a different lieutenant that the first sergeant worked longer than he did. Both sergeants were also allegedly dishonest during the investigative interviews.

Disposition

The hiring authority sustained the allegations that the first sergeant allegedly left his post and the institution without supervisor approval or notice and imposed a 5 percent salary reduction for six months. The sergeant did not file an appeal. The OIG concurred. The hiring authority sustained the allegations that the two other sergeants were dishonest when each reported to a different lieutenant that the first sergeant worked longer than he did and imposed a 10 percent salary reduction for 18 months on each sergeant. The hiring authority found insufficient evidence to sustain the allegations that the officers were dishonest during their interviews with the Office of Internal Affairs. The OIG concurred. Both sergeants filed appeals with the State Personnel Board. After a hearing, the State Personnel Board revoked the penalty as to one of the sergeants and modified the salary reduction from a 10 percent salary reduction for 18 months to a 5 percent salary reduction for 12 months for the other sergeant. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the sergeants' denials.

Disciplinary Assessment

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

Overall, the department's disciplinary process sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-06	12-1095-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Disclosure of Confidential Information 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	No Change

Incident Summary

On December 6, 2011, an information technology section chief allegedly became aware that a computer analyst had been viewing child pornography on his state computer but failed to preserve the confidentiality of the matter. The breach of confidentiality interfered with a criminal investigation as the computer analyst was able to remove information on the computer that would have been evidence of a crime. Additionally, on February 1, 2012, the information technology section chief allegedly revealed confidential information to the computer analyst regarding the administrative disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. The section chief did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

Overall, the department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-11	12-0678-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Neglect of Duty 4. Other Failure of Good Behavior 5. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	No Change

Incident Summary

On December 11, 2011, an officer was arrested for driving under the influence of alcohol. It was alleged the officer used his position as a peace officer to request leniency from the arresting officers. Additionally, it was alleged the officer was in possession of a handgun and ammunition while under the influence of alcohol. It was further alleged the officer was dishonest when questioned by the arresting officers regarding the location of the handgun. A second officer, who was a passenger, allegedly made false statements to the arresting officers and attempted to use his position as a peace officer to gain favor with them. The second officer was also allegedly dishonest during his investigative interview on August 2, 2012.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officers with notices of dismissal. The OIG concurred with the hiring authority's determination. The officers filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissals and subsequently denied the officers' petitions for rehearing.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-01	12-1473-IR	1. Dishonesty	1. Sustained	Dismissal	No Penalty Imposed

Incident Summary

On February 1, 2012, a parole agent allegedly falsely reported that her state car had been damaged by an unknown driver while parked at a gas station. The parole agent reported that she went into the gas station store and upon exiting noticed that her car had been damaged. Video showed that while the parole agent's state car was parked at the gas station, no other vehicle came near it. The parole agent allegedly falsely reported the incident to her supervisors, in an official state vehicle accident report, and to the local police department. In addition, the parole agent was allegedly dishonest during the investigative interview when she stated that she exited the gas station in her state vehicle, traveled two to three hundred yards to a traffic light, made a U-turn, and drove back to the gas station.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the parole agent. The OIG concurred with the hiring authority's determination. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal, finding that the department failed to produce sufficient evidence to support the allegations and finding the parole agent's testimony credible.

Disciplinary Assessment

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

The hiring authority failed to conduct the findings and penalty conference in a timely manner. The department failed to serve the disciplinary action on the parole agent in a timely manner. The department attorney failed to list a witness to authenticate key evidence in the pre-hearing settlement conference statement and failed to make a timely motion to correct that defect. The department attorney failed to ensure all witnesses were available prior to agreeing to a hearing date. Based on the failures during the appeal process, the State Personnel Board revoked the dismissal.

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 November 20, 2012. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until December 12, 2012, 22 days after receipt of the case.
- 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 20, 2012. The hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until December 12, 2012, 22 days after receipt of the case.
- 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 witness with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?
The department attorney failed to list a witness to authenticate the video from the gas station which showed that the parole agent was dishonest in her version of the incident. Therefore, there was no direct evidence of the dishonesty admitted into evidence.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney failed to provide a draft of the pre-hearing settlement conference statement to the OIG before it was filed.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The department attorney failed to list a witness to authenticate the gas station video in the pre-hearing settlement statement. In addition, the department attorney failed to realize that mistake and failed to make a motion to amend the statement until the day of the hearing. The motion was denied.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department failed to have a witness authenticate the gas station video. Therefore, there was no direct evidence that the parole agent was dishonest.
- Did the SPB impose any sanction or penalty on the department for failure to comply with the SPB regulations, or deem any filing by the department untimely?
The department attorney made a motion to amend the pre-hearing settlement conference statement on the day of the hearing. However, the motion was denied based upon untimeliness.
- 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?
Based on the department attorney's failure to list and produce a key witness to authenticate crucial evidence at the hearing, the State Personnel Board's findings are substantiated.
- If the penalty modification was the result of an SPB decision, did the OIG concur with the modification?
Based on the department attorney's failure to list and produce a key witness to authenticate crucial evidence at the hearing, the State Personnel Board's findings are substantiated.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney failed to provide a draft copy of the pre-hearing settlement conference statement prior to it being filed.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the findings and penalty conference in a timely manner. In addition, the parole agent was not served with the disciplinary action within 30 calendar days of the decision to take disciplinary action. The decision to take disciplinary action was made on December 12, 2012, and the disciplinary action was served on January 14, 2013, 33 calendar days after the decision.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-14	12-0722-IR	<ol style="list-style-type: none"> Dishonesty Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained 	Suspension	No Change

Incident Summary

On February 14, 2012, an officer was allegedly discourteous toward an inmate when she grabbed and dislodged an earphone from the inmate's ear. It was further alleged that the officer submitted a false report regarding the incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and imposed a 49 working-day suspension. The OIG did not concur with the hiring authority's determination; however, the decision did not merit a higher level of review because the officer eventually admitted her report was inaccurate. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the suspension against the officer.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to select the appropriate penalty.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-03	12-2543-IR	<ol style="list-style-type: none"> Insubordination 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

Between March 3, 2012, and September 19, 2012, a special agent was allegedly insubordinate when he continued to be involved in an investigation conducted by outside law enforcement after his supervisor issued written direction to cease further involvement.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and served the special agent with a 10 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determination. The special agent filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the special agent produced additional evidence that could have disproved the misconduct. Therefore, the department entered into a settlement agreement with the special agent wherein the penalty was reduced to a 10 percent salary reduction for six months and early removal of the disciplinary action and settlement agreement from the special agent's official personnel file. The OIG did not concur with removing both the disciplinary action and the settlement agreement from the official personnel file but did not seek a higher level of review because the penalty was within an acceptable range for the misconduct.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the findings and penalty conference and serve the disciplinary action in a timely manner. The department attorney failed to fully cooperate with the OIG.

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 April 17, 2013. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until May 16, 2013, 29 calendar days after receipt of the case.
- 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 17, 2013. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 16, 2013, 29 calendar days after receipt of the case.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide written confirmation of the penalty discussions to the hiring authority or the OIG.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The department attorney failed to provide the OIG with a draft of the pre-hearing settlement conference statement prior to it being filed.
- 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 remove the stipulation early from the special agent's official personnel file.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

Despite requests by the OIG, the department attorney failed to provide the OIG with the draft pre-hearing settlement conference statement before it was filed with the State Personnel Board. In addition, the department attorney failed to keep the OIG timely apprised of the date and time of the pre-hearing settlement conference and failed to provide the OIG with the amended pre-hearing settlement conference statement the special agent filed.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority failed to timely conduct the findings and penalty conference and failed to serve the disciplinary action within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on May 16, 2013, but the disciplinary action was not served until June 27, 2013, 42 calendar days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-07	12-1440-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Suspension	No Change

Incident Summary

On March 7, 2012, a registered nurse allegedly neglected her duties when she failed to timely begin life-saving measures on an unresponsive inmate. The nurse was also allegedly dishonest when she falsified records relating to the incident.

Disposition

The hiring authority determined there was 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 because there was conflicting evidence. The hiring authority elected to add an additional allegation that the nurse neglected her duty by failing to provide complete documentation of the event. The hiring authority sustained the new allegation and served the nurse with a two working-day suspension. The OIG concurred that this was an appropriate penalty for the sustained allegation. The nurse filed an appeal with the State Personnel Board, but prior to a hearing, a settlement was negotiated whereby the nurse accepted the two working-day suspension and the department agreed to remove the disciplinary action from her personnel file in one year. The OIG concurred with the settlement because the actual penalty remained unchanged.

NORTH REGION

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the findings and penalty conference. The hiring authority was not prepared for the conference, and it had to be continued to a future date. The department attorney failed to make appropriate recommendations to the hiring authority regarding the investigative findings, as she recommended not sustaining two allegations that were supported by the facts. The hiring authority erroneously followed the recommendations and failed to appropriately determine the investigative findings for each allegation. The department did not complete the CDC Form 3021, and one of the two department attorneys assigned to the case failed to provide continual real-time consultation with the OIG during the end of the disciplinary phase.

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 6, 2013. The hiring authority initially consulted with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings on May 2, 2013, 57 days after receipt of the case. The consultation was then deferred and did not occur until July 10, 2013, over four months after receipt of the case.
- 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 was not prepared for the initial consultation concerning the sufficiency of the investigation and the investigative findings because he had not reviewed the investigative report.
- Did the VA 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 two allegations that were supported by the facts.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority failed to sustain two allegations that were supported by the facts, but instead added an allegation with a lesser penalty and sustained that allegation in spite of the evidence.
- 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 6, 2013. The hiring authority initially consulted with the OIG and department attorney regarding the disciplinary determinations on May 2, 2013, 57 days after receipt of the case. The consultation was then deferred and did not occur until July 10, 2013, over four months after receipt of the case.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The CDC Form 3021 was not completed.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
Two department attorneys handled the case during the disciplinary phase. The first attorney cooperated with and provided continual real-time consultation with the OIG. However, the second department attorney failed to timely notify the OIG that the nurse had filed an appeal with the State Personnel Board, failed to timely forward settlement documents to the OIG, and failed to timely notify the OIG that the State Personnel Board hearing had been taken off calendar.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-13	12-1324-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On March 13, 2012, two parole agents, three youth counselors, an officer, and a case records analyst allegedly failed to prevent an altercation between two wards, failed to report use of force, and failed to sound their alarms. On March 15, 2012, the same two parole agents, two of the same youth counselors, a senior youth counselor, and the same officer also allegedly failed to sound their alarms during an altercation between two wards.

Disposition

The hiring authority sustained the allegations against the two parole agents and imposed a 10 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determination. The first parole agent retired before the penalty could be imposed. A letter indicating the parole agent retired under adverse circumstances was placed in his official personnel file. The second parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the penalty. The administrative law judge made a determination that the second parole agent had not violated the department's policies, procedures, or training. The hiring authority determined there was insufficient evidence to sustain the allegations against two of the youth counselors and the case records analyst. The hiring authority determined there was sufficient evidence to sustain the allegations against the other two youth counselors and the officer and imposed salary reductions of 10 percent for 12 months against two youth counselors and a salary reduction of 5 percent for 36 months against the officer. The OIG concurred with the hiring authority's determinations. The two youth counselors and the officer each filed appeals with the State Personnel Board. Due to evidentiary problems, the department entered into settlement agreements with each of the two youth counselors whereby the first youth counselor received a reduction in salary of 5 percent for three months, the second youth counselor received a salary reduction of 10 percent for five months, and the officer received a salary reduction of 5 percent for 12 months. The two youth counselors and the officer agreed to withdraw their appeals. The OIG concurred with the terms of the settlement agreements because of the evidentiary problems regarding report writing policies and training.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-05	13-0475-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On May 5, 2012, a sergeant was allegedly inattentive while on duty at her assigned post during inmate visiting.

Disposition

The hiring authority sustained the allegation and determined that a 10 percent salary reduction for 24 months was the appropriate penalty. The OIG concurred with the hiring authority's determination. The officer filed an appeal at the State Personnel Board but failed to appear at the pre-hearing settlement conference and the appeal was dismissed.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The employee relations officer failed to provide the OIG with a draft disciplinary action before it was served. The department attorney failed to provide the OIG with a draft pre-hearing settlement conference statement before it was filed.

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Assessment Questions

- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The employee relations officer failed to provide a copy of the draft disciplinary action to the OIG before it was served.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The employee relations officer failed to provide the OIG with a draft of the disciplinary action and the department attorney failed to provide the OIG with a draft of the pre-hearing settlement conference statement.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-01	13-0474-IR	1. Insubordination 2. Attendance	1. Sustained 2. Sustained	Salary Reduction	No Change

Incident Summary

Between June 1, 2012, and June 30, 2012, a sergeant was allegedly absent from work on 18 separate occasions. The sergeant was allegedly insubordinate when she failed to comply with procedures outlined in a previously issued letter of instruction regarding past absences from work.

Disposition

The hiring authority sustained both allegations and determined that a 10 percent salary reduction for 24 months was the appropriate penalty. The OIG concurred with the hiring authority's determinations. The officer filed an appeal at the State Personnel Board but failed to appear at the pre-hearing settlement conference and the appeal was dismissed.

Disciplinary Assessment

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

Overall, the hiring authority sufficiently complied with the department's policies and procedures; however, the employee relations officer and department attorney did not. The employee relations officer failed to provide the OIG with a draft disciplinary action. The department attorney failed to provide written confirmation of penalty discussions to the hiring authority and the OIG and failed to provide a draft of the pre-hearing settlement conference statement to the OIG .

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide written confirmation of penalty discussions to the hiring authority and the OIG.
- Did the department attorney or disciplinary 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.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The OIG was not provided with a draft of the pre-hearing conference statement prior to it being filed.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The employee relations officer failed to provide the OIG with a draft disciplinary action and the department attorney failed to provide the OIG with a draft pre-hearing settlement conference statement.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-01	13-0822-IR	<ol style="list-style-type: none"> Sexual Misconduct Contraband Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

Between August 2012 and October 2012, a supervising cook allegedly engaged in sexual misconduct with an inmate. The cook also allegedly brought a mobile phone and tobacco to the inmate, added minutes to the mobile phone, and corresponded with the inmate.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the supervising cook and determined dismissal was the appropriate penalty. The OIG concurred. However, the supervising cook was determined to be absent without leave and the hiring authority ended her employment with the department before disciplinary action was imposed. A letter indicating she was separated pending disciplinary action was placed in her official personnel file.

Disciplinary Assessment

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

The department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase. The department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action.

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.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The findings and penalty conference was held on August 8, 2013. The department attorney failed to provide written confirmation of penalty discussions to the hiring authority and the OIG. The department attorney failed to respond to the OIG's requests on January 31, 2014, and April 15, 2014, for an update on the pending disciplinary action. The supervising cook was subsequently determined to be absent without leave, and the hiring authority ended her employment with the department on May 28, 2014. When the hiring authority ended the supervising cook's employment, there had been no communication from the department attorney on the status of the disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?
The disciplinary determination was made on August 8, 2013, and the supervising cook was separated from employment on May 28, 2014. At that time, the disciplinary action had not yet been served.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-14	13-0684-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Incident Summary

On August 14, 2012, a warden, two lieutenants, three sergeants, and two officers allegedly failed to take appropriate action to ensure the health and safety of inmates during an emergency situation when the outside temperature was above 90 degrees. Several inmates were allegedly exposed to hot concrete or asphalt for several hours, which resulted in burns to their knees. One inmate suffered heat exhaustion and dehydration allegedly due to being outside in hot weather for an extended period of time. He was sent to an outside hospital and then a decision was made to have him air-lifted to another hospital. It was alleged some inmates requested health care services for their injuries on the day of the incident but their requests were denied.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the warden, two lieutenants, and three sergeants. The hiring authority imposed a letter of reprimand upon the warden, salary reductions of 5 percent for three months against the lieutenants, and salary reductions of 5 percent for two months against the sergeants. The allegations against the two officers were not sustained. The OIG concurred. The two lieutenants and three sergeants filed appeals with the State Personnel Board. The warden did not file an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the salary reductions against both lieutenants and two of the sergeants. The State Personnel Board sustained the salary reduction as to the third sergeant.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-19	12-2429-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

Incident Summary

On September 19, 2012, an officer was allegedly dishonest to personnel staff in order to obtain his pay check and avoid a deduction for an account receivable he owed to the State of California. As a result, he received his full pay check without deduction or satisfaction of the account receivable.

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 disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-11	13-0110-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On November 11, 2012, an officer allegedly hit her former husband during an argument.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 14 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 penalty was reduced to a 10 percent salary reduction for 13 months because the officer acknowledged her misconduct and had taken steps to prevent a recurrence. The officer agreed to withdraw her appeal. The OIG concurred because the officer took responsibility and it was not a significant penalty reduction.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to process the case in a timely manner and the department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary officer failed to assess relevant dates and the OIG was not served with a draft copy of the pre-hearing settlement conference statement for review.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on November 26, 2012, but did not take action until January 11, 2013, 46 calendar days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The employee relations officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on January 11, 2013; however, the consultation with the OIG regarding the investigation and the investigative findings did not occur until August 20, 2013, seven and one-half months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on January 11, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until August 20, 2013, seven and one-half months after receipt of the case.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake delayed processing the request for investigation and the department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-20	13-0195-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On November 20, 2012, two officers allegedly entered in a log book that they had conducted 30-minute welfare checks in one building when, in fact, they were providing emergency life-saving measures to an unresponsive inmate in another building.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 60 working-day suspension on one officer and a 10 percent salary reduction for 18 months on the other officer. The OIG concurred. During the *Skelly* hearing for each officer, new information was presented and later verified that undermined the basis for the hiring authority's original findings and penalty determinations. The officers presented evidence that the checks were, in fact, done by other officers. A sergeant verified that he ordered other officers to complete the welfare checks. When the officers returned from providing emergency life-saving measures, they noticed that the log book was not filled out. They then filled out the log book, believing that the checks had been completed. The hiring authority modified the findings and penalties to reflect this new information and did not sustain the dishonesty allegations but sustained the neglect of duty allegations. The 60 working-day suspension was changed to a 5 percent salary reduction for seven months and the 10 percent salary reduction for 18 months was changed to a 5 percent salary reduction for three months. The OIG concurred with the changes based on the new information learned at the *Skelly* hearing. Neither officer filed an appeal with the State Personnel Board.

Disciplinary Assessment

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

OIA Central Intake failed to make an appropriate decision regarding the case. Despite recommendations from the OIG and a department attorney, OIA Central Intake declined to add a dishonesty allegation for either officer. The department failed to conduct the investigative findings and disciplinary determinations in a timely manner, and the disciplinary officer failed to assess relevant dates.

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Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
Despite recommendations from the OIG and a department attorney, OIA Central Intake declined to add a dishonesty allegation for either officer.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on January 29, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until November 13, 2013, ten months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on January 29, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 13, 2013, ten months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-30	13-0165-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	No Change

Incident Summary

On November 30, 2012, an officer allegedly neglected his duties by failing to have the ammunition for the Mini-14 rifle he took with him on a medical transport. The officer also allegedly failed to conduct a proper equipment inventory prior to leaving the institution, had two revolvers in his possession, one of which he improperly locked in the vehicle glove box, and was allegedly dishonest in his memorandum to the captain regarding the events.

Disposition

The hiring authority sustained the allegations that the officer neglected his duties by failing to have required ammunition, failing to conduct a proper equipment inventory, and improperly securing a weapon. However, the hiring authority determined there was insufficient evidence to sustain the allegation of dishonesty. The hiring authority imposed a 5 percent salary reduction for three months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action.

Assessment Questions

- Was the disciplinary phase conducted with due diligence by the department?
The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on July 19, 2013; however, the officer was not served until November 26, 2013, 130 days later.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-02	13-0317-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

Incident Summary

On December 2, 2012, an officer was arrested at her residence after she allegedly hit her husband in the face and slashed him several times on the arm with a kitchen knife.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department delayed in scheduling the findings and penalty conference and failed to timely serve the disciplinary action. The department attorney failed to provide written confirmation of penalty discussions.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on February 15, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until August 2, 2013, over five months after receipt of the case. The delay was due to the department attorney.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on February 15, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until August 2, 2013, over five months after receipt of the case. The delay was due to the department attorney.
- 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.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on August 2, 2013; however, the officer was not served the action until November 15, 2013, more than three months later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	13-0976-IR	1. Neglect of Duty 2. Misuse of State Equipment or Property	1. Sustained 2. Sustained	Salary Reduction	No Change

Incident Summary

Between January 1, 2013, and April 7, 2013, an officer allegedly left his assigned post without supervisor approval and misused a state vehicle when he drove it off institution grounds to engage in sexual relations with a private citizen. The officer also allegedly possessed and used his personal mobile phone while on duty on institutional grounds.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 12 months. 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
The department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-04	13-0484-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Discourteous Treatment Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On January 4, 2013, an officer allegedly yelled obscenities at inmate culinary workers after discovering they were stealing food. The officer also allegedly threw a pan at an inmate, which struck the inmate in the back. A lieutenant allegedly neglected his duties by failing to report the incident.

Disposition

The hiring authority sustained the allegations against the officer and imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the allegations against the lieutenant. 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.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-06	13-1462-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On January 6, 2013, two officers allegedly allowed two inmates to gain access to a third inmate's cell. Additionally, on January 6, 2013, a lieutenant allegedly was advised of the situation and failed to have the third inmate rehoused in administrative segregation for the inmate's protection.

Disposition

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

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-19	13-1640-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On January 19, 2013, a sergeant allegedly failed to timely forward an inmate's positive drug test result to an officer so that disciplinary action could be taken against the inmate.

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Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for four months. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant wherein the penalty was reduced to a 5 percent salary reduction for two months because the sergeant presented information at a *Skelly* hearing which mitigated her misconduct. The sergeant agreed to withdraw her appeal. The OIG concurred with the settlement based on the factors learned at the *Skelly* hearing and it was not a significant penalty reduction.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination. The hiring authority then failed to timely serve the disciplinary action and the employee relations officer did not complete the CDC Form 3021 and failed to assess relevant dates.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on April 18, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 27, 2013, 70 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 27, 2013, but did not take action until August 16, 2013, 50 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The employee relations officer failed to complete the CDC Form 3021 and timely forward it to the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to timely take action on the request for investigation. The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on September 10, 2013; however, the sergeant was not served the action until October 29, 2013.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-03	13-1000-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Reprimand

Incident Summary

On February 3, 2013, a lieutenant allegedly failed to place an inmate in administrative segregation immediately after he threatened to harm an officer. Instead the inmate was allowed to go to visiting before he was placed in administrative segregation. The lieutenant also allegedly delayed more than one month before submitting the incident report.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months against the lieutenant. The OIG concurred. At the *Skelly* hearing, it was discovered that the delay in processing the incident report was not entirely caused by the lieutenant because the information he initially received was incomplete, which may have hindered his ability to take appropriate action concerning the inmate. Due to this mitigating information, the hiring authority entered into a settlement agreement with the lieutenant. The department agreed to reduce the penalty to a letter of reprimand in exchange for a waiver of his appeal rights. The OIG concurred with the terms of the settlement agreement because of the mitigating factors learned at the *Skelly* hearing.

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Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination regarding the case and the hiring authority failed to timely conduct the investigative findings and disciplinary determinations.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 12, 2013, but did not make a determination until June 18, 2013, 68 days later.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on July 1, 2013, however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until October 11, 2013, three months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on July 1, 2013, however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until October 11, 2013, three months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake delayed in making a determination and the hiring authority delayed in conducting the findings and penalty conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-14	13-0686-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On February 14, 2013, an officer allegedly failed to observe that an inmate was dead during three institutional counts.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for nine 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's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-16	13-0631-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	Suspension

Incident Summary

On February 16, 2013, an officer was allegedly arrested for driving under the influence of alcohol and for possession of synthetic marijuana.

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Disposition

The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the department attorney discovered that the synthetic marijuana was not a federally controlled substance at the time the officer was arrested and that the disciplinary action had been served one day beyond the 30-day requirement that could result in legal challenges to the disciplinary action. Therefore, the hiring authority entered into a settlement agreement with the officer wherein the penalty was reduced to a 43 working-day suspension and the officer agreed to withdraw his appeal. The OIG concurred based on the issues the department attorney identified.

Disciplinary Assessment

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

OIA Central Intake did not process the case in a timely manner. The department failed to conduct the investigative findings and disciplinary determinations in a timely manner and the disciplinary action was not served within 30 days of the decision to take disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 5, 2013, but did not take action until May 8, 2013, 33 days after the receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on May 8, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until October 22, 2013, 166 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on May 8, 2013; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until October 22, 2013, 166 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on October 22, 2013; however, the officer was not served the action until November 22, 2013, 31 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-21	13-0691-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On February 21, 2013, a control booth officer allegedly neglected his duties when he released an inmate from his cell and subsequently released a second inmate who was in administrative segregation. The two inmates fought, resulting in the need to use force.

Disposition

The hiring authority determined there was sufficient evidence to sustain the 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: **Insufficient**
 Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the disciplinary phase. OIA Central Intake failed to make a timely determination regarding the case and the hiring authority delayed conducting the findings and penalty conference. The disciplinary officer failed to properly document relevant case dates and consult with the OIG regarding the draft disciplinary action.

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Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 11, 2013, but did not take action until May 22, 2013, 41 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The employee relations officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on May 29, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until December 10, 2013, over six months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on May 29, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until December 10, 2013, over six months after receipt of the case.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The disciplinary officer did not provide the OIG with a copy of the draft disciplinary action and did not consult with the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake failed to make a timely determination regarding the case and the hiring authority failed to conduct the findings and penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-14	13-1456-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On March 14, 2013, an officer allegedly failed to activate his personal alarm when an inmate removed his waist restraints and used them to break a window. The officer also allegedly failed to summon assistance after he used pepper spray on the inmate. The officer and a sergeant then allegedly failed to ensure that the inmate received timely medical attention and that the inmate was properly decontaminated.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months against the officer and issued a letter of reprimand to the sergeant. The OIG concurred. At the *Skelly* hearings for the sergeant and the officer, it was discovered that there were multiple alarms and emergencies at the time of the incident that created distractions and interfered with the proper performance of their duties. Also, both the sergeant and the officer accepted responsibility for their actions, admitted their mistakes, and apologized for the misconduct. Due to this mitigating information, the hiring authority entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for six months, and the officer agreed to waive his right to appeal. The hiring authority also entered into a settlement agreement with the sergeant wherein the letter of reprimand would be removed from his official personnel file on the day of his retirement and the sergeant agreed to waive his right to appeal. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

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Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department failed to comply with the department’s policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation. In addition, the hiring authority failed in its communications and cooperation with the department attorney and the OIG in the settlement process and drafting of the settlement agreement. The employee relations officer failed to complete a required departmental form.</p>	
Assessment Questions	
<ul style="list-style-type: none"> Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery? <i>The date of discovery of the incident was March 14, 2013, and the request for investigation was on May 20, 2013, 68 days later.</i> Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>The request for investigation was received on May 24, 2013, and OIA Central Intake made a determination on July 19, 2013, 56 days later.</i> If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021? <i>The department attorney was not consulted regarding settlement. The employee relations officer failed to complete the CDC Form 3021.</i> Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement? <i>Although the hiring authority did consult with the department's attorney and OIG concerning the proposed settlement, the hiring authority then drafted and entered into the settlement agreement without allowing the department's attorney to draft or review the settlement agreement. The hiring authority also did not provide OIG with a copy of the draft settlement agreement in advance of signing the final settlement agreement.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-31	13-0692-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Instruction	No Change

Incident Summary

On March 31, 2013, an officer was allegedly negligent in failing to immediately notify his supervisor of a sexual assault on a minor by an inmate in the visiting area. A lieutenant was allegedly negligent by failing to take immediate and appropriate action when he was informed of the sexual assault. On June 19, 2013, June 22, 2013, and July 17, 2013, the officer was allegedly dishonest during Office of Internal Affairs interviews when he stated that on March 31, 2013, he notified a supervisor he witnessed an inmate touching a minor female visitor's breasts.

Disposition

The hiring authority sustained the allegation of neglect of duty against the officer and issued a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the dishonesty allegation against the officer and the allegation against the lieutenant. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-01	13-0820-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On April 1, 2013, a sergeant and lieutenant allegedly conspired to influence a *Skelly* hearing on behalf of an officer. The sergeant and lieutenant allegedly created an unauthorized Report of Performance showing the officer's work as "outstanding" that the officer's representative submitted at the *Skelly* hearing.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. Based on the sergeant's and lieutenant's credible statements that it was time for the officer's Report of Performance, that what they wrote was accurate, and an unclear institutional policy regarding when such reports are to be completed, the OIG concurred with the hiring authority's determination.

Disciplinary Assessment

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

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed seven months before conducting the investigative findings.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 19, 2013. The hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until April 24, 2014, seven months after receipt of the case.

- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority delayed seven months before conducting the investigative findings.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-02	13-0633-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Weapons - Ineligible to Possess 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

On April 2, 2013, an officer and counselor who were roommates allegedly engaged in a fight while off duty, resulting in both being arrested. Additionally, the officer allegedly had a prior felony conviction that he had not disclosed and that made him ineligible to possess a firearm.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officer and counselor engaged in a fight while off duty and that the officer was ineligible to possess a firearm. The hiring authority did not sustain the allegation that the officer failed to report the felony conviction. The hiring authority determined dismissal was the appropriate penalty; however, the officer had been dismissed as the result of disciplinary action in another case. Therefore, disciplinary action was not taken. The counselor received a 5 percent salary reduction for nine months. The OIG concurred with the hiring authority's determinations. The counselor did not file an appeal with the State Personnel Board.

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Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the findings and penalty 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 case was returned to the hiring authority on May 9, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until March 25, 2014, more than ten months after receipt of the case.</i> Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The case was returned to the hiring authority on May 9, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until March 25, 2014, more than ten months after receipt of the case.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-04	13-0918-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary
 On April 4, 2013, a sergeant allegedly failed to retrieve his duty weapon before leaving an institution, failed to timely notify his supervisor that he left his duty weapon at the institution, and failed to carry his duty weapon while transporting inmates.

Disposition
 The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the disciplinary process. The Office of Internal Affairs failed to timely make a determination regarding the case. The hiring authority failed to timely consult with the OIG regarding the investigative findings and disciplinary determinations. The disciplinary officer failed to make an entry into CMS regarding the relevant dates and failed to timely serve the disciplinary action.</p>	

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Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 13, 2013, but did not take action until June 5, 2013, 33 calendar days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make an entry into CMS regarding the relevant dates or the deadline for taking 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 case was returned to the hiring authority on June 5, 2013, but the consultation with the OIG regarding the investigative findings did not take place until July 17, 2013, 42 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on June 5, 2013, but the consultation with the OIG regarding the disciplinary determinations did not take place until July 17, 2013, 42 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake failed to timely make a determination regarding the case. The hiring authority did not timely consult with the OIG regarding the findings and penalty and the disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on July 17, 2013, but the disciplinary action was not served until October 15, 2013, 90 days after the decision to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-16	13-0818-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	No Change

Incident Summary

On April 16, 2013, an officer allegedly failed to document his end-of-shift inventory, resulting in the loss of a set of handcuffs. A sergeant also allegedly failed to ensure the inventory was completed.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the sergeant and officer and served each with a letter of reprimand. The OIG concurred. At a *Skelly* hearing, the officer presented post orders that showed that a second officer was responsible for the end-of-shift inventory. Based on this information, the hiring authority withdrew the disciplinary action against the first officer. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The Office of Internal Affairs and hiring authority failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to process the case in a timely manner. The employee relations officer failed to document critical case dates and the hiring authority waited more than nine months to conduct the findings and penalty conference. This delay precluded the department from taking disciplinary action against the officer identified during the *Skelly* hearing as the officer responsible for failing to complete the end-of-shift inventory.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on May 6, 2013, but did not take action until June 12, 2013, 37 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The disciplinary officer did not make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on June 12, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until March 20, 2014, nine months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on June 12, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until March 20, 2014, nine months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

OIA Central Intake failed to timely make a determination regarding the case. The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. This failure precluded the hiring authority from taking disciplinary action against the officer responsible for the misconduct.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-19	13-1267-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On May 19, 2013, an officer was arrested after he allegedly shoved and choked his girlfriend and closed her hand in a door. The officer also allegedly did not allow her to use a phone to call for help. The officer was also allegedly dishonest when he told outside law enforcement that he was not in possession of a firearm.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred. At the *Skelly* hearing, it was determined that the evidence did not support the dishonesty allegation. Therefore, the hiring authority entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for 16 months and withdrawing the dishonesty allegation. Based on the information presented at the *Skelly* hearing, the OIG concurred with the settlement.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-20	13-2039-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On May 20, 2013, a sergeant allegedly verbally disciplined his 14 year-old child at home and the child responded in a disrespectful manner. The sergeant allegedly grabbed the child, threw him to the ground, got on top of the child, and put his hands around the child's neck. The sergeant's wife grabbed the sergeant and he eventually got off of the child. Outside law enforcement responded. The sergeant provided a statement and admitted the incident. The child had scratches on his chest and red marks on his chest and neck. The sergeant was arrested for assault.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 12 months. The OIG concurred. At the *Skelly* hearing, the sergeant demonstrated remorse and apologized for the embarrassment he caused the department. The hiring authority entered into a settlement with the sergeant wherein the penalty was modified to a 5 percent salary reduction for 18 months and the sergeant agreed to waive his appeal rights. The OIG concurred because the sergeant expressed remorse at the *Skelly* hearing and cooperated and was truthful with outside law enforcement.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-28	13-2098-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On June 28, 2013, an off-duty sergeant was allegedly verbally abusive toward his wife. During a dispute, the sergeant allegedly chest-bumped his wife several times. The sergeant's wife contacted outside law enforcement after he left the residence. Thereafter, a protective order was issued on behalf of the sergeant's wife.

Disposition

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

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination regarding the case. The department attorney did not make any entries into CMS confirming relevant dates. The hiring authority did not timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 26, 2013, but did not take action until September 25, 2013, two months after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entries into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on September 25, 2013; however, the hiring authority did not consult with the OIG or the department attorney regarding the sufficiency of the investigation and investigative findings until March 13, 2014, 169 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake delayed in making a determination regarding the case. The department failed to conduct the investigative findings in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-01	14-0341-IR	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Over-Familiarity 3. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

From July 1, 2013, through November 3, 2013, an officer allegedly communicated with an inmate via telephone. Some of these conversations were allegedly of a sexual nature. The inmate made several telephone calls from an institution pay phone to the officer's personal number. Upon searching the inmate's cell, several photographs of the officer were recovered.

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed. A letter indicating the officer retired under adverse circumstances was placed in her official personnel file.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-14	13-2152-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Failure to Comply 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On August 14, 2013, an officer allegedly fell asleep while performing his duties on contraband surveillance watch.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the officer and imposed a 5 percent salary reduction for six 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 where the department agreed to reduce the penalty to a 5 percent salary reduction for three months. The OIG concurred with the settlement because there was no significant change in the final penalty.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-21	13-1941-IR	<ol style="list-style-type: none"> Dishonesty Contraband Insubordination Neglect of Duty Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On August 21, 2013, an officer allegedly possessed two unauthorized knives within the perimeter of the institution and refused to relinquish the weapons when ordered to do so by a sergeant. The officer was allegedly dishonest to two lieutenants, a sergeant, and two officers when he denied being in possession of a knife. The officer also allegedly directed profanity at two officers and called them derogatory names before he eventually relinquished the weapons.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-28	13-2299-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Demotion	Suspension

Incident Summary

On August 28, 2013, a counselor from the department's Office of Audits and Court Compliance allegedly falsified a corrective action plan mandated by a federal court by photocopying a warden's signature on the document.

Disposition

The initial hiring authority determined there was sufficient evidence to sustain an allegation of neglect of duty and determined the penalty to be a 5 percent salary reduction for three months. However, despite the OIG's recommendation, the initial hiring authority refused to add an allegation of dishonesty. The OIG did not concur with the decision and sought a higher level of review. At the higher level of review, the hiring authority's supervisor decided to add and sustain a dishonesty allegation and determined the appropriate penalty to be a demotion to a lower classification. Following a *Skelly* hearing, the hiring authority entered into a settlement agreement with the counselor wherein her penalty was reduced from a demotion to a 60 working-day suspension because she exhibited remorse and accepted responsibility for her misconduct. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

NORTH REGION

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to properly identify the allegations in this case when it characterized the misconduct as neglect of duty and did not include a dishonesty allegation. The initial hiring authority, based on the department attorney's legal advice, also refused to include an allegation of dishonesty and the OIG requested a higher level of review. Subsequently, the department failed to timely serve the disciplinary action.

Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
Despite the OIG's recommendation that a dishonesty allegation be added, OIA Central Intake decided to scope this case only for a neglect of duty allegation.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately and inaccurately advised the initial hiring authority that this case involved only neglect of duty and not dishonesty on the part of the counselor, although she had falsified an official record.
- Did the HA who participated in the findings conference identify the appropriate Subjects and factual allegations for each subject based on the evidence?
The initial hiring authority determined that this case involved only neglect of duty and refused to add a dishonesty allegation.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The initial hiring authority determined that this case involved only neglect of duty and refused to add a dishonesty allegation.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney inappropriately and inaccurately advised the initial hiring authority that this case involved only neglect of duty and not dishonesty on the part of the counselor although she falsified an official record. As a result, the initial penalty was not appropriately determined.
- 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 identify the misconduct as dishonesty.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority failed to identify the misconduct as dishonesty and therefore initially inappropriately determined the penalty.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The department attorney failed to provide the OIG with a completed Form 3021.
- Was an executive review invoked to raise an issue to a higher level of management in this case?
The initial hiring authority refused to classify the misconduct in this case as dishonesty and instead characterized it as neglect of duty. The OIG invoked a higher level of review to raise the issue to a higher level of management.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on January 31, 2014, however, the officer was not served until March 7, 2014, 35 days later.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-30	13-2638-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Insubordination 	<ol style="list-style-type: none"> 1. Not Sustained 2. Exonerated 3. Exonerated 	No Penalty Imposed	No Change

Incident Summary

On August 30, 2013, it was alleged that a parole agent was negligent when he failed to properly document in a parolee's file to indicate that the parolee was disabled and required mobility assistance, failed to notify the county jail staff, and was insubordinate for failing and refusing to follow written instructions on these notice requirements. On October 4, 2013, the parole agent was allegedly dishonest when he told his supervisor that he had not seen the policy addressing these notice requirements.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation that he failed to document the parolee's disabilities. The hiring authority determined that the parole agent failed to notify the court and jail personnel of disabilities; however, the investigation revealed the actions were justified, lawful, and proper. The hiring authority found no dishonesty. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-29	13-2398-IR	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior 2. Drunkenness in Public 3. Carrying an Unauthorized Weapon Off Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Salary Reduction	No Change

Incident Summary

On September 29, 2013, an officer was arrested for allegedly possessing a firearm in public while under the influence of alcohol. He was also allegedly not qualified to possess a firearm.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake refused to open an investigation despite the request of the hiring authority and the recommendation of the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-20	14-0340-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 	Letter of Reprimand	No Change

Incident Summary

On October 20, 2013, an officer allegedly neglected her duties when she failed to make sure that two inmates returned to their cell following a shower before releasing a third inmate for a shower. One of the inmates attacked the third inmate who sustained injuries requiring treatment at an outside hospital.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed an official 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's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-24	13-2441-IR	<ol style="list-style-type: none"> 1. Contraband 2. Misuse of Authority 3. Other Failure of Good Behavior 4. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	No Change

Incident Summary

On October 24, 2013, an officer allegedly posted nude photographs of himself on a social networking website in an effort to solicit a sexual relationship. While on duty, he then exchanged text messages with a detective whom he believed to be a 15-year-old girl and attempted to meet the fictional girl in a parking lot for illegal sexual activity. He further tried to use his position as a peace officer in order to convince outside law enforcement to let him go once he was arrested. Finally, the officer allegedly failed to report his arrest to the hiring authority.

Disposition

The hiring authority sustained the allegations, except for the failure to report the arrest, and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-17	14-0545-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 	Suspension	Letter of Reprimand

Incident Summary

On January 17, 2014, while off duty, an associate warden allegedly left a department-issued briefcase containing a laptop computer, mobile phone, set of keys, and binder containing confidential information unattended in his locked personal vehicle. The vehicle was broken into and the briefcase and contents were stolen.

Disposition

The hiring authority sustained the allegations and imposed a three working-day suspension. Thereafter, it was discovered that based on the associate warden's civil service classification, the disciplinary action referenced an incorrect statute and incorrect penalty. In addition, although the associate warden did not request a *Skelly* hearing, the associate warden informed the hiring authority that he accepted responsibility and was remorseful. For these reasons, the hiring authority modified the penalty to a letter of reprimand in exchange for a full settlement including the associate warden agreeing not to file an appeal with the State Personnel Board. The OIG concurred for the same reasons.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
<p>The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department attorney provided incorrect legal advice to the hiring authority regarding the disciplinary determinations by applying an incorrect statute for a correctional administrator. As a result, the disciplinary action contained an incorrect penalty. Additionally, the department failed to provide the OIG with a completed CDC Form 3021.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-05	14-0481-IR	<ol style="list-style-type: none"> Contraband Misuse of State Equipment or Property Theft 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On February 5, 2014, an officer allegedly misused state property when he took seven ibuprofen tablets from a state medical cart without permission and placed them in his pocket. The officer was also found to be in possession of contraband in the form of a book of matches while inside the secure perimeter.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations except the theft allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. However, the officer retired before the disciplinary action took effect. A letter indicating the officer retired pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
<p>The department's disciplinary process sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-27	14-0781-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Letter of Reprimand	No Change

Incident Summary

On February 27, 2014, a control booth officer working in the security housing unit allegedly opened the wrong cell door when an inmate returned to his cell from the shower. Two other inmates exited their cell and attacked the first inmate, resulting in the use of pepper spray to stop the fighting.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed an official 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
<p>The department sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-24	14-1079-IR	<ol style="list-style-type: none"> Controlled Substances 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On March 24, 2014, an officer allegedly tested positive for a controlled substance while on duty but did not have a valid prescription.

NORTH REGION

Disposition

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

Disciplinary Assessment

The department sufficiently complied with policies and procedures.

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-03-22	11-2473-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Attendance - Unauthorized Absence 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Dismissal	No Change

Incident Summary

From March 22, 2010, through March 26, 2010, a counselor was allegedly absent without leave and, on April 28, 2010, submitted a fraudulent timesheet regarding those dates. On April 8, 2011, the counselor was allegedly dishonest to a personnel supervisor by informing her that he would be on military leave from April 25, 2011, through May 25, 2011. On May 19, 2011, the counselor allegedly submitted military orders to the institution that he allegedly forged claiming that he had been and would be on active duty between April 25, 2011, and May 25, 2011. The counselor was absent without leave from May 16, 2011, through May 25, 2011, and allegedly submitted another fraudulent timesheet regarding those dates. On February 10, 2012, the counselor was allegedly dishonest during his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained all of the allegations against the counselor and imposed a penalty of dismissal. The OIG concurred. However, before the action could be served, the counselor retired. A letter indicating the counselor retired under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

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

The department did not comply with disciplinary policies and procedures. The hiring authority delayed more than one year before conducting the investigative findings and disciplinary determinations. Additionally, the department attorneys were not sufficiently familiar with the facts and circumstances of the case to provide the hiring authority with adequate and appropriate legal advice on how to proceed. When legal advice was provided, it was incomplete, resulting in the hiring authority seeking legal advice from the Attorney General's office.

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 final report was completed and sent to the hiring authority on April 19, 2012. The determination regarding the sufficiency of the investigation and the investigative findings was not held until April 26, 2013, more than a year later.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

This case involved complex substantive and procedural issues; however, the department attorney did not provide the hiring authority with any specific legal authority on the matter.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The final report was completed and sent to the hiring authority on April 19, 2012. The determination regarding disciplinary determinations was not made until April 26, 2013, more than a year later.
- 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 discussion to the hiring authority or the OIG.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

One department attorney was uncooperative in obtaining documentation relevant to the counselor's military service, information that was critical to the case. The OIG had to prompt the department attorney multiple times.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-05-01	12-1538-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

From May 1, 2010, until April 25, 2012, a parole agent allegedly failed to properly supervise a parolee, failed to prepare record of supervision notes documenting his supervision of the parolee, and failed to submit monthly caseload rosters to his supervisors. From June 1, 2011, until April 21, 2012, the parole agent allegedly falsified his monthly caseload roster when he noted that the parolee was in custody when he was not. On April 24, 2011, the parole agent allegedly failed to take action and complete forms required upon learning of a parolee's arrest and later absconding from parole. When contacted by his supervisor, the parole agent claimed not to have known about the parolee's arrest until months after it took place. However, a supervisor found a note written by the parole agent indicating the parole agent's awareness of the arrest months earlier. On December 10, 2012, the parole agent was allegedly dishonest to the Office of Internal Affairs about the note found in the file.

Disposition

The hiring authority determined there was sufficient evidence to sustain all the allegations, except an allegation of neglect of duty for failure to submit monthly caseload rosters, and imposed a penalty of dismissal. The OIG concurred in the hiring authority's determinations. 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: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary phase. The department attorney failed to provide appropriate legal advice regarding the sufficiency of the evidence related to dishonesty, failed to prepare a sufficient pre-hearing settlement conference statement, failed to be sufficiently familiar with the facts regarding dishonesty before the State Personnel Board at a settlement conference, and at the hearing before the State Personnel Board, failed to prepare for and present the case in a professional and competent manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-06-01	12-1030-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Over-Familiarity Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

Between June 1, 2010, and December 8, 2011, a parole agent allegedly engaged in an overly familiar relationship with the half-sister of a parolee. The parole agent also allegedly failed to immediately report the relationship and was allegedly dishonest when he finally did report the relationship. It was also alleged the parole agent used a state-issued mobile phone to make approximately 151 personal phone calls to the parolee's half-sister within a six-month period. During the investigative interview on May 22, 2012, the parole agent was also allegedly dishonest to the Office of Internal Affairs regarding his relationship with the half-sister.

Disposition

The hiring authority found sufficient evidence to sustain the allegations and dismissed the parole agent. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. Following a hearing before the State Personnel Board, most of the allegations, including dishonesty, were upheld and the dismissal was sustained.

SOUTH REGION

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department attorney and hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to properly complete the form documenting the findings. The department attorney failed to properly and adequately advise the hiring authority regarding the department's policy on over-familiarity and drafted a disciplinary action that contained significant errors and was poorly written. The department attorney failed to be prepared for the pre-hearing settlement conference. Also at the hearing before the State Personnel Board, the department attorney failed to present the department's policy on over-familiarity, failed to adequately prepare witnesses, failed to prepare for legal issues, and failed to present important evidence. The department attorney also failed to consult with the OIG on key issues, such as preparation of the disciplinary action, the pre-hearing settlement conference statement, and the written response to a critical motion to dismiss.

SOUTH REGION

Assessment Questions

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

The department attorney provided incorrect legal advice regarding over-familiarity and sexual misconduct as defined by departmental policy. The department attorney advised that a parole agent need only provide accurate notice to a supervisor when engaged in a relationship with the sister of a parolee. The department attorney also incorrectly advised that a sexual relationship between a parole agent and a parolee's sister constituted a separate violation of departmental policies and procedures related to sexual misconduct. The OIG directed the hiring authority to the proper departmental policies and procedures, which resulted in the hiring authority making the correct decisions.

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

The form for documenting the hiring authority's findings was not properly completed because it did not include an allegation of dishonesty during the Office of Internal Affairs investigation. After the OIG identified the error, the document was corrected to reflect all the findings by the hiring authority.

- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney provided a copy of the draft disciplinary action only 12 hours prior to the anticipated date and time of service of the disciplinary action on the parole agent. There was insufficient time for any meaningful review of the draft by the OIG.

- 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 misuse of state property, included the wrong date for a key event, misstated key facts related to phone records, included inflammatory language about adultery, and included many conclusory statements instead of factual allegations.

- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?

The disciplinary action served on the parole agent failed to include a cause of action for misuse of state property, included the wrong date for a key event, misstated key facts related to phone records, included inflammatory language about adultery, and included many conclusions instead of factual allegations. After the OIG made recommendations, the department attorney amended the disciplinary action to correct these errors.

- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The OIG was not provided a draft of the pre-hearing settlement conference statement before it was filed.

- 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 fully familiar with the facts and issues at the pre-hearing settlement conference. The department attorney could not answer questions regarding the anticipated testimony and relevance of individual witnesses listed in the department's pre-hearing settlement conference statement and could not answer questions on the applicable department policies related to over-familiarity with a parolee's sister.

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

The department attorney did not adequately prepare witnesses nor did she appropriately subpoena the custodian of records for a phone company. Several parole supervisors were called to testify by the department attorney and were asked about the departmental policy on over-familiarity as it relates to relationships with a parolee's sister. Because of a lack of preparation, the parole supervisors gave contradictory answers and appeared not to be credible. The department attorney, despite recommendations by the OIG, chose to conduct witness preparation before developing a trial strategy, which led to witnesses being unnecessarily reinterviewed and not properly prepared to testify. Preparation of the witnesses would have revealed the witnesses' errant views of the departmental policy and provided an opportunity for the witnesses to actually review the written policy prior to testifying. The department attorney failed to have the custodian of records for a phone company bring or prepare admissible phone records.

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- Did the department’s advocate adequately and appropriately address legal issues prior to and during the SPB hearing?

The department attorney failed to address issues related to the admissibility of critical phone record evidence. The department attorney failed to make contact with a custodian of records until the day the witness was presented to testify, failed to prepare and properly present a transcript of the parole agent's Office of Internal Affairs interview, failed to introduce departmental policies and procedures related to over-familiarity, failed to understand the department's policy related to over-familiarity, and the department attorney elicited testimony by department witnesses that incorrectly described the department policy on over-familiarity and failed to correct the errant testimony. The department attorney did not appropriately respond to a written motion to dismiss and the closing argument was woefully inadequate by not addressing facts that supported the allegations.

- Did the department’s advocate present the necessary available evidence regarding the allegations at the hearing?

The department attorney failed to introduce the department's policy regarding over-familiarity, failed to properly introduce a transcript of the parole agent's statements to the Office of Internal Affairs, failed to be familiar enough with the transcript and its contents to use for impeachment purposes, failed to introduce evidence of statements made by the parole agent to the Office of Internal Affairs to support the related dishonesty allegation, failed to elicit relevant details from key witnesses, failed to properly introduce phone record evidence through a custodian of records, and failed to elicit detailed information to support the department's position on a motion to dismiss. In addition, the department attorney failed to adequately prepare for anticipated defenses by addressing the issues through examination of witnesses called by both appellant and respondent and failed to conduct re-direct examination that was focused or effective, but instead asked irrelevant questions.

- Did the department’s advocate appropriately have necessary evidence presented at the hearing moved into evidence?

The department attorney failed to properly introduce a transcript of the parole agent's statements to the Office of Internal Affairs, had difficulty laying a foundation for the introduction of documentary evidence, and failed to properly introduce phone record evidence through a custodian of records.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-09-18	12-0770-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	No Change

Incident Summary

From September 18, 2010, through December 17, 2011, a parole agent allegedly failed to meet parole specifications relating to the supervision of a parolee. On November 9, 2011, the parole agent allegedly failed to place a parole hold on a parolee after he was notified that the parolee had been arrested for a warrant and violated his parole by being in possession of a four-inch knife. The parole agent also allegedly failed to properly document the incident. On December 21, 2011, the parole agent allegedly provided false information to his supervisor concerning the circumstances of the parolee's death. On December 27, 2011, the parole agent was allegedly dishonest when interviewed by outside law enforcement and was less than truthful with the Office of Internal Affairs during his November 1, 2012, interview.

Disposition

The hiring authority found there was sufficient evidence to sustain the neglect of duty allegations for failing to properly complete all appropriate paperwork upon learning of the parolee's arrest. The allegations of dishonesty were not sustained. The hiring authority imposed a salary reduction of 10 percent for 12 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-11-23	12-0640-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On November 23, 2010, a parole agent allegedly failed to timely release a parole hold on a parolee being held in jail causing the parolee to spend seven additional days in jail. The parole agent also allegedly falsified the record of supervision to reflect that he conducted an office visit with the parolee when the parolee was actually in jail at the time.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At hearing, the State Personnel Board dismissed the allegation that the officer did not timely release the parole hold on the grounds that the officer had already been disciplined for that misconduct by his supervisor. However, the State Personnel Board sustained the falsification of the official document and upheld the dismissal. The parole agent filed a petition for rehearing, which was denied by the State Personnel Board.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-01-27	12-1417-IR	<ol style="list-style-type: none"> Dishonesty Insubordination Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	No Change

Incident Summary

Between January 27, 2011, and December 14, 2011, a parole agent allegedly failed to adequately supervise parolees on her caseload and falsified numerous caseload documents, including forms indicating that she had completed her required parolee contacts and visits when, in fact, she had not done so. Additionally, the agent failed to transfer several files from her caseload after being instructed to do so numerous times by her supervisor.

Disposition

The hiring authority determined there was sufficient evidence to sustain some of the allegations. The sustained allegations were insubordination for failing to obey the supervisor's directive to transfer files and neglect of duty for failing to document and inaccurately documenting official case records. The hiring authority imposed a salary reduction of 10 percent for 18 months. The OIG recommended adding a dishonesty allegation to the disciplinary action based on the nature of the allegations sustained. The hiring authority agreed to add the allegation but chose to maintain the salary reduction penalty. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board sustained the allegations and upheld the penalty as imposed.

Disciplinary Assessment

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

The hiring authority and department attorney failed to sufficiently comply with departmental policies and procedures governing the disciplinary process. The documentation concerning the findings and penalty was incorrect. The department attorney failed to provide confirmation of penalty discussions and failed to timely consult with the OIG before serving the parole agent with the disciplinary action. The disciplinary action was not properly prepared because it contained factual inaccuracies. As a result, an amended disciplinary action had to be served on the employee.

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Assessment Questions

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

The 402 Form did not accurately reflect the hiring authority's findings. The 402 Form included allegations that were not reviewed and failed to include allegations that were reviewed. Additionally, the 402 Form did not cite the applicable Government Code sections.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide either the hiring authority or the OIG with written confirmation of penalty discussions.
- Was the CDCR Form 403 documenting the penalty properly completed?

The 403 Form misstated the penalty. The penalty imposed by the hiring authority was a salary reduction of 10 percent for 18 months, however the 403 Form reflected that the salary reduction was 10 percent for 12 months.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney did not timely provide the OIG with a copy of the draft disciplinary action. The OIG received the draft action the day before it was required to be served.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action contained erroneous information in the statement of facts.
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?

The disciplinary action served on the employee contained factual errors and, therefore, a second notice of disciplinary action had to be served to correct the factual errors.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-01	12-0823-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	No Change

Incident Summary

Between August 1, 2011, and January 31, 2012, a parole agent allegedly failed to properly supervise and properly document his supervision of a parolee. The parole agent allegedly failed to update the parolee's known address changes, falsely documented home visits of the parolee, and falsely documented information regarding the collection of samples for anti-narcotic testing.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the parole agent and dismissed him. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. At hearing, the State Personnel Board sustained the dismissal.

Disciplinary Assessment

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

The department attorney failed to participate in the findings and penalty conference and failed to list necessary witnesses in the pre-hearing settlement conference statement.

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Assessment Questions

- Did the department attorney or disciplinary 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 hiring authority did not consult with the department attorney because the department attorney did not attend or participate in the disciplinary determinations conference due to a scheduling conflict. The hiring authority did consult with the OIG.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The hiring authority did not consult with the department attorney because the department attorney did not attend or participate in the disciplinary determinations conference due to a scheduling conflict. The hiring authority did consult with the OIG.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

The department attorney failed to participate in the findings and penalty conference and thus did not provide the hiring authority with any legal consultation.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide any written confirmation of penalty discussions.
- 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 witness with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

The pre-hearing settlement conference statement was incomplete, as it failed to list all relevant witnesses.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority did not consult with the department attorney because the department attorney did not attend or participate in the disciplinary determinations conference due to a scheduling conflict. The hiring authority did consult with the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-12	13-0624-IR	1. Dishonesty 2. Over-Familiarity 3. Other Failure of Good Behavior 4. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	No Change

Incident Summary

On August 12, 2011, a plumber allegedly introduced mobile phones and tobacco into the institution, provided those items to inmates, and received payment from inmates and their family members. On April 10, 2013, the plumber was allegedly dishonest during his investigative interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations of over-familiarity, failure of good behavior, and dishonesty, but did not sustain the allegation of bringing contraband into the institution. The hiring authority imposed a penalty of dismissal. The OIG concurred. The plumber submitted a letter of resignation after the disciplinary action took effect.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not timely conduct the findings and penalty 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 October 24, 2013. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 27, 2014, 95 days after receipt of the case.
- 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 October 24, 2013. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 27, 2014, 95 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-07	12-2880-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Reprimand

Incident Summary

Between November 7, 2011, and December 28, 2011, a warden, a population management chief, two classification services representatives, and two correctional counselors participated in a classification process resulting in two inmates being transferred from a general population yard to a sensitive needs yard. It was alleged the two inmates did not meet eligibility criteria for the reclassification and transfer. After the inmates were transferred to the sensitive needs yard, one of the inmates was stabbed twice, sustaining life-threatening injuries. During the investigation it was learned that the population management chief allegedly inappropriately used his position to initiate a transfer of another inmate at the request of the chief's girlfriend. The inmate was the son of the girlfriend's co-worker.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that one of the correctional counselors chaired a unit classification committee and approved an inmate's classification change to allow for a transfer to a sensitive needs yard without establishing proper criteria. The hiring authority also sustained the allegation that one of the classification services representatives endorsed the improper classification. In addition, the hiring authority determined there was sufficient evidence to sustain an allegation against the chief of population management that he inappropriately used his position to obtain a transfer for an inmate. No other allegations were sustained. The hiring authority imposed a salary reduction of 5 percent for three months for the correctional counselor, issued the classification services representative a letter of reprimand, and issued the chief of population management a letter of instruction. The OIG concurred with the hiring authority's determinations. The correctional counselor and the classifications services representative filed appeals with the State Personnel Board. The department entered into a settlement agreement with both employees. The department agreed to reduce the correctional counselor's 5 percent salary reduction for three months to a letter of reprimand. The department agreed to remove the letter of reprimand from the classification services representative's official personnel file after one year. The OIG concurred with the settlements due to new information received from supervisors not discovered during the investigation which mitigated the misconduct.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-21	12-0529-IR	<ol style="list-style-type: none"> Misuse of Authority Driving Under the Influence Discourteous Treatment Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On December 21, 2011, a parole agent was allegedly intoxicated, contacted by local law enforcement, and cited for jaywalking. The parole agent was allegedly discourteous to the outside law enforcement officers and dishonest about his home address. The parole agent then entered his personal vehicle and drove away from the scene. A traffic stop was initiated and the parole agent was subsequently arrested for driving under the influence of alcohol. The parole agent also allegedly misused his department identification card and position to avoid the citation.

Disposition

The hiring authority found sufficient evidence to sustain all allegations, except the dishonesty allegations, and imposed a 5 percent salary reduction for 13 months. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board found that the department did not prove the charges of neglect of duty, intemperance, discourtesy, or willful disobedience but found that the charge of other failure of good behavior was supported by the evidence. The State Personnel Board upheld the penalty.

Disciplinary Assessment

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

The department attorney failed to comply with disciplinary policies and procedures. The department attorney did not provide written confirmation of penalty discussions, did not timely or adequately prepare the disciplinary action, and did not consult with the OIG concerning all of the disciplinary action documents. In addition, the department attorney failed to present evidence at the hearing that the parole agent was convicted of the crime of alcohol-related reckless driving, which resulted in the dismissal of several allegations by the State Personnel Board.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide written confirmation of penalty discussions to either the hiring authority or the OIG.
- Was the Letter of Intent to take disciplinary action served on the employee(s) appropriately drafted?
The notice of intent did not list all of the sustained allegations. Further, the department attorney did not provide the OIG with a copy of the draft notice of intent prior to serving the document on the agent.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department attorney did not present proof that the agent had been convicted of alcohol-related reckless driving.
- 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 department attorney did not present proof that the agent had been convicted of alcohol-related reckless driving.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney did not provide the OIG with a draft copy of the letter of intent before it was served.
- Was the disciplinary phase conducted with due diligence by the department?
The department attorney did not prepare the action in a timely manner thereby necessitating the need for a letter of intent. Further, the action was not served until the day before the deadline for taking disciplinary action.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	13-0187-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Attendance-Unauthorized absence 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Dismissal	Demotion

Incident Summary

From January 1, 2012, until February 28, 2013, a supervising correctional counselor and a correctional counselor allegedly falsified documentation to reflect their participation in several classification meetings that never took place. During that same period, the supervising correctional counselor allegedly failed to monitor the correctional counselor's failure to properly perform his work. On October 2, 2012, the supervising correctional counselor and the correctional counselor allegedly failed to recommend the transfer of two inmates from a higher-level institution to a lower-level institution. From November 29, 2012, to December 6, 2012, the supervising correctional counselor allegedly failed to properly address the correctional counselor's repeated unauthorized work absences.

Disposition

The hiring authority sustained the allegations against the counselor with the exception of the unauthorized absence allegation. The hiring authority sustained six of ten allegations for neglect of duty and one allegation for dishonesty against the supervising counselor. The hiring authority found insufficient evidence to sustain the remaining four allegations against the supervising counselor. The hiring authority determined the appropriate penalty was a dismissal for both. The OIG concurred with the hiring authority's determinations. However, the department entered into a settlement agreement with the counselor in which he agreed to resign in lieu of dismissal. The OIG concurred because the settlement achieved the ultimate goal of ending the counselor's employment with the department. The supervising counselor filed an appeal with the State Personnel Board. In preparation for a State Personnel Board proceeding, significant deficiencies in the disciplinary action as written were discovered. Based on the deficiencies, the department entered into a settlement agreement with the supervising counselor in which he was demoted and agreed to never accept any promotion to a counselor or any position that deals with classification of inmates. The supervising counselor also agreed to withdraw his appeal. The OIG concurred because the deficiencies in the disciplinary action prepared by the department attorney were so significant that the allegations supporting the dismissal likely would not have been sustained and the settlement ensured that the counselor would never be in a position that deals with classification of inmates.

Disciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department attorney failed to timely provide the draft disciplinary action to the OIG for review and consultation, failed to properly draft the disciplinary action, and failed to accurately complete a department form explaining the reason for settlement.

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Assessment Questions

- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney did not provide the OIG with a copy of the disciplinary actions in a timely manner and did not consult with the OIG before service of the disciplinary actions.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action contained both facts and allegations that were grossly inaccurate and the evidence listed was not capable of proving the conduct alleged. Because the OIG was not timely served with the draft disciplinary action, the OIG was precluded from making recommendations.
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?

The disciplinary action served on the employee contained both facts and allegations that were grossly inaccurate and the evidence listed was not capable of proving the conduct alleged. Because the OIG was not timely served with the draft disciplinary action, the OIG was precluded from making recommendations.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The CDC Form 3021 justified the penalty reduction for the supervising correctional counselor by stating that the dishonesty allegation could not be proven. However, the form failed to state that the dishonesty allegation could not be proven because of serious deficiencies in the disciplinary action drafted by the department attorney.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The department attorney failed to timely provide a draft disciplinary action for the OIG to review and did not consult with the OIG regarding the draft disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	13-0271-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

From January 1, 2012, to June 1, 2012, a parole agent allegedly failed to properly supervise and document her supervision of 21 parolees on her caseload, failed to issue a parole hold when a parolee absconded, failed to maintain her field book pursuant to policy, and was dishonest when she documented that she obtained anti-narcotic tests from some of the parolees when she had not done so.

Disposition

The hiring authority determined there was sufficient evidence to sustain 24 allegations of neglect of duty. The dishonesty allegation was not sustained because there was insufficient evidence to show an intentional misrepresentation. One neglect of duty allegation was not sustained. The action was divided into two separate cases for procedural reasons. The hiring authority imposed a salary reduction of 10 percent for eight months in the first case and a salary reduction of 10 percent for 12 months in the second case. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Prior to hearing, the department entered into a settlement agreement with the parole agent wherein the penalty was reduced to a salary reduction of 10 percent for eight months with no back pay. The OIG concurred with the settlement for several reasons. First, when combined, the initial penalty was outside of the departmental matrix. Second, the parole agent raised several legal objections to the case going forward, which, if granted, could have prevented the department from going forward at hearing.

Disciplinary Assessment

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

Overall, the hiring authority sufficiently complied with the department's policies and procedures; however, the department attorney did not. The department attorney failed to timely prepare the disciplinary action and pre-hearing settlement conference statement resulting in the inability of the OIG to review the documents before they were served on the parole agent and filed with the State Personnel Board. Additionally, the department attorney did not provide the OIG or hiring authority with a copy of the CDC Form 3021 concerning the reasons supporting settlement.

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Assessment Questions

- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The department attorney did not prepare the draft disciplinary action with sufficient time to allow the OIG to review the document and consult with the department attorney.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The OIG did not receive a copy of the draft pre-hearing settlement conference statement.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The OIG did not receive a copy of the CDC Form 3021.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney did not consult with the OIG concerning the draft disciplinary action or the draft pre-hearing settlement conference statement.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-22	12-1216-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	No Change

Incident Summary

On February 22, 2012, a sergeant allegedly utilized pepper spray on an inmate while not in compliance with mandatory use-of-force training. On April 10, 2012, the sergeant was allegedly dishonest to the warden when he claimed to have attended the mandatory use-of-force training and presented the warden with falsified evidence of the completed training which he claimed had been misfiled. On January 4, 2013, the sergeant was allegedly dishonest to the Office of Internal Affairs about the matter.

Disposition

The hiring authority found sufficient evidence to sustain the allegations and dismissed the sergeant. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal based on dishonesty. The sergeant filed a petition for rehearing, which was denied by the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to include past discipline and facts necessary to prove the dishonesty allegation in the disciplinary action, and failed to list necessary witnesses in the pre-hearing settlement conference statement.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-04	12-1933-IR	<ol style="list-style-type: none"> Over-Familiarity Neglect of Duty Other Failure of Good Behavior Disclosure of Confidential Information Solicitation for Murder 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained 	Dismissal	No Change

Incident Summary

Between April 4, 2012, and June 6, 2012, a parole agent allegedly solicited a parolee, who was a registered sex offender, to kill or seriously hurt another parolee supervised by the same parole agent, and provided confidential information to the parolee about the targeted parolee. The parole agent also allegedly permitted the parolee to violate the terms of his parole by allowing him to possess a mobile phone and to travel away from his residence without his required GPS tracking device. During this same time period, the parole agent allegedly failed to properly review the GPS tracking data for the targeted parolee, allowing that parolee to violate his parole terms by living at a location other than his registered address and allowing him to commit another felony offense.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the parole agent. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. The State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-07	12-1863-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Incident Summary

On April 7, 2012, a lieutenant and sergeant allegedly violated policy when they handled a calculated cell extraction as an emergency cell extraction. The lieutenant also allegedly failed to obtain and review staff reports within 24 hours of the incident. The sergeant allegedly failed to provide a lieutenant with complete information regarding the inmate's condition before the lieutenant authorized the emergency cell extraction. Both the lieutenant and the sergeant allegedly failed to ensure that officers who participated in the cell extraction wore proper safety gear. As a result of the lieutenant's and sergeant's alleged misconduct, the officers sustained injuries.

Disposition

The hiring authority determined there was sufficient evidence to sustain all the allegations against both the lieutenant and the sergeant and determined that the appropriate penalty for the lieutenant was a salary reduction of 5 percent for 13 months and determined the appropriate penalty for the sergeant was 10 percent for 12 months. The OIG concurred with the hiring authority's determinations. The lieutenant retired prior to the completion of the investigation. A letter indicating the lieutenant retired under adverse circumstances was placed in her official personnel file. The sergeant filed an appeal with the State Personnel Board. After the hearing, the State Personnel Board revoked the salary reduction based on a lack of evidence presented by the department attorney.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to appropriately draft the disciplinary action and failed to identify an appropriate expert witness.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-08	12-2849-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Salary Reduction	Letter of Reprimand

Incident Summary

Between May 8, 2012, and July 11, 2012, a parole agent allegedly falsified timesheets by claiming to work on days when he did not work, used a state vehicle for personal use on dates he did not work, failed to properly supervise parolees on his caseload, and failed to properly document his supervision of the parolees. Additionally, a supervising parole agent allegedly failed to properly supervise the parole agent.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the parole agent failed to properly supervise parolees and failed to properly document his supervision of parolees. The hiring authority did not sustain the other allegations against the parole agent. The hiring authority imposed a 10 percent salary reduction for six months against the parole agent. The hiring authority determined there was insufficient evidence to sustain the allegation against the supervising parole agent. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. The department attorney filed an incomplete pre-hearing settlement conference statement that undermined the strength of the department's case. Therefore, the hiring authority entered into a settlement agreement reducing the penalty from a salary reduction to a letter of reprimand, including back pay without interest, and removal of the settlement from the parole agent's official personnel file. The OIG did not agree with the removal of the settlement agreement or with the provision for back pay. However, the terms of the settlement agreement did not merit a higher level of review because the case was significantly compromised by the department attorney's pre-hearing settlement conference statement.

Disciplinary Assessment

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

The department attorney did not sufficiently comply with policies and procedures governing the disciplinary process. The department attorney did not provide written confirmation of penalty discussions and did not include all critical witnesses in the pre-hearing settlement conference statement. As a result, the department's case against the parole agent was significantly compromised. Additionally, the department attorney agreed to some settlement terms that were against departmental policy. The OIG did not concur with several terms of the settlement agreement because they were contrary to departmental policy and the best interests of the department.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-02	12-2122-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

On July 2, 2012, an officer allegedly failed to report to his job assignment after being directed to do so by a supervisor and failed to review the personnel movement sheet reflecting a new assignment. On July 3, 2012, the officer was allegedly dishonest to a sergeant about a job change. On May 1, 2013, the officer was allegedly dishonest to the Office of Internal Affairs about the incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. At hearing, the State Personnel Board sustained all of the allegations except an allegation that the officer was inefficient by not reporting to his shift. The State Personnel Board upheld the dismissal against the officer.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-10	12-2426-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Discourteous Treatment 3. Carrying Unauthorized Weapon 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

On July 10, 2012, an officer was allegedly in possession of a concealed firearm he was not qualified or authorized to carry when contacted by outside law enforcement for driving over the speed limit, failing to yield to law enforcement, and failing to have a front license plate. The officer allegedly made demeaning comments to the outside law enforcement officers, and cursed and yelled at them. On August 10, 2012, the officer was allegedly dishonest when he told the investigative services unit that he was not in possession of a weapon during the July 10, 2012, incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain all the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, before discipline was imposed, the hiring authority sought to reduce the penalty from dismissal to a salary reduction. The department attorney and the OIG sought a higher level of review, and the hiring authority's supervisor determined that the penalty of dismissal would remain. The OIG concurred with the hiring authority's supervisor. The officer filed an appeal with the State Personnel Board and, at hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the findings and penalty conference and wanted to unreasonably reduce the discipline initially imposed on the officer, which resulted in a higher level of review to maintain the initial penalty determination.

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 hiring authority received the investigative report on February 8, 2013, but did not hold the findings conference until April 19, 2013, 70 days later.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The hiring authority received the investigative report on February 8, 2013, but did not hold the penalty conference until April 19, 2013, 70 days later.
- Was an executive review invoked to raise an issue to a higher level of management in this case?

The hiring authority wanted to modify the penalty imposed against the officer from dismissal to a salary reduction. The department attorney and the OIG disagreed and sought a higher level of review. At the higher level of review, the hiring authority's supervisor determined that the penalty would remain as initially determined.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the initial findings and penalty conference in a timely manner.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-12	12-2678-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On August 12, 2012, a sergeant and a plant manager allegedly failed to properly videotape the controlled extraction of an inmate from his cell, failed to provide proper protective gear for officers during the extraction, failed to have a lieutenant present during the cell extraction, and failed to first seek intervention by a mental health professional. On the same day, a lieutenant allegedly failed to request clarifying reports from officers and failed to properly document the cell extraction.

Disposition

The hiring authority determined that there was sufficient evidence to sustain all allegations against the plant manager and the sergeant. The hiring authority imposed a salary reduction of 5 percent for 12 months on the plant manager and imposed a salary reduction of 10 percent for 12 months on the sergeant. The OIG concurred with the hiring authority's determinations. The plant manager did not file an appeal with the State Personnel Board. The sergeant filed an appeal with the State Personnel Board. Due to new information that significantly affected the credibility of a key witness, the department entered into a settlement agreement with the sergeant. The department agreed to modify the salary reduction to 10 percent for ten months in exchange for the sergeant agreeing to withdraw his appeal. The OIG concurred given the newly discovered information. The hiring authority determined there was insufficient evidence to sustain any allegations against the lieutenant.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-23	12-2852-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Suspension

Incident Summary

Between August 23, 2012, and August 29, 2012, a recreational therapist allegedly documented in his attendance record that he worked a full eight hours when he actually worked fewer than that. On August 31, 2012, and September 14, 2012, the recreational therapist allegedly documented that he provided one hour of group therapy to mental health inmates when he actually provided fewer than 30 minutes of group therapy.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the recreational therapist. The OIG concurred. The recreational therapist filed an appeal with the State Personnel Board. After the hearing, the State Personnel Board upheld the allegations of neglect of duty and dishonesty for a falsified time sheet on August 27, 2012, but did not sustain the other allegations. The State Personnel Board modified the penalty from dismissal to a 15 working-day suspension. The administrative law judge found that witnesses for both parties were credible and that there were no written guidelines regarding some of the allegations. Therefore, the department did not meet the burden of proof for those allegations.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, to timely conduct the findings and penalty conference, and to timely serve the disciplinary action. The department attorney failed to provide written confirmation of the penalty discussions and prepared a draft disciplinary action that contained incorrect information.

SOUTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on August 23, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 13, 2012, 82 calendar days after the date of discovery.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on December 12, 2012, but the consultation with the OIG and department attorney did not take place until February 20, 2013, 70 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on December 12, 2012, but the consultation with the OIG and department attorney did not take place until February 20, 2013, 70 days after receipt of the case.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney failed to provide the hiring authority or the OIG written confirmation of the penalty discussions.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action incorrectly listed the penalty as a suspension rather than dismissal and also listed an incorrect disciplinary officer to contact.
- 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 administrative law judge found that witnesses for both parties were credible as to some of the factual allegations. The administrative law judge found that there were no written guidelines regarding other factual allegations and that the recreational therapist was given discretion in performing his duties. Therefore, the department did not meet the burden of proof as to these factual allegations. The OIG found the administrative law judge's conclusions reasonable.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and timely conduct the findings and penalty conference. The findings and penalty conference took place on February 20, 2013, but the disciplinary action was not served until May 16, 2013, 85 calendar days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-30	13-1326-IR	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	No Change

Incident Summary

On August 30, 2012, a captain allegedly used his state phone to take several pictures of male and female genitals and to send and receive personal messages. On September 13, 2012, the captain also allegedly failed to remove himself from a promotional interview panel at which a subordinate sergeant, with whom he had a personal relationship, was being interviewed, and allegedly failed to disclose the relationship.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a salary reduction of 10 percent for 24 months. The OIG concurred. The captain did not file an appeal with the State Personnel Board.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The hiring authority and department attorney failed to conduct the investigative findings and disciplinary determinations in a timely manner. The department attorney failed to provide the hiring authority with proper legal advice. Additionally, the department attorney failed to provide written confirmation of the penalty discussions and failed to consult with the OIG regarding the disciplinary action before it was served on the captain. The disciplinary action that was served was legally deficient. The OIG recommended significant revisions to the action and the department attorney ultimately filed an amended action.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on November 27, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until 44 calendar days after receipt of the case.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney did not have a complete understanding of departmental policy and, as a result, made recommendations to the hiring authority that were contrary to policy and the best interests of the department.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on November 27, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until 44 calendar days after receipt of the case.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not fully analyze the facts of the case and, as a result, provided the hiring authority with inappropriate legal advice regarding factors that would aggravate or mitigate the penalty.
- 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.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The department attorney did not consult with the OIG concerning the draft disciplinary action. The action was served without the OIG's input.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The disciplinary action that was served on the employee was not drafted pursuant to departmental policy. The action did not contain the relevant policies upon which the action was based, did not contain the correct statutory authority for the action, and included factual inaccuracies. Further, as drafted, the action did not accurately describe the misconduct at issue.
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?
The disciplinary action that was served on the employee was not drafted pursuant to departmental policy. The action did not contain the relevant policies upon which the action was based, did not contain the correct statutory authority for the action, and included factual inaccuracies. Further, as drafted, the action did not accurately describe the misconduct. Even though the action had already been served, the OIG made significant recommendations to correct the action. As a result, the department attorney filed an amended disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-27	13-0161-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On October 27, 2012, an officer allegedly failed to conduct a mandatory standing count and falsely documented that he had conducted the count. Shortly thereafter, an inmate was found dead in his cell with rigor mortis and lividity.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations except dishonesty and imposed a 10 percent salary reduction for 24 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 12 months because the officer acknowledged that his actions violated policy and he should have been more attentive. Furthermore, he has since retrieved post orders whenever he cannot locate them in their designated location, he has since reviewed and implemented the standing count procedure despite resistance by other staff, and he expressed deep remorse for the death of the inmate and his actions. The OIG concurred with the reduction in penalty based upon the above information.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-08	13-0639-IR	1. Insubordination	1. Sustained	Dismissal	No Change

Incident Summary

On December 8, 2012, an officer allegedly failed to remain on institutional grounds to work an additional shift despite being directed to do so by a supervisor.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation in this case and also sustained allegations from a second case against the officer. Based on the sustained allegations in both cases, the hiring authority served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board related to both cases. At hearing on both cases, the State Personnel Board sustained the allegation in this case, sustained the allegations from the other case, and upheld the dismissal against the officer.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-12	13-0332-IR	1. Dishonesty	1. Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

Between December 12, 2012, and January 4, 2013, an officer allegedly presented false military orders to his supervisor in order to obtain days off from work. In addition, the officer allegedly submitted false employee attendance records reflecting that he was at work when, in fact, he was absent without prior supervisory approval. On April 23, 2013, the officer was allegedly dishonest to the Office of Internal Affairs about the matter.

SOUTH REGION

Disposition

The hiring authority sustained the allegations and served the officer with a notice of dismissal. However, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement accomplished the goal of terminating the officer's employment with the department.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-11	13-2455-IR	1. Neglect of Duty	1. Sustained	Counseling	No Change

Incident Summary

On January 11, 2013, a sergeant ordered two officers to remove two inmates from a cell and escort them to the program office. The sergeant allegedly failed to inform the officers that the inmates may possess a weapon. As a result, the officers did not handcuff the inmates prior to having the cell door opened. After the cell door was opened, one of the inmates appeared to have an inmate-manufactured weapon. That inmate moved in the direction of the officers and flushed the weapon down the toilet. One of the officers sprayed the inmate with pepper spray. Further, the sergeant allegedly failed to include all relevant information in his written report of the incident.

Disposition

The hiring authority sustained the allegation that the sergeant failed to give staff sufficient information to take appropriate precautions during the escort. The hiring authority found there was insufficient evidence to sustain the allegation regarding failing to include all relevant information in his written reports. The hiring authority provided the sergeant with corrective action. The OIG concurred.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-03	14-0519-IR	1. Discourteous Treatment	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On February 3, 2013, a lieutenant allegedly called an inmate a racially derogatory name.

Disposition

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

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner and once received, OIA Central Intake failed to approve an investigation to determine if the allegation was true. The disciplinary officer failed to enter the date of incident, date of discovery, and deadline for taking disciplinary action into CMS prior to the findings conference.

SOUTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The date of discovery was August 1, 2013, and the matter was not referred to the Office of Internal Affairs until January 30, 2014, nearly six months after the date of discovery.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
OIA Central Intake improperly decided that the hiring authority should discipline the lieutenant for using a racial epithet without first conducting an investigation to determine if the racial comment was actually made. The department attorney later recommended that the Office of Internal Affairs handle this case as part of an investigation into other allegations involving the same incident. The Office of Internal Affairs failed to follow the recommendation. An investigation of the other allegations later concluded the racial epithet was not made.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The date of incident, date of discovery and deadline for taking disciplinary action were not entered into CMS prior to the findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-08	13-1081-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Insubordination 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Letter of Instruction	No Change

Incident Summary

On February 8, 2013, a parole agent allegedly falsely documented in an official record that his direct supervisors gave him permission to attend a multi-agency task force arrest operation of a wanted parolee assigned to the parole agent's caseload when the parole agent did not have permission to attend. On February 11, 2013, the parole agent allegedly attended the arrest operation without supervisor approval.

Disposition

The hiring authority found that the parole agent had neglected his duty when he misdated and condensed case activities into a single entry on an official document. The hiring authority determined that there was insufficient evidence to sustain the allegation that the parole agent had been dishonest and insubordinate. The hiring authority imposed corrective action and issued the parole agent a letter of instruction. The OIG concurred.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-08	13-0623-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Discourteous Treatment Assault towards other person 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On March 8, 2013, an altercation occurred between an officer and his spouse during which the officer allegedly punched his wife in the face, resulting in a small cut to the wife's lip. The officer was arrested for domestic violence.

SOUTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer 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 the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 18 months because the officer was remorseful for his actions, understood that his actions were wrong, and was undergoing counseling. The officer agreed to withdraw his appeal. The OIG concurred because the officer took responsibility, was undergoing counseling, and the penalty was still significant.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake did not make a timely determination regarding the case. The disciplinary officer did not make any entry into CMS confirming relevant dates and failed to complete the CDC Form 3021. The hiring authority delayed conducting the findings and penalty conference and failed to timely serve the officer with the disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 26, 2013, but did not take action until May 8, 2013, 43 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on May 8, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and investigative findings did not occur until September 17, 2013, over four months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on May 8, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until September 17, 2013, more than four months after receipt of the case.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The disciplinary officer did not complete the CDC Form 3021.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on September 17, 2013; however, the officer was not served with the action until October 31, 2013, 44 days after the decision to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-27	13-1151-IR	1. Dishonesty 2. Neglect of Duty 3. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Sustained	Dismissal	No Change

Incident Summary

On March 27, 2013, an officer allegedly used a state computer to prepare a medical note that falsely stated the officer was absent from work because of a doctor's appointment. The officer allegedly submitted the false note to a supervisor.

SOUTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined that dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board but failed to appear at the hearing, and the appeal was dismissed.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-28	13-1797-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Salary Reduction

Incident Summary

On March 28, 2013, a youth counselor allegedly signed a log indicating that she completed three safety checks in a 30-minute period, when, in fact, she had not.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the youth counselor and determined that dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. At the *Skelly* hearing, the youth counselor showed remorse, was truthful and forthright, and explained that she made one entry in the log book 20 minutes before she was due to make that entry because she was concerned that she would not remember to do it, as that morning was particularly hectic in her work unit. Based on the information learned at the *Skelly* hearing, the department entered into a settlement agreement with the youth counselor and agreed to reduce the penalty to a salary reduction of 10 percent for 24 months. The OIG concurred with the settlement because the employee presented new information at the *Skelly* hearing, had received commendations in the past, and had received excellent performance reviews.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. OIA Central Intake failed to make a timely and proper initial determination on the case and failed to make a timely and proper determination on reconsideration of the case. The department attorney failed to provide written confirmation of penalty discussions.

SOUTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on March 28, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 8, 2013, more than three months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 8, 2013, but did not take action until September 21, 2013, 44 days after the receipt of the request.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG and the department attorney recommended that an allegation of dishonesty be added for falsifying an official record, but OIA Central Intake denied the request.
- If the case was submitted to OIA Central Intake or to the Chief of OIA for reconsideration, was an appropriate decision made regarding the request?
The hiring authority submitted the case to OIA Central Intake for reconsideration and requested an interview of the youth counselor, but the request was denied. As a result, the true nature of the youth counselor's alleged misconduct was not known until the youth counselor provided new information at the Skelly hearing.
- 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 OIG written confirmation of penalty discussions.
- Was the disciplinary phase conducted with due diligence by the department?
The disciplinary phase was not conducted with due diligence by the department. The hiring authority delayed in referring the matter to the Office of Internal Affairs, and OIA Central Intake failed to make a timely determination.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-22	13-2109-IR	<ol style="list-style-type: none"> Dishonesty Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On May 22, 2013, an officer allegedly told a supervisor that he had worked overtime when he had not. Based on the officer's claim that he worked overtime, the officer was permitted to drive a state vehicle home.

Disposition

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

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and to timely consult with the OIG and department attorney regarding the investigative findings. OIA Central Intake failed to timely make an initial determination and reconsideration regarding the case and failed to approve the request from the hiring authority for an investigation.

SOUTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on May 23, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 9, 2013, 78 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on August 9, 2013, but did not take action until September 25, 2013, 47 days after the receipt of the request.
- If the case was submitted to OIA Central Intake or to the Chief of OIA for reconsideration, was an appropriate decision made regarding the request?

At the findings conference, the hiring authority deemed the investigation insufficient and returned the case to OIA Central Intake with a request for full investigation or interview of the youth counselor. OIA Central Intake rejected that request and returned the case to the hiring authority to take action based on the information contained in the file. As a consequence, additional inquiries were undertaken by the hiring authority with the assistance of the department attorney and sufficient information was obtained for the hiring authority to take 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 case was returned to the hiring authority on September 25, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until November 5, 2013, 41 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on either the initial request for investigation or the hiring authority's request for reconsideration. The department failed to timely conduct the investigative findings, and following the Office of Internal Affairs' decision after reconsideration, the hiring authority again failed to timely conduct the second investigative findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-06-28	13-1796-IR	1. Contraband 2. Neglect of Duty	1. Sustained 2. Sustained		

Incident Summary

On June 28, 2013, an officer allegedly sat motionless and slept in a hospital waiting room for over 40 minutes while armed and on duty. The officer also allegedly introduced contraband when he brought his personal mobile phone into his secured work area.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and imposed a 10 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. At the *Skelly* hearing, the officer accepted responsibility for his actions, was remorseful, and emphasized how he had reported his own misconduct. Based on these mitigating factors, the hiring authority entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for eight months and the officer agreed to waive his right to file an appeal with the State Personnel Board. The OIG concurred with the settlement because of the mitigating factors presented at the *Skelly* hearing and the waiver of appeal rights.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination on the case, the disciplinary officer failed to assess the deadline to take disciplinary action, and the hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner.

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 11, 2013, but did not take action until August 21, 2013, 41 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The employee relations officer did not make any entry in CMS 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 that time.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on August 27, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until November 18, 2013, 83 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on August 27, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 18, 2013, 83 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely conduct the findings and penalty conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-10	13-2107-IR	1. Neglect of Duty	1. Sustained	Suspension	No Change

Incident Summary

On July 10, 2013, an officer allegedly failed to secure his off-duty weapon upon reporting for his assigned shift. The officer allegedly left the loaded semi-automatic handgun on the front seat of his personal vehicle in the staff parking lot, where it was discovered by custody staff.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the officer concerning his neglect of duty in failing to properly secure his firearm. The officer received a two working-day suspension. The OIG concurred with the hiring authority's determinations. The officer did not appeal to the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to take timely action on the case, the disciplinary officer did not make an entry into CMS confirming critical dates, and the hiring authority delayed conducting the findings and penalty conference.

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on August 5, 2013, but did not take action until September 25, 2013, 51 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The disciplinary officer did not make an entry into CMS prior to the findings conference 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.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on September 25, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation, and the investigative findings did not occur until February 11, 2014, more than four months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on September 25, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until February 11, 2014, more than four months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The Office of Internal Affairs failed to timely take action on the request for investigation, and the department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-15	13-1923-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On July 15, 2013, an officer was arrested for domestic violence after he allegedly engaged in a verbal argument with his wife, pushed her on a bed, and straddled her hips during the course of the argument.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 12 months. The OIG concurred. At the *Skelly* hearing the officer expressed remorse, took responsibility for his actions, and disclosed that he was participating in anger management counseling through the Employee Assistance Program. Based upon this information, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for six months. The OIG concurred because the officer took responsibility, was remorseful, was affirmatively taking steps to correct his behavior, and the penalty imposed was still significant.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-18	13-1968-IR	1. Dishonesty 2. Attendance-Unauthorized absence	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On July 18, 2013, an officer allegedly did not report for his assigned work shift and was dishonest to a sergeant when he falsely stated that he was told by another sergeant not to report to work because he was not in compliance with grooming standards.

Disposition

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

Disciplinary Assessment

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

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not timely conduct the findings and penalty conference and the employee relations officer did not make an entry into CMS confirming relevant dates.

Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make an entry into CMS confirming the relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on September 2, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation, and the investigative findings did not occur until January 27, 2014, nearly five months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-18	13-2331-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On July 18, 2013, an officer allegedly altered a form submitted to the personnel department to increase the amount of time off approved by a health care provider.

Disposition

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

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-08	14-0107-IR	1. Neglect of Duty	1. Not Sustained	Training	No Change

Incident Summary

On August 8, 2013, an officer and two prison industry authority supervisors allegedly failed to properly monitor inmates in the shoe factory. An inmate committed suicide in the shoe factory and his body was not found for approximately four hours. Additionally, the two prison industry authority supervisors allegedly failed to immediately activate their alarms upon discovery of the inmate.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation against the officer because prior to the incident, the post orders for the officer's position did not mandate that security checks be conducted in the shoe factory. The OIG concurred. Since the incident, the post orders have been modified to require regular security checks in the shoe factory along with other nearby areas. The hiring authority for the two Prison Industry Authority (PIA) supervisors did not sustain any of the allegations; however the two supervisors were given verbal training and training was provided to all PIA staff in the shoe factory concerning security awareness and alarm response. In addition, PIA instituted a new policy that prohibits inmates from being in the area where the suicide occurred without staff being present. The OIG was not consulted and did not concur with PIA's findings and penalty determination, however concurs with providing training to all staff and the policy change.

Disciplinary Assessment

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

The department failed to comply with policies and procedures. The hiring authority did not timely refer the matter to the Office of Internal Affairs, and OIA Central Intake did not take timely action on the matter after receiving the referral. The disciplinary officer did not make required entries into CMS.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The date of discovery was August 8, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until November 6, 2013, 90 days later.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on November 26, 2013, but did not take action until January 8, 2014, 43 days later.
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make any entry into CMS confirming relevant dates.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake failed to timely make a determination.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-19	13-2549-IR	1. Other Failure of Good Behavior 2. Driving Under the Influence 3. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On September 19, 2013, an off-duty officer allegedly drove his vehicle while under the influence of alcohol, used his state identification to request to be released, and was discourteous when he used profanity toward an outside law enforcement officer.

SOUTH REGION

Disposition

The hiring authority sustained all the allegations and imposed a salary reduction of 10 percent for 18 months. The OIG concurred. At a *Skelly* hearing, the officer expressed extreme remorse and shame, accepted responsibility, and emphasized personal issues that were occurring in his life at the time. Based on this new information, the hiring authority entered into a settlement agreement with the officer wherein the salary reduction was modified to 10 percent for 13 months and the officer waived his right to appeal to the State Personnel Board. Based on the factors presented at the *Skelly* hearing, the OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. The hiring authority failed to timely conduct the findings and penalty conference, and the disciplinary officer failed to make an entry in CMS regarding relevant dates.

Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on November 27, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until March 3, 2014, 96 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on November 27, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until March 3, 2014, 96 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-08	14-0243-IR	1. Insubordination	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On October 8, 2013, a lieutenant who was a witness in an investigation of alleged misconduct by custody staff allegedly discussed the case with another lieutenant after he had previously been admonished not to discuss the investigation.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a salary reduction of 10 percent for six months. The OIG concurred. At the *Skelly* hearing, the lieutenant was remorseful and regretted his actions and any embarrassment he caused the department. Due to this mitigating information, and the fact that there may have been legitimate reasons for the lieutenant to have been talking in general about some of the circumstances in the underlying investigation, the hiring authority elected to enter into a settlement agreement with the lieutenant wherein the penalty was reduced to a salary reduction of 5 percent for three months. In exchange, the lieutenant waived his right to appeal the action. The OIG concurred with the hiring authority's determinations based on the mitigating factors learned at the *Skelly* hearing. Additionally, the settlement served the purpose of reinforcing the requirement that staff not discuss confidential information.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-09	13-2653-IR	<ol style="list-style-type: none"> Misuse of Authority Other Failure of Good Behavior Dishonesty Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained 	Suspension	No Change

Incident Summary

On November 9, 2013, an officer allegedly interfered with an outside law enforcement investigation when he stepped in front of an outside law enforcement officer who was attempting to investigate possible criminal activity and contact a suspect. The officer allegedly used his position to delay the outside law enforcement officer and demanded information about the case before allowing the outside law enforcement officer to proceed. The officer was subsequently arrested for obstructing outside law enforcement. Further, the officer was allegedly dishonest when he told a captain from his institution that he did not know the identity of the suspect being pursued by outside law enforcement.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officer interfered with outside law enforcement in the performance of their duties and that he used his position as an officer to do so. The hiring authority determined there was insufficient evidence to sustain the allegation of dishonesty and for being discourteous in his request for information from outside law enforcement. The hiring authority imposed a penalty of a 60 working-day suspension without pay. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the officer in which the department agreed to remove the disciplinary action from the officer's official personnel file one year early in exchange for the officer withdrawing his appeal. The suspension remained unmodified. The OIG concurred with the settlement because the modification was insignificant.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-12	13-2763-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained 	Dismissal	No Change

Incident Summary

On November 12, 2013, an officer allegedly tested positive for marijuana during a random drug test.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

APPENDIX C1

COMBINED PHASE CASE SUMMARIES

CASES INVOLVING USE OF FORCE

CENTRAL REGION

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-14	13-0810-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On November 14, 2012, three sergeants allegedly placed an inmate in an outdoor holding cell for hours in cold weather, battering him and dousing him with cold water. An officer allegedly heard rumors of the misconduct and failed to report it.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake failed to approve an investigation, delaying more than 30 days. The special agent delayed four months before beginning interviews. Additionally, the investigation was completed with only ten days left before the deadline to take disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 15, 2013, but did not take action until June 12, 2013, 58 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs delayed making the decision to accept the case for investigation for 58 days following receipt of the request for investigation. After the case was accepted for investigation and an agent was assigned, there was no investigative activity, with the exception of checking on whether an inmate appeal had been filed and obtaining work schedules, prior to November 4, 2013, over four months later.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The investigation was not completed until February 3, 2014, only ten days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-24	13-2323-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 	Salary Reduction	Letter of Instruction

Incident Summary

On March 24, 2013, two officers allegedly used unreasonable force when one officer used pepper spray and the other officer delivered two baton strikes to an inmate who refused to submit to handcuffs.

CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, and the Office of Internal Affairs failed to conduct a thorough investigation and failed to complete the investigation until 33 days before the deadline to take disciplinary action against the officers.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on March 24, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 30, 2013, more than six months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs, and the investigation was not completed until 33 days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was March 24, 2014. The investigation was completed on February 19, 2014, only 33 days before the deadline to take disciplinary action.
- Was the investigation thorough and appropriately conducted?
The Office of Internal Affairs failed to conduct a thorough investigation. The investigation failed to uncover critical information related to use-of-force training that was later presented by the officers at their Skelly hearings.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officers used unreasonable force against the inmate and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. At their *Skelly* hearings, the officers provided information that the training they received from the department permitted the officers to utilize the force that they used during the incident. The hiring authority determined that the officers had, in fact, received improper training with regard to force used to gain compliance with a lawful order. In light of the information provided, the hiring authority deemed the salary reductions inappropriate under the circumstances and instead issued letters of instruction to the officers. The OIG agreed with the hiring authority's determinations due to the new information provided. The institution removed from the training materials the incorrect information relied upon by the officers and the department is in the process of revising its use-of-force policy and training.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-19	13-2031-IR	<ol style="list-style-type: none"> Failure to Report Use of Force Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On May 19, 2013, an officer allegedly punched an inmate in the face and failed to report the use of force.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the disciplinary phase. OIA Central Intake failed to make a timely determination regarding the case.

CENTRAL REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on June 10, 2013, but did not take action until August 21, 2013, 72 days after the receipt of the request.

- Was the predisciplinary/investigative phase conducted with due diligence?

OIA Central Intake received the request for investigation on June 10, 2013, but did not take action until August 21, 2013, 72 days after the receipt of the request.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-03	13-2324-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On August 3, 2013, an officer allegedly tackled an inmate to the ground, resulting in injury to the inmate. The officer and two other officers allegedly failed to report the use of force.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-11	13-2546-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On August 11, 2013, an officer allegedly used unreasonable force when he deployed pepper spray in an inmate's face after the inmate yelled that he wanted his program and refused orders to get down.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination regarding the case. The department attorney failed to timely assess relevant dates.

CENTRAL REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was August 13, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until October 21, 2013, 69 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on October 23, 2013, but did not take action until November 27, 2013, 35 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned on December 13, 2013, but did not make an entry into CMS regarding the deadline for taking disciplinary action until January 6, 2013, 24 calendar days after assignment.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to timely take action on it.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-29	13-0280-IR	<ol style="list-style-type: none"> 1. Insubordination 2. Neglect of Duty 3. Discourteous Treatment 4. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Salary Reduction	No Change

Incident Summary

On December 29, 2012, an officer allegedly used unreasonable force on an inmate by discharging pepper spray and striking him several times with a baton after the inmate refused to comply with an unclothed body search. The officer also allegedly placed the inmate face down on the floor unattended after the inmate had been contaminated with the pepper spray. The same officer was allegedly insubordinate and discourteous to a sergeant when he refused to obey an order to leave the dormitory where the incident occurred.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The department attorney initially assigned to the case never assessed the deadline to take disciplinary action and, several months later, reassigned the case to another attorney. Subsequently, there was no case activity by the department attorney during the period February 20, 2013, through April 10, 2013. The Office of Internal Affairs failed to notify the department attorney of the complainant's interview and failed to notify the OIG of the officer's interview. The investigation was completed less than 35 days before the deadline to take disciplinary action.

Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make an entry into CMS within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?
The department attorney failed to contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney failed to attend a percipient inmate witness interview.
- Was the predisciplinary/investigative phase conducted with due diligence?
The special agent was assigned on February 25, 2013, conducted one interview on April 10, 2013, but did not resume conducting interviews until July 23, 2013, over three months later.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was December 28, 2013. The investigation was not completed until December 18, 2013, only ten days before the deadline to take disciplinary action.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent scheduled and conducted the interview of the officer but failed to notify the OIG. As a result, the OIG did not attend the interview.
- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the investigative phase?
The special agent interviewed a percipient inmate witness on April 10, 2013. The department attorney was not present. There is no indication that the attorney was notified of the interview.

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Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of insubordination and discourteous treatment but did not sustain the allegations of unreasonable use of force and neglect of duty. The hiring authority imposed a 10 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 to reduce the penalty to a 10 percent salary reduction for six months because the officer accepted responsibility and expressed remorse for his actions. In exchange, the officer agreed to withdraw his appeal. The OIG did not concur with the settlement, but did not request a higher level of review.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-02	13-0485-IR	1. Failure to Report 2. Unreasonable Use of Force 3. Neglect of Duty 4. Disclosure of Confidential Information 5. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On February 2, 2013, two officers allegedly entered an inmate's cell. While they were inside the cell, the control booth officer allegedly closed the cell door with the officers inside. The two officers and the inmate exchanged hostilities, and one officer allegedly used unreasonable force when he pushed the inmate onto the bed and held him down by standing on his knee and allegedly failed to report his use of force. That officer also allegedly disclosed confidential information when he intentionally spoke out loud on the tier about the inmate being an informant. The second officer who was in the cell also allegedly failed to report the use of force he witnessed. A fourth officer allegedly destroyed the inmate's personal photographs during the cell search.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary phase. The Office of Internal Affairs did not initially process the matter in a timely manner, and the investigation was completed only 18 days before the deadline to take disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on February 12, 2013, but did not take action until March 20, 2013, 36 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake received the request for investigation on February 12, 2013, but did not take action until March 20, 2013, 36 days after the receipt of the request.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was February 4, 2014. The investigation was completed on January 17, 2014, only 18 days before the deadline to take disciplinary action.

Disposition

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

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Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-11	13-0998-IR	<ol style="list-style-type: none"> Failure to Report Unreasonable Use of Force 	<ol style="list-style-type: none"> Unfounded Unfounded 	No Penalty Imposed	No Change

Incident Summary

On February 11, 2013, an officer allegedly used unreasonable force when he discharged pepper spray on an inmate in a holding cell and failed to accurately report his use of force.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's predisciplinary process sufficiently complied with policies and procedures.	

Disposition

The hiring authority determined that the investigation conclusively proved the misconduct did not occur because the officer's use of force was reasonable and his report was not falsified. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-27	13-1458-IR	<ol style="list-style-type: none"> Failure to Report Use of Force Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On February, 27, 2013, an officer and a sergeant allegedly punched an inmate and stomped his foot when the inmate was removed from an administrative hearing. It is also alleged that another officer and a lieutenant observed the use of force and failed to report their observations.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The Office of Internal Affairs, department attorney, and hiring authority failed to comply with the departmental policies and procedures governing the predisciplinary process. OIA Central Intake did not process the case in a timely manner. The department attorney did not document the deadline for taking disciplinary action within 21 days. Finally, the investigation was not completed until 16 days before the deadline to take disciplinary action.	

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Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 22, 2013, but did not take action until July 31, 2013, 70 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned August 15, 2013, but did not make an entry into CMS regarding the deadline for taking disciplinary action until September 19, 2013, 35 calendar days after assignment.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake received the request for investigation on May 22, 2013, but did not take action until July 31, 2013, 70 days after the receipt of the request.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was February 28, 2014. The investigation was completed on February 12, 2014, only 16 days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

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

Overall the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-08	13-0643-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Neglect of Duty 3. Dishonesty 4. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On March 8, 2013, an officer allegedly used unreasonable force when she sprayed an inmate in the face and several times on the back of the head after the inmate refused to submit to handcuffs. Further, the officer allegedly struck the inmate with her baton multiple times, including once to the head while the inmate had his back to her. The officer also allegedly was not in possession of all appropriate safety equipment. She was also allegedly dishonest when she submitted a clarification report indicating that she inadvertently struck the inmate in the head, which was contrary to her original report indicating that she feared for her safety when she "delivered a final strike" to the inmate's head. Another officer allegedly observed the unreasonable use of force but failed to intervene. During the course of the investigation, it was discovered that a sergeant allegedly collaborated with the first officer in drafting a second report that contained the statement that her baton strike to the inmate's head was inadvertent. It was also alleged that a captain circumvented the use-of-force review process by asking the sergeant, who was not involved in the incident, to seek clarifications from the first officer.

Predisciplinary Assessment

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

Overall, the hiring authority and department attorney sufficiently complied with the department's policies and procedures; however, OIA Central Intake did not. OIA Central Intake failed to make a timely and appropriate initial determination regarding the case when it refused to adopt the OIG's recommendation that an allegation of dishonesty be added and investigated.

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Disposition

The hiring authority sustained the allegation that the officer used unreasonable force when she discharged the pepper spray and used her baton to strike the inmate and imposed a 10 percent salary reduction for 24 months. The OIG concurred. Following a *Skelly* hearing, the department entered into a settlement agreement with the officer whereby she accepted responsibility for her misconduct and gained insight into handling future incidents. The penalty was modified to a 5 percent salary reduction for 24 months. The OIG agreed based on the *Skelly* factors. The hiring authority also sustained the allegation that the second officer failed to intervene when the first officer used force on the inmate and imposed a 5 percent salary reduction for six months. During a *Skelly* hearing, the officer provided a credible explanation for his actions, noting he did not witness the initial confrontation between the first officer and the inmate. Based on this information, the hiring authority withdrew the action. The OIG concurred. The hiring authority did not sustain the allegation against the sergeant but did issue a letter of instruction in the area of obtaining proper clarification reports. The OIG concurred. The hiring authority did not sustain the allegation against the captain, but he was ordered to obtain on-the-job training regarding obtaining proper clarification reports. The OIG concurred.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-13	13-1894-IR	1. Dishonesty 2. Unreasonable Use of Force 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On March 13, 2013, an officer allegedly used unreasonable force when he physically took an inmate to the ground, placed his knee on the inmate's back, and placed the inmate in a chokehold. The officer was also allegedly dishonest when he wrote in an incident report that he used force because the inmate spun around and tried to strike him with his elbow. The officer allegedly uttered an obscenity at the inmate.

Predisciplinary Assessment

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

The hiring authority and the Office of Internal Affairs failed to comply with the departmental policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. OIA Central Intake failed to make a determination regarding the case within 30 calendar days. The Office of Internal Affairs investigation did not commence until five months after the investigation was assigned to an agent. The investigation was not completed at least 35 days before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the alleged misconduct on March 13, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until July 2, 2013, almost four months after the discovery date.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
The case was submitted to OIA Central Intake on July 2, 2013; however the Office of Internal Affairs did not make a determination regarding the case until September 4, 2013, more than 60 days after receiving the case from the hiring authority.
- Was the predisciplinary/investigative phase conducted with due diligence?
The special agent was assigned the case on September 10, 2013, but no interviews occurred until February 10, 2014, five months after the special agent was assigned.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The report was completed and submitted to the hiring authority on February 26, 2014, only 14 days before the deadline to take disciplinary action.

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Disposition

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

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-20	13-1826-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On March 20, 2013, two officers allegedly failed to notify their supervisor that an inmate was refusing to turn over his food tray and then allegedly used unreasonable force when they deployed four cans of pepper spray at the inmate.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the predisciplinary process. Neither the hiring authority nor OIA Central Intake processed the case in a timely manner. Additionally, the department attorney failed to document the deadline to take disciplinary action in a timely manner.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was April 17, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until June 26, 2013, 70 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 2, 2013, but did not take action until August 21, 2013, 50 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned September 17, 2013, but did not make an entry into CMS regarding the deadline for taking disciplinary action until January 8, 2014, almost four months after assignment.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs, and the Office of Internal Affairs delayed making a determination on the referral.

Disposition

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

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

Overall, the department attorney sufficiently complied with the departmental policies and procedures; however, the hiring authority did not. The hiring authority failed to conduct the findings conference in a timely manner.

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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 February 25, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 7, 2014, 41 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed conducting the findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-22	13-1457-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report Use of Force 3. Unreasonable Use of Force 4. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	No Change

Incident Summary

On March 22, 2013, an officer allegedly pulled an inmate's hair while conducting a search. The officer allegedly failed to report this use of force and was allegedly dishonest during her investigative interview. In addition, another officer allegedly witnessed the first officer's force and failed to report the incident.

Predisciplinary Assessment

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

The Office of Internal Affairs and hiring authority failed to comply with the departmental policies and procedures. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to timely take action on the hiring authority's request. The report was completed and submitted to the hiring authority with only six days left before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on March 23, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 13, 2013, 51 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 16, 2013, but did not take action until July 31, 2013, 76 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department learned of the misconduct on March 23, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 13, 2013, 51 days after the date of discovery. OIA Central Intake received the request for investigation on May 16, 2013, but did not take action until July 31, 2013, 76 days after the receipt of the request.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The report was completed and submitted to the hiring authority with only six days left before the deadline to take disciplinary action.

Disposition

The hiring authority sustained the allegations against the officer who used unreasonable force and determined that dismissal was the appropriate penalty. However, the officer was previously terminated on another case prior to the completion of the investigation; therefore, disciplinary action was not taken. The hiring authority determined there was insufficient evidence to sustain the allegation against the other officer. The OIG concurred with the hiring authority's determinations.

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Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-27	13-0852-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On March 27, 2013, an inmate reportedly entered a program office without permission, demanded to see a sergeant, and refused custody staff's directions to leave or submit to handcuffing. Two officers used physical force to place the inmate on the ground. Once the inmate was placed on the ground, the two officers allegedly used unreasonable force by slamming the inmate's head on the ground multiple times, punching him in the face several times, and pressing a knee on his left ear. A third officer who responded to the incident allegedly failed to properly document the force he witnessed.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's predisciplinary process sufficiently complied with policies and procedures.	

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against the officers. 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.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-09	13-0821-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Failure to Report 3. Unreasonable Use of Force 4. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On April 9, 2013, an officer allegedly used unreasonable force when he kicked an inmate's legs apart to facilitate a search of the inmate, grabbed the inmate by the hair, and pushed the inmate's head into a wall. Another officer allegedly threw the inmate's property to the cell floor, broke a cable outlet, threatened the inmate, and did not report the use of force by the other officer. Four other officers allegedly failed to report the use of force they witnessed.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	

Disposition

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

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Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-25	13-1638-IR	<ol style="list-style-type: none"> Failure to Report Use of Force Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On April 25, 2013, a captain allegedly failed to ensure that a cell extraction video recording was continued during the medical evaluation of an inmate, used unreasonable force on the inmate while the video recording was stopped, and failed to report the use of force. On the same date, a lieutenant allegedly ordered that a cell extraction video recording be stopped during the medical evaluation of the inmate, that he used unreasonable force on the inmate while the video recording was stopped, and that he failed to report the use of force. An officer allegedly failed to properly videotape the cell extraction of the inmate.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to timely take action on the hiring authority's request.	

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 4, 2014, but did not take action until August 16, 2014, 74 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake received the request for investigation on June 4, 2013, but did not take action until August 16, 2013, 74 days after the receipt of the request.

Disposition

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

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-04	13-1551-IR	<ol style="list-style-type: none"> Failure to Report Use of Force 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On May 4, 2013, an officer allegedly failed to report his use of force on an inmate who was suspected of swallowing an inmate note. Two other officers allegedly failed to report the use of force they witnessed.

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Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The Office of Internal Affairs failed to comply with the departmental policies and procedures governing the predisciplinary process. OIA Central Intake failed to process the case in a timely manner, and the investigation was completed and submitted to the hiring authority only 19 days before the deadline to take disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 19, 2013, but did not take action until August 7, 2013, 49 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake received the request for investigation on June 19, 2013, but did not take action until August 7, 2013, 49 days after the receipt of the request.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was May 5, 2014. The investigation was completed on April 16, 2014, only 19 days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-06	13-2254-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On June 6, 2013, four officers allegedly used unreasonable force on an inmate when they forced the inmate to the ground and dragged him to a health care annex. Additionally, the officers allegedly failed to report their use of force. Three sergeants allegedly witnessed the incident and failed to intervene and failed to report the force they observed. One of the sergeants allegedly did not recuse himself as the video camera operator during the inmate's interview even though he was involved in the incident. A lieutenant also allegedly allowed the sergeant to remain as the camera operator. Four other officers allegedly witnessed the incident and failed to report the use of force they witnessed.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The Office of Internal Affairs failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to process the case in a timely manner, and the investigation was completed only eight days prior to the deadline to take disciplinary action.

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Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 26, 2013, but did not take action until October 16, 2013, 82 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake did not process the case in a timely manner, and the investigation was completed eight days prior the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The report was completed and submitted to the hiring authority only eight days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-07	13-1979-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On June 7, 2013, an officer allegedly used unreasonable force during an escort when he pushed an inmate into a railing and pulled down hard on the inmate's handcuffs, causing injury to the inmate's wrists and shoulders. The officer also allegedly failed to report the use of force. Another officer allegedly witnessed the incident and also failed to report the use of force witnessed.

Predisciplinary Assessment

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

The hiring authority and Office of Internal Affairs failed to comply with the departmental policies and procedures governing the predisciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner, and the report was completed and submitted to the hiring authority only 28 days before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on June 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 9, 2013, 59 days after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department learned of the misconduct on June 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 9, 2013, 59 days after the date of discovery.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was June 11, 2014. The investigation was completed on May 14, 2014, only 28 days before the deadline to take disciplinary action.

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Disposition

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

Disciplinary Assessment

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

The department's disciplinary process complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-13	13-2361-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	Training	No Change

Incident Summary

On June 13, 2013, an officer allegedly repeatedly struck an inmate with his baton during a cell extraction and failed to accurately document the number of baton strikes he used on the inmate. Two officers who observed the use of force allegedly failed to report their observations. A lieutenant allegedly failed to directly supervise or intervene during the incident and failed to properly review and document discrepancies in the review of the incident. A captain and an associate warden allegedly failed to properly review and document discrepancies in their review of the incident.

Predisciplinary Assessment

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

The Office of Internal Affairs and the hiring authority failed to comply with the departmental policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to timely complete its investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on July 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 25, 2013, 76 days after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department learned of the misconduct on July 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 25, 2013, 76 days after the date of discovery.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The report was completed and submitted to the hiring authority with only 22 days left before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-19	13-2443-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Letter of Instruction

Incident Summary

On June 19, 2013, a youth counselor allegedly grabbed a ward and slammed him onto the ground after the ward started to climb a bookcase even though the ward posed no threat to the counselor. Additionally, the youth counselor allegedly submitted an inaccurate report relating to the circumstances surrounding the incident.

Predisciplinary Assessment

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

The hiring authority failed to comply with the departmental policies and procedures governing the predisciplinary process. The hiring authority waited over three months after discovering the misconduct to refer the matter to the Office of Internal Affairs for investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on June 19, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 3, 2013, 106 days after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. At the *Skelly* hearing it was noted that the institution's executive review committee had previously determined the youth counselor's use of force to be reasonable. The hiring authority withdrew the use-of-force allegation, but upheld the other allegation regarding the deficient report-writing. The hiring authority elected to withdraw the disciplinary action and instead issued a letter of instruction and required further training on report-writing. The OIG did not concur.

Disciplinary Assessment

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

The hiring authority complied with the department's policies and procedures governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-24	13-2046-IR	<ol style="list-style-type: none"> Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On June 24, 2013, two officers allegedly used unreasonable force while escorting a resistive inmate from a shower to his cell. The inmate suffered a laceration to his head and a broken left arm after the officers forced him to the ground.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to process the case in a timely manner. The department attorney failed to document critical case dates and contact the assigned special agent to discuss the case in a timely manner. The Office of Internal Affairs failed to conduct the investigation in a timely manner, and the investigation was completed only 27 days before the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 26, 2013, but did not take action until September 18, 2013, 54 days after receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned October 3, 2013, but did not make an entry into CMS regarding the deadline for taking disciplinary action until October 25, 2013, 22 calendar days after assignment.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?
The department attorney was assigned October 3, 2013, but did contact not the assigned special agent until October 25, 2013, 22 calendar days after assignment.
- Was the predisiplinary/investigative phase conducted with due diligence?
OIA Central Intake accepted the case for investigation on September 18, 2013. However, no substantive case work occurred until April 22, 2014, more than seven months later.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was July 2, 2014. The investigation was completed on June 5, 2014, only 27 days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-20	13-2442-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On July 20, 2013, a youth counselor allegedly used unreasonable force on a ward when he charged the ward, grabbed him, and wrestled him to the floor while the ward was trying to walk away. Further, the youth counselor allegedly knowingly submitted an inaccurate report concerning his use of force.

Predisiplinary Assessment

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

The hiring authority failed to comply with its policies and procedures governing the predisiplinary process. The hiring authority delayed in referring the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to timely take action on the request for an investigation.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on July 20, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 3, 2013, 75 days later.

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on October 7, 2013, but did not take action until November 13, 2013, 37 days after receipt of the request.

- Was the predisciplinary/investigative phase conducted with due diligence?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the hiring authority's referral.

Disposition

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

Disciplinary Assessment

Procedural Rating:	Sufficient
Substantive Rating:	Sufficient

The department's disciplinary process sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-06-16	13-2655-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Failure to Report 	<ol style="list-style-type: none"> 1. Unfounded 2. Unfounded 	No Penalty Imposed	No Change

Incident Summary

On June 16, 2011, two parole agents allegedly used unreasonable force on a parolee during an arrest for a violation of parole. The force allegedly caused a back injury to the parolee. When the parolee allegedly informed a third agent of the incident, that agent allegedly failed to report the matter to his supervisor.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Disposition

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

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-22	13-2044-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On January 22, 2013, a youth counselor allegedly engaged in a verbal argument with a ward and used unreasonable physical force when he pulled the ward down to the ground by the ward's shoulders.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority failed to submit the request for investigation in a timely manner, and OIA Central Intake failed to make a timely determination regarding the case.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on January 22, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 7, 2013, more than three months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 7, 2013, but did not take action until September 18, 2013, more than four months after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department learned of the misconduct on January 22, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 7, 2013, more than three months after the date of discovery. OIA Central Intake received the request for investigation on May 7, 2013, but did not take action until September 18, 2013, more than four months after the receipt of the request.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation against the youth counselor. The OIG concurred with the hiring authority's determinations.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-29	13-1972-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On March 29, 2013, two inmates were fighting on the yard. An officer responded to the scene and ordered the inmates to stop fighting and get down on the ground. Although the inmates stopped fighting, they did not get down on the ground. The officer deployed pepper spray in the inmate's face, causing that inmate to get down. The second inmate was already on the ground and complying with orders when the officer allegedly discharged pepper spray in his face.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The hiring authority and Office of Internal Affairs failed to comply with the departmental policies and procedures governing the predisciplinary process. The hiring authority failed to submit the request for investigation in a timely manner and OIA Central Intake failed to make a timely determination regarding the case.	

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on March 29, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 14, 2013, 77 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 27, 2013, but did not take action until September 11, 2013, 76 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department learned of the misconduct on March 29, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 14, 2013, 77 days after the date of discovery.

Disposition

The hiring authority determined that the evidence did not support the allegation of unreasonable use of force. The OIG concurred.

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures.	

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-29	13-2042-IR	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Failure to Report Use of Force 3. Unreasonable Use of Force 4. Neglect of Duty 5. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Unfounded 2. Unfounded 3. Unfounded 4. Unfounded 5. Unfounded 	No Penalty Imposed	No Change

Incident Summary

On May 29, 2013, an inmate alleged that he had been sexually assaulted by two officers and was not provided prompt medical care by the same officers. The officers allegedly did not report the incident. Additionally, when the inmate subsequently reported the alleged sexual assault to a licensed psychiatric technician and a licensed vocational nurse, they each allegedly failed to take immediate action and ensure the inmate was provided medical care.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority for the two officers determined the investigation conclusively proved the misconduct did not occur and determined that the allegations were unfounded. The hiring authority for the medical staff likewise determined that the allegations were unfounded. The OIG concurred with both hiring authorities' determinations.

Disciplinary Assessment

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

The department failed to comply with the departmental policies and procedures regarding the disciplinary process. The department attorney and the medical hiring authority for the licensed psychiatric technician and the licensed vocational nurse conducted the penalty and findings conference concerning the investigation without notifying or involving the OIG.

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 hiring authority for the licensed psychiatric technician and for the licensed vocational nurse did not initially consult with the OIG before making a decision on investigative findings.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney engaged in the investigative findings conference with the medical hiring authority without notifying the OIG.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The medical hiring authority engaged in the investigative findings conference without notifying the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority for the licensed psychiatric technician and for the licensed vocational nurse did not initially consult with the OIG before making a decision on investigative findings.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-27	14-0405-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On June 27, 2013, an officer from the investigative services unit allegedly punched an inmate in his rib cage and face and choked him during an interview and subsequently failed to report the incident. Another two officers from the investigative services unit were also present and allegedly failed to report the unreasonable use of force on the inmate.

Predisciplinary Assessment

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

The hiring authority, the Office of Internal Affairs, and the department attorney failed to comply with departmental policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. Additionally, OIA Central Intake initially incorrectly decided that an investigation was not warranted. After the OIG identified the evidence that indicated an investigation should be opened, including corroborating injuries suffered by the complaining inmate, OIA Central Intake eventually decided to authorize an investigation. Finally, the department attorney failed to provide written confirmation summarizing critical discussions about the investigative report to the special agent with a copy to the OIG.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on June 28, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 26, 2013, more than five months after the date of discovery.
- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?
OIA Central Intake initially decided that an investigation was not warranted. After the OIG identified the evidence that indicated an investigation should be opened, including corroborating injuries suffered by the complaining inmate, the OIA Central Intake eventually decided to authorize an investigation.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide written confirmation summarizing critical discussions about the investigative report to the special agent with a copy to the OIG.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-28	13-1970-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On June 28, 2013, two officers allegedly struck an inmate in the back of the head with their batons as they attempted to remove the inmate from a housing unit.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The Office of Internal Affairs failed to comply with departmental policies and procedures governing the predisciplinary process. The Office of Internal Affairs delayed in taking action on the case and the special agent delayed in completing the investigation, which left the hiring authority only 24 days to take disciplinary action on the case.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on July 25, 2013, but did not take action until September 6, 2013, 43 days after the receipt of the request.

- Was the predisciplinary/investigative phase conducted with due diligence?

The Office of Internal Affairs did not conduct the investigation with due diligence. OIA Central Intake did not approve the case for investigation until September 4, 2013, 41 days after receipt of the case. The special agent was assigned to the case on September 19, 2013. The first interview in the case was not held until March 3, 2014, more than five months later. The investigation was completed on June 4, 2014, only 24 days before the deadline to take disciplinary action.

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The deadline to take disciplinary action was June 28, 2014. The investigation was completed on June 4, 2014, only 24 days before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations but also determined that the officers should have used better judgment in requesting assistance before attempting to remove the inmate from the unit. The hiring authority directed the officers to complete on-the-job training regarding this issue, and the officers did so. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-04	13-2762-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On September 4, 2013, a youth counselor allegedly deployed pepper spray on a ward and pushed the ward to the ground when he refused orders to return to his room.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority did not timely refer the matter to the Office of Internal Affairs, and the OIA Central Intake delayed in taking action on the case.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on September 4, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 21, 2013, 78 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on November 21, 2013, but did not take action until December 24, 2013, 33 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs, and OIA Central Intake failed to make a timely determination regarding the hiring authority's request.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-15	13-2392-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On September 15, 2013, a youth counselor allegedly used unreasonable force when he choked a ward who refused to comply with instructions to return to his room.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation of unreasonable use of force against the youth counselor. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

APPENDIX C2
COMBINED PHASE CASE SUMMARIES
CASES NOT INVOLVING USE OF FORCE
CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-08	13-0740-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary	
On June 8, 2012, an officer allegedly falsified a report and forged another officer's signature.	
Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-14	13-2547-IR	1. Contraband	1. Sustained	Dismissal	No Change

Incident Summary	
Between September 14, 2012, and February 2, 2013, an officer allegedly conspired with inmates to bring mobile phones and tobacco into an institution and accepted bribes for these items.	
Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's predisciplinary process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority determined there was sufficient evidence to sustain the allegation against the officer and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-01	13-0607-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On November 1, 2012, an officer allegedly received a note from an inmate claiming he had a weapon in his cell. The officer searched the inmate's cell and discovered nothing but allegedly failed to make appropriate notifications to supervisors and failed to write the required report. On December 1, 2012, a lieutenant and a sergeant allegedly failed to take appropriate action after learning the inmate had attempted to manufacture a weapon. On December 11, 2012, a correctional counselor allegedly failed to take appropriate action to ensure the inmate's safety after the inmate reported that he was in trouble for owing a drug debt. On February 6, 2013, the inmate attacked a second inmate. Following the attack, a second sergeant allegedly failed to take appropriate action and negligently returned both inmates together to the same facility.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to conduct the investigation with due diligence and failed to include all relevant interview summaries in the draft and first version of the final investigative reports.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 27, 2013, but did not take action until May 6, 2013, 40 days after the receipt of the request.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not contain a summary of all interviews conducted.
- Was the final investigative report thorough and appropriately drafted?
The final investigative reports provided to the hiring authority failed to contain a summary of all interviews conducted. After further consultation with the OIG, the Office of Internal Affairs asked the hiring authority to return the reports. The hiring authority returned the reports then the Office of Internal Affairs corrected them and issued new reports.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake approved the case for investigation on May 1, 2013, and the special agent was assigned on May 10, 2013; however, the special agent did not conduct the first interview until August 14, 2013, 96 days after being assigned.

Disposition

The hiring authority sustained the allegation against the officer and imposed a 5 percent salary reduction for two months. The OIG concurred. The officer did not appeal. The hiring authority sustained the allegation against the lieutenant and imposed a 5 percent salary reduction for three months. The OIG concurred. At the *Skelly* hearing, the lieutenant demonstrated remorse for failing to document the interaction with the inmate. Based on this new information, the hiring authority entered into a settlement wherein the penalty was reduced to a 5 percent salary reduction for one month and the lieutenant agreed to waive his appeal rights. The OIG concurred. The hiring authority determined there was insufficient evidence to sustain the allegation against the first sergeant but received an employee counseling record regarding the need to document inmate possession of dangerous contraband. The hiring authority also determined there was insufficient evidence to sustain the allegations against the second sergeant and the correctional counselor. The OIG also concurred with these determinations.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-04	13-0497-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	No Change

Incident Summary

On November 4, 2012, an officer was arrested after he allegedly grabbed his wife by the neck, threw her to the ground, and knocked her unconscious. He was also allegedly dishonest to local law enforcement when he said his wife's injuries were not a result of him pushing her. The officer also allegedly failed to report his arrest to the hiring authority.

Predisciplinary Assessment

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

The department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority sustained the allegations that the officer battered his wife and was dishonest to local law enforcement officers. The hiring authority did not sustain the allegation that the officer failed to report his arrest. Dismissal was determined to be the appropriate penalty; however, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-20	14-0281-IR	<ol style="list-style-type: none"> Sexual Misconduct 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On November 20, 2012, an off-duty officer allegedly sexually assaulted a woman he was dating. The woman reported the alleged assault to the department on February 15, 2013.

Predisciplinary Assessment

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

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The case was neither referred to nor processed by the Office of Internal Affairs in a timely manner, and the investigation was not completed until twenty days before the deadline to take disciplinary action.

CENTRAL REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on February 15, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 14, 2013, 88 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 16, 2013, but did not take action until July 24, 2013, 69 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department did not open an investigation into the matter for over five months. The investigative report was completed with twenty days remaining to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was March 4, 2014, and the investigation was not completed until February 12, 2014, 20 days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-28	13-2117-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Incident Summary

Between January 28, 2013, and February 1, 2013, an officer allegedly failed to comply with scheduled tuberculosis testing. On July 2, 2013, the officer was allegedly dishonest when he told the employee relations officer that he had completed the testing.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake delayed making a determination regarding the case, and the investigation was not conducted with due diligence.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on August 1, 2013, but did not take action until September 25, 2013, 55 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The special agent was assigned on September 25, 2013, and an initial case conference was held on October 31, 2013. However, no substantive investigative work was commenced until April 29, 2014, more than seven months after assignment to the special agent.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations because the officer had received a tuberculosis test through another agency and reasonably believed he had met the department's requirement. The OIG concurred with the hiring authority's determination.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-29	13-0754-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On January 29, 2013, a lieutenant allegedly failed to ensure inmate showers were conducted according to recently modified program orders. The lieutenant was also allegedly dishonest when he reported that redirection of staff prevented the required inmate showers.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The hiring authority and the special agent failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed 93 days after the discovery of the misconduct to refer the matter to OIA Central Intake for investigation. Additionally, the special agent failed to obtain relevant, local operational supplements and post orders that eventually helped to exculpate the lieutenant. Finally, a witness who could have provided material information was never interviewed.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was January 29, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until May 2, 2013, more than three months after the date of discovery.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not obtain relevant, local operational supplements or the lieutenant's post orders, although the Investigator's Field Guide recommends obtaining institution-specific policies and post orders.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed more than three months before referring the matter to the Office of Internal Affairs.
- Was the investigation thorough and appropriately conducted?
The special agent failed to obtain relevant, local operational supplements and the lieutenant's post orders. The hiring authority noted the absence of these documents and made efforts to obtain these documents in order to make a final determination on the case. Additionally, a witness who may have given specific instructions to the lieutenant regarding the inmate showers was never interviewed.

Disposition

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

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-01	13-0752-IR	1. Contraband	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

Between February 1, 2013, and March 13, 2013, two officers allegedly conspired with inmates to bring mobile phones into the institution.

CENTRAL REGION

Predisciplinary Assessment		Procedural Rating: Insufficient Substantive Rating: Sufficient		
<p>The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake failed to make a timely determination regarding the case. The special agent did not conduct interviews until over four months after being assigned. The investigative report was completed and submitted to the hiring authority with only 13 days left before the deadline to take disciplinary action.</p>				
Assessment Questions				
<ul style="list-style-type: none"> Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the request for investigation on March 19, 2013, but did not take action until April 24, 2013, 36 days after the receipt of the request.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The special agent was assigned on June 13, 2013; however, the interviews did not commence until October 29, 2013, more than four months later. The investigative report was completed and submitted to the hiring authority with only 13 days left before the deadline to take disciplinary action.</i> Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The administrative investigation was completed on January 30, 2014, just 13 days before the deadline to take disciplinary action.</i> 				
Disposition				
<p>The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.</p>				
Disciplinary Assessment		Procedural Rating: Sufficient Substantive Rating: Sufficient		
<p>The department's disciplinary process sufficiently complied with policies and procedures.</p>				
Incident Date 2013-02-03	OIG Case Number 13-0753-IR	Allegations 1. Dishonesty	Findings 1. Sustained	Penalty <small>INITIAL</small> Dismissal <small>FINAL</small> No Change
Incident Summary				
<p>On February 3, 2013, an officer allegedly provided false information and forged a physician's signature on the officer's Family and Medical Leave Act paperwork.</p>				
Predisciplinary Assessment		Procedural Rating: Insufficient Substantive Rating: Sufficient		
<p>The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The special agent delayed several months before conducting interviews on the case, contributing to the investigation being completed with only 29 days left before the deadline to take disciplinary action.</p>				

CENTRAL REGION

Assessment Questions

- Was the predisciplinary/investigative phase conducted with due diligence?

The special agent was assigned on June 4, 2013, but did not start conducting interviews until November 22, 2013, almost six months later.

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The deadline to take disciplinary action was April 2, 2014. The investigation was completed on March 4, 2014, only 29 days before the deadline to take disciplinary action.

- Was the investigation thorough and appropriately conducted?

The investigation was thorough, but there was a very long delay in starting case interviews. The delay impacted the investigation because the investigation was completed with only 29 days left before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the officer and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the dismissal took effect. A letter indicating the officer resigned under unfavorable circumstances was placed in the officer's official personnel file.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to advise the OIG that the officer's Skelly hearing had been scheduled. Due to the lack of notice, the OIG was unable to attend the Skelly hearing.

Assessment Questions

- If there was a Skelly hearing, was it conducted pursuant to DOM?

The OIG was not notified of the Skelly hearing by the disciplinary officer. The OIG only found out about the Skelly hearing when the department attorney sent an email during the Skelly hearing to see if the OIG had ever been notified. Due to the lack of prior notice from the disciplinary officer, the OIG was unable to attend the Skelly hearing.

- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The disciplinary officer failed to notify the OIG that the officer's Skelly hearing had been scheduled. Due to this failure, the OIG was unable to attend the Skelly hearing.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-01	13-0581-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On March 1, 2013, and March 2, 2013, two officers were allegedly dishonest when they recorded multiple counts of an inmate after he had escaped.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process because it delayed conducting the investigation.

Assessment Questions

- Was the predisciplinary/investigative phase conducted with due diligence?

The special agent was assigned on April 26, 2013; however, no substantive investigative work was commenced until September 8, 2103, more than four months later. Furthermore, the interviews of the officers did not occur until December 30, 2013, more than eight months after assignment.

CENTRAL REGION

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations because the evidence did not establish that the inmate had escaped prior to the inmate counts made by the officers. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-21	13-1824-IR	<ol style="list-style-type: none"> Neglect of Duty Discourteous Treatment 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On April 21, 2013, an officer allegedly intentionally grabbed an inmate's genitals during a clothed body search. The officer was allegedly discourteous towards the inmate when he used vulgar language and threatened to use physical force against the inmate.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

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

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-03	13-2321-IR	<ol style="list-style-type: none"> Dishonesty Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On May 3, 2013, an officer was allegedly overly familiar with an inmate when the officer gave the inmate a mobile phone that had been previously confiscated from another inmate. The officer also allegedly falsified evidence logs by documenting that he placed that same mobile phone into an evidence locker even though he had not. Further, the officer allegedly was dishonest to a supervisor when the officer denied giving the mobile phone to an inmate.

Predisciplinary Assessment

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

The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process by failing to timely refer the matter to the Office of Internal Affairs for investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on May 6, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 9, 2013, four months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

CENTRAL REGION

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 disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. The department attorney failed to provide the hiring authority with adequate legal advice.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-15	13-1536-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Discourteous Treatment 4. Controlled substances 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	No Change

Incident Summary

On May 15, 2013, an off-duty officer allegedly attempted to burn various items in her driveway and allegedly yelled profanities at outside law enforcement as they responded to investigate a report of arson. The officer also allegedly admitted ownership of marijuana that had been found on the dashboard of her vehicle, claiming that she had a medical marijuana card. The officer was arrested and charged with three counts of felony arson.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was sufficient evidence to sustain all of the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was nonpunitive terminated prior to service of the disciplinary action. A letter indicating the department reserved the right to reopen disciplinary proceedings was mailed to the officer's last known address.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-05	13-1969-IR	<ol style="list-style-type: none"> 1. Dishonesty 	<ol style="list-style-type: none"> 1. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On June 5, 2013, an officer allegedly prepared a false report stating that he observed inmates attempting to hide narcotics behind a poster and hide a weapon behind a trash can, when the officer had actually obtained that information from a confidential informant.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation against the officer; however, a letter of instruction was issued to the officer because his written report concerning the incident was not complete, which caused the hiring authority to initiate the investigation against the officer. The OIG concurred with the hiring authority's determinations.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty				
2013-07-09	13-2552-IR	1. Dishonesty	1. Unfounded	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">INITIAL</td> <td style="text-align: center; font-size: small;">FINAL</td> </tr> <tr> <td style="text-align: center;">No Penalty Imposed</td> <td style="text-align: center;">No Change</td> </tr> </table>	INITIAL	FINAL	No Penalty Imposed	No Change
INITIAL	FINAL							
No Penalty Imposed	No Change							

Incident Summary
 On July 9, 2013, an officer was allegedly dishonest when he submitted a disability verification form with an altered return-to-work date.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The OIA Central Intake did not take action on the request for investigation for nearly four months and the Office of Internal Affairs did not begin the investigation for nearly four months thereafter.	

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on August 5, 2013, but did not take action until December 3, 2013, nearly four months after receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney made a timely entry into CMS, but the analysis regarding the deadline for taking disciplinary action was a month later than the accurate date.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake received the request for investigation on August 5, 2013, but did not take action until December 3, 2013, nearly four months after receipt of the request. Thereafter, the Office of Internal Affairs did not begin to actively investigate the case until March 26, 2014, nearly four months after assignment.

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-27	13-2318-IR	<ol style="list-style-type: none"> 1. Contraband 2. Misuse of Authority 3. Over-Familiarity 4. Disclosure of Confidential Information 5. Improper Access to Confidential Information 	<ol style="list-style-type: none"> 1. Unfounded 2. Unfounded 3. Unfounded 4. Unfounded 5. Unfounded 	No Penalty Imposed	No Change

Incident Summary

On August 27, 2013, an officer allegedly accessed confidential information about an inmate informant from a departmental computer system. The officer allegedly provided that inmate's confidential information to members of a prison gang. It was further alleged that a second officer provided another inmate with nail clippers and a pornographic magazine on an unknown date.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The special agent failed to do a site visit before conducting interviews to determine whether an inmate informant could actually see and hear what the inmate informant had claimed. The special agent also failed to adequately consult with the department's computer expert, prior to an officer's interview, to accurately determine if that officer had actually accessed confidential information, and whether the officer could even access the confidential information. The first draft of the investigative report failed to indicate that an analysis of computer records established that the officer did not access, and in fact did not even have access to, the confidential information the officer allegedly provided to prison gang members. After OIG intervention, the special agent changed his report to show that the officer did not access or have access to the confidential information on the computer.

Assessment Questions

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

The special agent conducted an inadequate and incomplete analysis of computer records, causing the special agent to incorrectly assume during the officer's interview that the officer had accessed an inmate's confidential information. It was not until after the interview that the special agent determined the officer could not have accessed the information, based on the computer screens the officer used on the date of the incident. The special agent also failed to conduct a site visit under lighting conditions similar to when the alleged incident occurred to determine if it was possible for the inmate informant to see what he claimed to see.

- Were all of the interviews thorough and appropriately conducted?

Although the special agent was aware the officer he was interviewing was suspected of providing an inmate's confidential information to prison gang members, the special agent inappropriately confirmed the inmate was an informant, potentially placing the inmate in danger.

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

The draft report failed to mention that the officer suspected of accessing confidential information from a departmental computer and improperly disclosing that information did not have access to such information on the computer. The draft report also failed to indicate that a review of computer records confirmed the officer did not access the information.

- Was the investigation thorough and appropriately conducted?

The special agent failed to adequately analyze computer records to confirm whether or not an officer could access certain confidential information on a departmental computer before interviewing the officer. Additionally, the special agent disclosed information about an inmate informant to one of the officers being investigated.

Disposition

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

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-04	14-0255-IR	<ol style="list-style-type: none"> Dishonesty Contraband Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On September 4, 2013, a building maintenance worker allegedly introduced narcotics and mobile phones into the institution.

Predisciplinary Assessment

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

The department's predisciplinary process sufficiently complied with policies and procedures. The special agent's report was thorough and provided the hiring authority with sufficient information to properly assess the allegations.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations. The OIG concurred. Before the disciplinary action was drafted, the building maintenance worker resigned. A letter was placed in his official personnel file indicating that the resignation was under unfavorable circumstances.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-31	14-0687-IR	<ol style="list-style-type: none"> Dishonesty 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On December 31, 2013, an officer was allegedly dishonest when he claimed he broke his finger during a use-of-force incident. A sergeant and four other officers who were involved in the incident all reported they did not recall the first officer being present until after the use of force was over, when the first officer placed leg restraints on the inmate.

Predisciplinary Assessment

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

The special agent and the department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. Both the special agent and the department attorney failed to notify the OIG until the day of the scheduled interview that they had decided to cancel a relevant witness's interview. The department attorney failed to provide adequate substantive feedback on the draft investigative report, based on the information gathered during the investigation. Lastly, when potential misconduct by other staff was mentioned during an interview, neither the special agent nor the department attorney considered the information to be important enough to immediately follow up on or advise the hiring authority about it.

CENTRAL REGION

Assessment Questions

- Were all of the interviews thorough and appropriately conducted?

There was an additional witness who the special agent, the department attorney, and the OIG all agreed should be interviewed. The witness was highly relevant to the investigation. Even though the witness's interview was already scheduled, the interview was canceled by the special agent, after consulting with the department attorney, but not with the OIG. The OIG was not notified of the cancellation until the scheduled time for that witness's interview.

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

The draft report was sent to the department attorney on May 23, 2014, and the department attorney responded on May 27, 2014, advising the report was "comprehensive and thorough." However, during three separate witness interviews, the witnesses confirmed it was possible that the officer was actually present during the use of force, which was the ultimate issue in this case. The special agent failed to note this information in those three witness statement summaries of the report.

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

Highly relevant information obtained during the witness interviews was inadequately presented in the draft report. Specifically, three separate witnesses confirmed during their respective interviews that it was possible the officer could have been present during the use of force. This was the ultimate issue of the case. The special agent failed to include this information in his report.

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

The special agent failed to consult with and adequately notify the OIG of a canceled interview.

- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?

The department attorney failed to discuss and adequately notify the OIG of a canceled interview.

- Was the investigation thorough and appropriately conducted?

The special agent and the department attorney canceled an interview of a highly relevant witness. In addition, they both failed to adequately advise the hiring authority of other possible staff misconduct that was discovered during one of the interviews.

Disposition

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

Disciplinary Assessment

The department's disciplinary process sufficiently complied with policies and procedures.

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-02-12	13-0542-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Penalty Imposed

Incident Summary

On February 12, 2011, a registered nurse allegedly failed to accurately obtain and record a blood pressure for an inmate and notify the primary care physician of the inmate's clinical condition. On February 16, 2011, a second registered nurse and two physicians allegedly failed to adequately assess and treat the same inmate. The second registered nurse also allegedly failed to properly document the inmate's condition. One of the physicians also allegedly failed to properly treat the same inmate on March 2, 2011.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the request for investigation and failed to make an appropriate determination regarding the request. The department attorney failed to adequately assess the deadline for taking disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on February 10, 2012, but did not take action until March 28, 2012, 47 calendar days after receipt of the request.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
The department's medical oversight program consultants identified several additional potential medical staff as neglecting their duties and identified several additional neglect of duty allegations. The OIG and department attorney agreed. However, even after numerous meetings to add the medical staff and allegations, the Office of Internal Affairs refused to add them.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
Although the department attorney made a timely entry into CMS regarding the relevant dates, the entry merely stated he assessed the deadlines without identifying the actual dates.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake delayed making a determination on the case.
- Was the investigation thorough and appropriately conducted?
Despite urging by the OIG and department attorney, the Office of Internal Affairs failed to properly identify all medical staff and allegations for investigation. Therefore, the case was not thoroughly investigated.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations. The hiring authority imposed a six working-day suspension without pay on one of the physicians and a 10 percent salary reduction for four months on the other physician. The hiring authority imposed a 10 percent salary reduction for four months on one of the registered nurses and a 5 percent salary reduction for three months on the other registered nurse. The OIG concurred with these determinations. The physicians each requested *Skelly* hearings. In addition, due to disagreement with the disciplinary process, the Receiver sought a higher level of review. After the *Skelly* hearings and while the higher level of review was pending, the hiring authority withdrew the disciplinary actions against both physicians and both nurses without consulting either the department attorney or the OIG. The OIG did not concur with this decision; however, since a higher level of review was already sought, the OIG did not take any further action. Despite the request for a higher level of review, the disciplinary actions remained withdrawn.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney regarding the investigative findings and disciplinary determinations and failed to consult with either the department attorney or the OIG before withdrawing all of the disciplinary actions. The disciplinary officer failed to properly complete the required forms and failed to fully cooperate with the OIG. The department attorney failed to provide written confirmation of the penalty discussions and failed to properly prepare draft and final disciplinary actions.

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 the investigation and referred the matter to the hiring authority on October 14, 2013, but the consultation with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings did not take place until January 31, 2014, 109 calendar days after receipt of the case.
- Was the CDCR Form 402 documenting the findings properly completed?
Two of the forms contained incorrect deadlines for taking disciplinary action, one form contained an incorrect penalty, and a second form failed to include all of the allegations.
- 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 the investigation and referred the matter to the hiring authority on October 14, 2013, but the consultation with the OIG and department attorney regarding the disciplinary determinations did not take place until January 31, 2014, 109 calendar days after receipt of the case.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide written confirmation of the penalty discussions to either the OIG or the hiring authority.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary actions for the physicians failed to include one cause of action and failed to include sufficient detail regarding the allegations. The draft disciplinary action for one of the physicians referenced an incorrect medical guideline. The draft disciplinary actions for the registered nurses failed to include the applicable protocol.
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?
The disciplinary action served on one of the physicians referenced an incorrect medical guideline and an incorrect list of exhibits. The list of exhibits pertained to the other physician.
- If there was a Skelly hearing, was it conducted pursuant to DOM?
The disciplinary officer failed to notify the OIG of one of the Skelly hearings thereby precluding the OIG from monitoring the hearing.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
The hiring authority withdrew all of the disciplinary actions without consulting with the department attorney or the OIG.
- 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 hiring authority's decision to withdraw the disciplinary actions. However, since the OIG was not consulted before the hiring authority withdrew the actions, the OIG was precluded from taking any action in response to the withdrawal.
- Was an executive review invoked to raise an issue to a higher level of management in this case?
The Receiver's office disagreed with the imposition of disciplinary action against the physicians and sought a higher level of review to resolve the dispute. While the higher level of review was in process the hiring authority unilaterally decided to withdraw the disciplinary actions against the physicians and nurses.
- If an executive review was invoked, was the executive review process in the DOM Followed?
Departmental policy provides that once a higher level of review is invoked, all disciplinary proceedings must be placed on hold pending the outcome of the review. Despite the Receiver's office invoking a higher level of review, the hiring authority unilaterally withdrew all disciplinary actions before the review process was completed.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The disciplinary officer failed to notify the OIG of one of the Skelly hearings thereby precluding the OIG from attending. The disciplinary officer also failed to notify the OIG and department attorney when the hiring authority intended to withdraw all of the disciplinary actions. Instead, the disciplinary officer sent the withdrawal notices to the physicians and nurses without informing the OIG or department attorney.

NORTH REGION

- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The hiring authority decided to withdraw all of the disciplinary actions without notifying the OIG or department attorney.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-06-01	13-1001-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	No Change

Incident Summary

Between June 2011 and March 2013, an officer allegedly physically abused his girlfriend, also an officer.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake did not process the case in a timely manner. The assigned special agent did no substantive case work for over five months. Finally, the investigative report was delivered to the hiring authority only nine days before the deadline to take disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 18, 2013, but did not take action until June 26, 2013, 69 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The special agent was assigned the case on July 10, 2013. No substantive case work occurred until January 2014, a delay of over five months.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was March 20, 2014. The investigation was completed on March 11, 2013, only nine days before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 60 working-day suspension. 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**

Overall, the department complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-07-13	11-3018-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty 4. Insubordination 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	No Penalty Imposed

Incident Summary

On July 13, 2011, a registered nurse allegedly engaged in sexual intercourse with an inmate during an unscheduled medical appointment. In addition, she was allegedly dishonest when she claimed she was attacked and raped. The nurse also allegedly endangered other employees by not revealing the identity of the inmate for over a month after the alleged rape. On December 14, 2011, the nurse was allegedly insubordinate when she refused to answer questions during an investigative interview. On December 28, 2011, and January 6, 2012, the nurse was allegedly dishonest when she made false, misleading, and contradictory statements during investigative interviews.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority sustained all allegations, except insubordination, and dismissed the registered nurse. The OIG concurred. The registered nurse filed an appeal with the State Personnel Board. Prior to the hearing, the department withdrew the disciplinary action due to pending related civil litigation and the case was transferred to the Receiver to pursue a fitness for duty evaluation with the understanding that disciplinary action could be taken thereafter, if appropriate. The OIG concurred with this decision. However, the Receiver significantly delayed, taking over a year to obtain the fitness for duty evaluation.

Disciplinary Assessment

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

Overall, the department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-01	12-2304-IR	<ol style="list-style-type: none"> 1. Sexual Harassment 2. Battery 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	No Change

Incident Summary

Between August 2011 and August 2012, a male officer allegedly committed two incidents of battery and one incident of sexual harassment against a female officer. In the first incident, the male officer allegedly grabbed and slapped the female officer in the face. In the second incident, the male officer allegedly walked up from behind and kned the female officer in the buttocks. In the third incident, the male officer allegedly touched the female officer's leg and groin area and made sexually explicit comments.

Predisciplinary Assessment

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

The department failed to comply with the department's policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to timely take action on the request for investigation and failed to complete the investigation in a timely manner. The department attorney failed to timely and accurately document the deadline to take disciplinary action and failed to provide the OIG with written confirmation summarizing critical discussions about the investigative report.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on August 20, 2012, but did not take action until October 10, 2012, 51 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The department attorney was assigned October 15, 2012, but did not make an entry into CMS regarding the deadline for taking disciplinary action until December 11, 2012, 57 days after assignment. In addition, the entry did not reference specific dates but merely referenced several possible dates with a notation that the assessment would be made at a later time.
- 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 verbally discussed the investigative report with the special agent on July 30, 2013, and provided written confirmation with feedback to the special agent on August 2, 2013. The OIG did not receive a copy.
- Was the predisciplinary/investigative phase conducted with due diligence?

The incident discovery date was August 8, 2012. The OIG monitored an active investigation from October 2012 through January 2013. The OIG inquired into the status of the investigation report in March, May, and July 2013. The deadline to take disciplinary action was August 7, 2013. The investigative report was completed and sent to the hiring authority on August 1, 2013.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The deadline to take disciplinary action was August 7, 2013. The investigation was completed on August 1, 2013, only six days before the deadline to take disciplinary action.

Disposition

The hiring authority found there was insufficient evidence to sustain the allegation that the officer grabbed and slapped the female officer. The hiring authority found sufficient evidence to sustain the allegation that the officer kneeed the female officer, and the sexual harassment allegation. The hiring authority imposed a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board, but withdrew the appeal prior to the pre-hearing settlement conference.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-09	13-0360-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Reprimand

Incident Summary

On October 9, 2012, a lieutenant and a sergeant allegedly allowed custody staff to escort between 15 and 20 inmates to an area on the exercise yard in violation of the institution's policy. Two other inmates were later brought into that area by other officers. There were not enough officers present to supervise all inmates under the institution's policy at the time. As a result, two of those inmates attacked another inmate who was running on the exercise yard track, requiring staff to use force to stop the attack when the inmates refused to comply with orders to cease.

Predisciplinary Assessment

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

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. OIA Central Intake failed to make a determination regarding the case within 30 calendar days. The Office of Internal Affairs failed to conduct the investigation with due diligence and did not include all of the appropriate exhibits in the draft investigative report.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on October 9, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 15, 2013, 67 days later.

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on January 18, 2013, but did not take action until February 27, 2013, 40 days after the receipt of the request.

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

The investigative report that was provided to the OIG for review did not include all of the relevant exhibits that were provided to the Office of Internal Affairs by the hiring authority.

- Was the predisciplinary/investigative phase conducted with due diligence?

The special agent was assigned to the case on March 18, 2013, but did not conduct the first interview until June 18, 2013, 92 days after assignment.

Disposition

The hiring authority determined that there was sufficient evidence to sustain the allegation against the lieutenant and imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the allegation against the sergeant. The OIG concurred with the hiring authority's determinations. Following the lieutenant's *Skelly* hearing, the hiring authority decided to revoke the disciplinary action and issue corrective action because the lieutenant stated that the two attacking inmates were not two of the inmates that he had requested be brought down to his office and the sergeant had ordered an officer to bring all of the inmates to the area. The department attorney agreed with the decision. However, the OIG did not agree and sought a higher level of review. Prior to the higher level of review, the hiring authority reduced the penalty to a letter of reprimand. The OIG did not concur but did not continue with the higher level of review because the lieutenant still received disciplinary action that could be relied upon for purposes of progressive discipline. The lieutenant filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the lieutenant in which he agreed to withdraw his appeal and the department agreed to remove the disciplinary action from his official personnel file seven months after the effective date. The OIG did not concur because there was not a valid reason to remove the disciplinary action from the official personnel file early. However, the OIG did not seek a higher level of review because the penalty was not reduced and the lieutenant still received discipline that could be relied upon for purposes of progressive discipline.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority was not familiar with all of the facts at the initial findings and penalty conference. After issuing the disciplinary action, the hiring authority decided to revoke the disciplinary action based on information that was known to the department attorney and the OIG, and should have been known by the hiring authority at the time of the conference. The hiring authority and department attorney made an inappropriate determination to revoke the disciplinary action against the lieutenant. After the OIG sought a higher level of review, the hiring authority modified its position but still made an inappropriate determination to reduce the penalty. The department also failed to provide the OIG with a required departmental form.

NORTH REGION

Assessment Questions

- 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 did not have an understanding of the facts at the time of the initial consultation with the department attorney and the OIG. The hiring authority was not aware that the lieutenant claimed that the two inmates that started the fight were not two of the inmates that he requested be brought to his office. However, this information was contained in at least one document the lieutenant wrote and that the hiring authority provided to OIA Central Intake with the request for investigation, and the lieutenant raised it again in his interview with the Office of Internal Affairs.
- If there was a settlement agreement, was the settlement consistent with the DOM Factors?

The hiring authority settled the matter for a reduced penalty after the Skelly hearing based solely on information that was already available to the hiring authority, department attorney, and the OIG at the time of the initial findings and penalty conference.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The department failed to provide the OIG with a completed a CDCR Form 3021.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

After the lieutenant filed an appeal with the State Personnel Board, the department entered into a settlement agreement with the lieutenant wherein the department agreed to remove the disciplinary action from the lieutenant's official personnel file seven months after the effective date. The OIG did not concur but did not seek a higher level of review because the penalty was not changed and the lieutenant still received discipline that could be relied upon for purposes of progressive discipline.
- Was an executive review invoked to raise an issue to a higher level of management in this case?

After the Skelly hearing, the hiring authority decided to revoke the disciplinary action against the lieutenant and issue corrective action because the department believed there was insufficient evidence to sustain the allegations. The department attorney concurred. The OIG did not concur and sought a higher level of review because there was sufficient evidence to support disciplinary action and the department had no new information to warrant the revocation. Prior to holding the higher level of review, the hiring authority modified the penalty from a 5 percent salary reduction for six months to a letter of reprimand. The OIG did not concur but did not continue with the higher review process because the lieutenant was still receiving discipline that could be relied upon for purposes of progressive discipline.
- If an executive review was invoked, was the appropriate decision made?

Prior to holding the higher level of review, the hiring authority modified the penalty from a 5 percent salary reduction for six months to a letter of reprimand. The OIG did not concur but did not continue with the higher review process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-20	13-0687-IR	1. Contraband	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

Between October 20, 2012, and March 21, 2013, an officer allegedly provided an inmate with tobacco in exchange for information regarding narcotics activities at an institution.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-28	13-0478-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On October 28, 2012, an inmate allegedly battered an officer during an escort when he spit on one of the escorting officers. The officers continued the escort, placed the inmate in a cell, and reported the incident. Two sergeants allegedly failed to report the battery by the inmate and failed to report the force they allegedly used when the inmate was placed in the cell. Five other officers also allegedly failed to report the battery, and four of them allegedly failed to report force they observed.

Predisciplinary Assessment

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

The department failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner. OIA Central Intake did not make a determination within 30 days and the special agent did not conduct the first interview until five months after assignment. The department attorney did not attend all of the critical interviews and did not provide written confirmation summarizing all critical discussions about the investigative report to the OIG. The investigation was not completed until 20 days before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on October 30, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 30, 2013, 92 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on February 6, 2013, but did not take action until March 20, 2013, 42 days after receipt of the request.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney failed to attend one of the subject interviews.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the OIG.
- Was the predisciplinary/investigative phase conducted with due diligence?
The special agent was assigned to the case on March 29, 2013, but did not conduct the first interview until August 27, 2013, five months after being assigned to the case.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was October 27, 2013. The investigation was completed on October 7, 2013, only 20 days before the deadline to take disciplinary action.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the sergeants failed to report the battery by the inmate but did not sustain the other allegations against the sergeants. The hiring authority imposed a 5 percent salary reduction for 12 months on each sergeant. The hiring authority determined there was insufficient evidence to sustain the allegations against any of the officers. The OIG concurred with the hiring authority's determinations. At the *Skelly* hearing for one of the sergeants, the sergeant took responsibility for his misconduct and that of the other sergeant. The sergeant acknowledged making a drastic error in judgment and stated he reviewed departmental policy on reporting incidents to ensure it would not happen again. Due to this mitigating information, the hiring authority entered into a settlement agreement with the sergeant wherein the penalty was reduced to a 5 percent salary reduction for six months and in exchange the sergeant agreed to waive his appeal rights. At the *Skelly* hearing for the second sergeant, the second sergeant presented information demonstrating he had less knowledge and involvement than was previously known. However, the sergeant also took responsibility for not ensuring that the incident was reported. Due to this mitigating information, the hiring authority entered into a settlement agreement with the second sergeant wherein the penalty was reduced to a 5 percent salary reduction for three months and in exchange the sergeant agreed to waive his appeal rights. The OIG concurred with the settlement agreements based on the factors learned at the *Skelly* hearings.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. The department attorney failed to provide the hiring authority with appropriate legal advice and failed to provide the hiring authority or the OIG with written confirmation of penalty discussions.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-31	13-0503-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Suspension

Incident Summary

On October 31, 2012, during a two-officer escort of an inmate, one of the officers allegedly left the escort to deliver paperwork leaving the other officer and a social worker alone in a sally port. After the officer departed, the inmate attempted to batter the remaining officer. Physical force was needed to prevent the attack and subdue the inmate. The officer who abandoned the escort also allegedly submitted a false incident report and false clarification report to her supervisor wherein she claimed that she never left the escort.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs completed the investigation with only 22 days left before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on October 31, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 12, 2013, over three months after the date of discovery.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The report was completed and submitted to the hiring authority with only 22 days left before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with the officer whereby the penalty was modified to a five-month suspension. The OIG concurred because the officer admitted neglecting her duty and significant evidentiary challenges regarding the dishonesty arose after service of the disciplinary action.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-12-31	13-0642-IR	<ol style="list-style-type: none"> 1. Brandishing a Weapon While Under the Influence of Alcohol 2. Other Failure of Good Behavior 3. Exhibiting a Weapon 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 		

Incident Summary

On December 31, 2012, an off-duty sergeant was allegedly attacked by two private citizens in a bathroom at a hotel party. One citizen grabbed the sergeant from behind and allegedly choked him while the other citizen punched him. The sergeant allegedly pulled a concealed firearm out of his pocket and pointed it at one of the citizens. Security staff responded and broke up the altercation. The sergeant later admitted that he had consumed three alcoholic beverages prior to the altercation while carrying a concealed firearm.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department failed to comply with its policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. OIA Central Intake failed to make a determination regarding the case within 30 days and the department attorney failed to make required entries into CMS in a timely manner, failed to attend critical witness interviews, and failed to provide substantive feedback to the investigator regarding the thoroughness and clarity of the investigative report.	

NORTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on January 1, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 18, 2013, 76 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 29, 2013, but did not take action until May 15, 2013, 47 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned to the case on May 22, 2013, but did not make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline until July 8, 2013, 47 days after the attorney was assigned.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend key witness interviews, including those of the citizens who allegedly attacked the officer, department employees who were attending the party, and outside law enforcement and security personnel who responded to the incident.
- 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 review the report or provide appropriate substantive feedback addressing the thoroughness and clarity of the report.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not review the report or provide appropriate substantive feedback addressing the thoroughness and clarity of the report.
- Was the predisiplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination regarding the hiring authority's request.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the sergeant brandished a weapon while under the influence of an alcoholic beverage and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The hiring authority found insufficient evidence to sustain the other allegations. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant wherein the penalty was reduced to a 5 percent salary reduction for six months because the sergeant was remorseful and acknowledged that his actions were improper. The sergeant agreed to withdraw his appeal. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the penalty was a not a significant departure from the original penalty to warrant a higher level of review and the department could use the disciplinary action for progressive discipline in the future.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney was not timely prepared to discuss the findings and penalty, failed to provide written confirmation of the penalty discussions, failed to provide the OIG with a draft disciplinary action prior to serving the final action, and failed to attend the *Skelly* hearing.

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 the investigation on October 29, 2013. The hiring authority received the investigative report on November 5, 2013, and was prepared to consult on the case the following week, but the department attorney was not. The consult occurred on December 6, 2013, 38 days after the investigation was completed.
- 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 the investigation on October 29, 2013. The hiring authority received the investigative report on November 5, 2013, and was prepared to consult on the case the following week, but the department attorney was not. The consult occurred on December 6, 2013, 38 days after the investigation was completed.
- 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 and the OIG written confirmation of penalty discussions.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney did not provide the OIG with a copy of the draft disciplinary action and consult with the OIG prior to the action being served.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The hiring authority decided to reduce the penalty in exchange for an agreement from the officer that he withdraw his appeal. Neither the department attorney nor the OIG concurred. There were no new factors not already considered or available at the time of the findings and penalty conference. However, the OIG did not seek a higher level of review because the penalty was not a significant departure from the original penalty to warrant a higher level of review and the department could use the disciplinary action for progressive discipline in the future.
- Was the disciplinary phase conducted with due diligence by the department?

The findings and penalty conference was not conducted timely and the department attorney waited until the last day to complete and serve the disciplinary action, thereby not allowing any time for the OIG to review a draft and provide substantive feedback.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	13-1002-IR	<ol style="list-style-type: none"> Contraband Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Letter of Reprimand	No Change

Incident Summary

Between January 1, 2013, and May 9, 2013, three officers allegedly allowed inmates to leave the dormitory when their movement was restricted, bypassed alarms to allow inmates to pass contraband, and allowed inmates to sit at the officers' station and take pictures. In addition, sometime prior to May 2, 2013, one of the officers allegedly failed to notify the department that one of the inmates in the dorm was a relative. A fourth officer was added during the investigation because he allegedly facilitated the introduction of contraband into the institution.

Predisciplinary Assessment

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

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation. The investigative report was completed and submitted to the hiring authority with only 17 days left before the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on March 28, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 20, 2013, 53 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 23, 2013, but did not take action until June 26, 2013, 34 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department learned of the misconduct on March 28, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 20, 2013, 53 days after the date of discovery. OIA Central Intake received the request for investigation on May 23, 2013, but did not take action until June 26, 2013, 34 days after the receipt of the request.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was March 28, 2014. The investigation was completed on March 11, 2014, only 17 days before the deadline to take disciplinary action.

Disposition

The hiring authority sustained the allegations against one of the officers for facilitating the introduction of contraband into the institution and determined the appropriate penalty was dismissal. However, the officer resigned prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file. The hiring authority also sustained the allegation against another officer for failing to disclose a relationship with a parolee and served the officer with a letter of reprimand. The officer did not file an appeal with the State Personnel Board. The hiring authority did not sustain the allegations against the other two officers. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

Overall, the department complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	13-1897-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Incident Summary

Between January 2013 and December 2013, an officer was allegedly dishonest when he informed supervisors that he was too sick to report to work, but postings on social networking sites contained photographs and statements of the officer regarding going to Las Vegas, parties, sporting events, and other activities on the days he called in sick.

Predisciplinary Assessment

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

The Office of Internal Affairs, department attorney, and the hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake failed to process the request for investigation in a timely manner. The department attorney failed to adequately document her review of critical case dates and failed to request a case consultation with the assigned special agent in a timely manner. The investigation was completed and submitted to the hiring authority with only three days left before the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 8, 2013, but did not take action until September 4, 2013, 58 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney made an entry into CMS. However, she merely stated that she assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual 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 the case on September 25, 2013, but did not contact the special agent and the OIG monitor to discuss the elements of a thorough investigation until November 4, 2013, 40 days after being assigned the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake received the request for investigation on July 8, 2013, but did not take action until September 4, 2013, 58 days after the receipt of the request.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The report was completed and submitted to the hiring authority with only three days left before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. The hiring authority had served the officer with a disciplinary action for excessive absenteeism which included the same dates and incidents of misconduct alleged in this case and imposed a 21 working-day suspension. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. During the investigation and without consulting the OIG or department attorney, the hiring authority served the officer with disciplinary action for excessive absenteeism that improperly included the same dates and incidents of misconduct alleged in this case and imposed a 21 working-day suspension. Since disciplinary action was already served for the same dates of misconduct, further disciplinary action could not be taken in this case despite a full investigation.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-22	13-1848-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior 3. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On February 22, 2013, an inmate allegedly exposed himself to an officer. The officer allegedly responded by calling the inmate a derogatory term, yelling the inmate's name and identification number so other inmates could hear, and making a loud, threatening comment. The officer also allegedly retaliated the next day by searching the inmate's cell and confiscating his family pictures. The inmate filed a complaint with the department. During the investigation into the complaint, the officer was allegedly dishonest when she denied the misconduct.

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Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the referral. The department attorney failed to provide and document substantive feedback to the special agent regarding the investigative report.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on March 20, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 16, 2013, almost four months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 23, 2013, but did not take action until August 28, 2013, 36 days after receipt of the request.
- 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 addressing the thoroughness and clarity of the report.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the referral.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-04	13-0601-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Insubordination Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	Salary Reduction

Incident Summary

On March 4, 2013, an inmate who was on suicide watch was observed with a blanket around his neck attached to the cell door frame in an apparent attempt to hang himself. An officer allegedly failed to activate an alarm or notify a supervisor of the inmate's behavior, instructed the control booth officer to open the cell door without watch commander approval, and failed to report his own misconduct. During the investigative interview, the officer was also allegedly dishonest regarding the events. The control booth officer allegedly intentionally opened the cell door without notifying a supervisor and failed to report his own misconduct and that of the other officer for having the cell door opened without approval. Two other officers allegedly failed to activate their alarms and failed to contact a supervisor upon discovering that the inmate on suicide watch was displaying self-injurious behavior. The latter two officers also allegedly failed to report the misconduct of the other officers and were allegedly insubordinate when they discussed the investigative interview with each other after the special agent ordered them not to do so. A registered nurse and a certified nursing assistant also allegedly failed to report or document that the inmate assigned to the mental health crisis unit displayed self-injurious behavior.

NORTH REGION

Predisciplinary Assessment

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

Overall, the hiring authority and the department attorney sufficiently complied with the department's policies and procedures; however, the Office of Internal Affairs did not. The Office of Internal Affairs failed to make a timely determination regarding the case and failed to conduct the investigation in a timely manner. The investigation was completed only 21 days before the deadline to take disciplinary action.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
The matter was referred to OIA Central Intake on March 20, 2013; however, OIA Central Intake did not make a determination regarding the case until April 25, 2013, 36 days later.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA failed to conduct the investigation in a timely manner. OIA Central Intake approved the hiring authority's request for an investigation on May 1, 2013; however, witness interviews did not commence until January 2, 2014, eight months later.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was March 4, 2014; however, the investigation was not completed until February 11, 2014, only 21 days before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the first officer improperly ordered the door opened, failed to contact a supervisor, and failed to report his own misconduct, as well as the allegation that he was dishonest during the interview with the Office of Affairs. The officer was dismissed. The hiring authority determined there was insufficient evidence to sustain the allegation that the officer failed to activate his alarm. The OIG concurred. The officer filed an appeal with the State Personnel Board. After the *Skelly* hearing, the hiring authority entered into a settlement agreement in which the officer withdrew his appeal and the penalty was reduced to a 10 percent salary reduction for 24 months. The OIG concurred because at the *Skelly* hearing, the officer expressed remorse and provided new information that would make it difficult to prove that the statements the officer made during the investigative interview were dishonest. The hiring authority determined there was sufficient evidence to sustain the allegations against the control booth officer and imposed a 10 percent salary reduction for three months. The OIG concurred. The officer filed an appeal with the State Personnel Board. After the *Skelly* hearing, the hiring authority entered into a settlement agreement in which the officer withdrew his appeal and the hiring authority agreed to remove the disciplinary action from the officer's official personnel file in one year upon written request. The OIG concurred because the officer accepted responsibility for his actions. The hiring authority determined there was sufficient evidence to sustain the failure to report and insubordination allegations against the third and fourth officers, but not the allegations that they improperly failed to activate their alarms. The hiring authority imposed a 10 percent salary reduction for nine months on each officer. The OIG concurred. Both officers filed appeals with the State Personnel Board. Prior to the hearings, the hiring authority entered into settlement agreements with both officers in which they withdrew their appeals and the penalties were reduced to 10 percent salary reductions for four months. The OIG concurred because both officers accepted responsibility for their actions. The hiring authority determined there was insufficient evidence to sustain the allegations against the registered nurse and the certified nursing assistant. The OIG concurred.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-08	13-0524-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Reprimand

Incident Summary

On March 8, 2013, a sergeant allegedly failed to instruct five responding officers to initiate life-saving measures when an inmate was found unresponsive and hanging by a sheet in his cell. The sergeant and five responding officers also allegedly failed to initiate life-saving measures.

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Predisciplinary Assessment		Procedural Rating: Sufficient Substantive Rating: Sufficient		
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.				
Disposition				
The hiring authority determined there was sufficient evidence to sustain the allegations against the sergeant and four of the five officers. The hiring authority imposed a 5 percent salary reduction for two months against the sergeant. After the sergeant's <i>Skelly</i> hearing, the hiring authority modified the proposed penalty to a letter of reprimand because the sergeant accepted responsibility, showed remorse, reviewed the applicable training to prevent similar incident, and had no prior discipline. The OIG concurred with the modification. The sergeant filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the sergeant whereby the letter of reprimand could be removed from his personnel file after one year and he agreed to withdraw his appeal. The OIG concurred with the terms of the settlement agreement because there was no significant change to the penalty. The hiring authority issued letters of instruction to four of the five other officers. The OIG concurred. The hiring authority determined there was insufficient evidence to sustain the allegation against the fifth officer. The OIG concurred.				
Disciplinary Assessment		Procedural Rating: Insufficient Substantive Rating: Insufficient		
The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions and the department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action.				
Assessment Questions				
<ul style="list-style-type: none"> Did the department attorney provide to the HA and OIG written confirmation of penalty discussions? <i>The department attorney did not provide any written confirmation of penalty discussions.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action. The findings and penalty conference was held on July 30, 2013; however, the disciplinary action was not served until September 4, 2013, 36 calendar days later.</i> 				
Incident Date 2013-04-01	OIG Case Number 13-0825-IR	Allegations 1. Over-Familiarity	Findings 1. Sustained	Penalty INITIAL Dismissal FINAL No Change
Incident Summary				
Between April 1, 2013, and June 28, 2013, a case records analyst and a case records technician allegedly engaged in overly familiar relationships with an inmate.				
Predisciplinary Assessment		Procedural Rating: Sufficient Substantive Rating: Sufficient		
The department's predisciplinary process sufficiently complied with policies and procedures.				
Disposition				
The hiring authority determined there was sufficient evidence to sustain the allegations against both employees and determined dismissal was the appropriate penalty. The OIG concurred. However, the employees resigned before disciplinary action could be imposed. A letter indicating the employees resigned under adverse circumstances was placed in their respective official personnel files.				
Disciplinary Assessment		Procedural Rating: Sufficient Substantive Rating: Sufficient		
The department's disciplinary process sufficiently complied with policies and procedures.				

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-04	13-0979-IR	<ol style="list-style-type: none"> 1. Contraband 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Salary Reduction	No Change

Incident Summary

On April 4, 2013, an officer allegedly brought a knife and a mobile phone in a personal bag into an institution. During her shift, the officer realized she had the contraband and reported the misconduct to a lieutenant. Five other officers allegedly failed to properly search the first officer's bag in the entrance building.

Predisciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the first officer and imposed a 5 percent salary reduction for two months. The OIG concurred. The officer did not request a *Skelly* hearing. Prior to filing an appeal with the State Personnel Board, the officer agreed to enter into a settlement agreement with the department wherein she would waive her right to appeal if the department agreed to strike the cause of action alleging willful disobedience. The penalty was not modified. The officer accepted responsibility for her actions and told the disciplinary officer that she did not intend to be disobedient. The OIG concurred with the agreement because the officer accepted responsibility for her actions and the penalty was not modified. The hiring authority determined there was insufficient evidence to sustain the allegations against the five officers who allegedly failed to search the first officer's bag in the entrance building. The OIG concurred.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-19	13-0811-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Threat/Intimidation-Toward a Member of the Department 3. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On April 19, 2013, an inmate who was on suicide watch requested medication. After making the request, the inmate began resisting and removed one hand from a hand restraint. Medical staff notified custody staff of the inmate's actions and asked to enter the cell to administer medication and conduct a range-of-motion release for the inmate. A sergeant allegedly advised medical staff to wait until the next watch, as he did not want an incident report in the event the inmate resisted. The sergeant was also allegedly discourteous toward the inmate when he threatened the inmate with physical harm. An officer allegedly threatened to write a report against a nurse for her failure to cooperate with him when the nurse told him that she would activate her alarm after the officer refused to open the cell door so that she could treat the inmate. The officer was also allegedly discourteous toward the inmate when he used profanity and accused the inmate of feigning discomfort while still in four-point restraints.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against either the sergeant or the officer. The OIG concurred.

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Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-23	13-0812-IR	1. Dishonesty	1. Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

On April 23, 2013, an officer was allegedly dishonest when he submitted a memorandum with an attached copy of a court order to the warden's office that contained a handwritten entry indicating he was required to carry a mobile phone at all times for his child's medical condition. The institution later obtained a copy of the original order from the court which did not contain the handwritten statement.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	

Disposition

The hiring authority sustained the allegation and served the officer with a notice of dismissal. However, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred as the ultimate goal of separating the officer from state service was achieved and the department eliminated the risk that the officer would prevail and be eligible to return to work.

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-01	13-2585-IR	1. Over-Familiarity	1. Sustained	Dismissal	No Change

Incident Summary

Between May 2013 and August 2013, an officer allegedly engaged in an overly familiar relationship with an inmate and a parolee. The officer reportedly contacted the inmate and the parolee through a social networking site and called the parolee approximately 25 times with his personal phone.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-01	14-0758-IR	<ol style="list-style-type: none"> 1. Contraband 2. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Dismissal	No Change

Incident Summary

Between May 2013 and August 2013, an officer was allegedly overly familiar with inmates, engaged in unauthorized communications with inmates, and introduced contraband in the form of methamphetamine, alcohol, tobacco, mobile phones, and mobile phone accessories into the institution for inmate use.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-03	13-1825-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Dismissal	Demotion

Incident Summary

On May 3, 2013, and again on May 4, 2013, a youth counselor allegedly was informed by a ward that he had a dispute with another ward and that he intended to fight the other ward. The youth counselor allegedly failed to take appropriate action to address the situation and prevent the fight. On May 5, 2013, after evidence of a fight was discovered, the youth counselor allegedly falsely stated in a behavior report that he first became aware of the identity of the aggressive ward through a confidential witness when, in fact, he knew the identity of the ward prior to the fight through the ward's own admission. On May 5, 2013, a second youth counselor allegedly falsely reported that he first became aware of the identities of the two wards involved in the fight through several confidential informant wards when, in fact, he knew that the first youth counselor was aware of the identities of the wards prior to the fight. A third youth counselor allegedly omitted from her report the fact that she was aware of the first youth counselor's knowledge of the intended fight and the identities of the two ward participants prior to the fight.

Predisciplinary Assessment

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

The hiring authority and OIA Central Intake failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed in referring the matter to the Office of Internal Affairs and OIA Central Intake delayed in processing the case.

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Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on May 3, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 3, 2013, 61 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 10, 2013, but did not take action until August 15, 2013, 38 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed in referring the matter to the Office of Internal Affairs and OIA Central Intake delayed in processing the case.

Disposition

The hiring authority sustained the allegations and served the first youth counselor with a notice of dismissal. The OIG concurred. However, based upon new information and mitigating factors presented at the *Skelly* hearing, the department entered into a settlement agreement with the youth counselor. The youth counselor was honest after the incident both to his supervisor and during his investigative interview. He knew that he made multiple mistakes over the course of a few days but was extremely remorseful, apologetic, took full responsibility for his actions, and tried to rectify the situation by self-reporting. He also presented new information that he was rushed to write a report to his supervisor concerning the incidents. The department agreed to reduce the penalty from dismissal to a demotion to officer for a minimum of 24 months in exchange for the youth counselor agreeing to waive his right to appeal. The OIG concurred with the terms of the settlement agreement based upon the new information and mitigating factors. The hiring authority determined that the investigation conclusively proved the alleged misconduct by the other two youth counselors did not occur. The OIG concurred.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-04	13-2041-IR	<ol style="list-style-type: none"> Failure to Report Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On May 4, 2013, three officers and a sergeant allegedly failed to initiate life-saving measures upon finding an inmate hanging in his cell. The officers and sergeant took the inmate from an upper tier to a lower tier where medical staff met them and initiated life-saving measures. The officers and sergeant also allegedly failed to document their decision not to begin life-saving measures.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to timely process the request to take action without an investigation and failed to conduct the investigation in a timely manner.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 24, 2013; however, OIA Central Intake did not take action until September 11, 2013, more than two and one-half months later.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake delayed making a determination regarding the hiring authority's request to take action without an investigation. In addition, although the special agent was assigned on September 27, 2013, the investigation did not begin until February 20, 2014, over four months later.

NORTH REGION

Disposition

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

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-05	13-1552-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

Incident Summary

On May 5, 2013, an officer allegedly was dishonest when she submitted altered pay stubs to a property management company showing higher earned pay than she actually received in an attempt to embellish her year-to-date income to secure an apartment.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

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 disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in her official personnel file.

Disciplinary Assessment

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

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-11	13-1269-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On May 11, 2013, an officer allegedly committed domestic violence against her husband by punching him in the face. She was also allegedly dishonest when she told the responding outside law enforcement and the institution that she did not hit him.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The investigation was completed six days before the deadline to take disciplinary action.

Assessment Questions

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was May 13, 2014. The investigation was completed May 7, 2014, six days before the deadline.

Disposition

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

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Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-01	13-2503-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

During the month of June 2013, an officer allegedly engaged in horseplay with inmates and groped inmates' buttocks during clothed body searches.

Predisciplinary Assessment

Procedural Rating: Sufficient
Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary phase. The department attorney failed to attend interviews of critical witnesses.

Disposition

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

Disciplinary Assessment

Procedural Rating: Sufficient
Substantive Rating: Sufficient

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-27	14-0127-IR	1. Insubordination	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On July 27, 2013, an officer allegedly refused an order to work an overtime shift stating that he had a medical appointment. On July 28, 2013, the officer allegedly failed to provide substantiation of his medical appointment as ordered.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The department learned of the misconduct on July 29, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 19, 2013, almost five months after the date of discovery.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on July 29, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 19, 2013, almost five months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

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Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and imposed a 10 percent salary reduction for 12 months. The OIG concurred. After the *Skelly* hearing, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for 12 months because the officer acknowledged that his actions violated policy, was remorseful, and apologized for not following through as directed, and the risk of recurrence was low. Furthermore, the officer presented additional information at a *Skelly* hearing that tended to mitigate his misconduct. The officer agreed to waive his right to appeal. The OIG concurred because the officer took responsibility and there were mitigating factors.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-27	14-0128-IR	1. Insubordination	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On July 27, 2013, an officer allegedly refused an order to work an overtime shift, stating that he had a medical appointment. On July 28, 2013, the officer allegedly failed to provide records to substantiate his medical appointment as ordered.

Predisciplinary Assessment

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

The department failed to comply with the department's policies and procedures governing the predisciplinary process. The department learned of the misconduct on July 27, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 24, 2013, approximately five months after the date of discovery.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on July 27, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 24, 2013, approximately five months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and imposed a 10 percent salary reduction for 12 months. The OIG concurred. At the *Skelly* hearing, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for 12 months because the officer acknowledged that his actions violated policy, was remorseful, and apologized for not following through as directed, and the risk of recurrence was low. Furthermore, the officer presented additional information at a *Skelly* hearing that tended to mitigate his misconduct. The officer agreed to waive his right to appeal. The OIG concurred because the officer took responsibility and because of the information learned at the *Skelly* hearing.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-06	13-2252-IR	<ol style="list-style-type: none"> Misuse of Authority Other Failure of Good Behavior Weapons - Unauthorized Weapon in Vehicle Driving Under the Influence Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On August 6, 2013, an officer allegedly operated his motor vehicle while under the influence of alcohol, with an open container and a loaded firearm in his vehicle. The officer was also allegedly discourteous to outside law enforcement officers when he called them "idiots," attempted to gain favor because of his position, and refused lawful commands and had to be physically removed from his vehicle.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, before disciplinary action could be imposed, the officer was nonpunitively terminated for failure to have and maintain a valid driver's license. A letter indicating the officer was separated pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-22	14-0480-IR	<ol style="list-style-type: none"> Failure to Report Over-Familiarity Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On November 22, 2013, an officer allegedly made false allegations that a lieutenant threw a sack lunch that hit the officer. The officer allegedly wrote an anonymous letter on behalf of an inmate reporting the incident. In addition, the officer allegedly failed to report allegations from inmates that they were being mistreated by a sergeant.

Predisciplinary Assessment

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

The department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of failure to report and overfamiliarity and imposed a 5 percent salary reduction for a period of 24 months. The hiring authority determined there was insufficient evidence to sustain the allegations of neglect of duty and dishonesty. The OIG concurred. The officer resigned before the penalty was imposed. A letter indicating that he resigned pending disciplinary action was placed in his official personnel file.

NORTH REGION

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-01-01	14-0600-IR	<ol style="list-style-type: none"> 1. Contraband 2. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Dismissal	No Change

Incident Summary

Between January 1, 2011, and March 31, 2013, an officer was allegedly overly familiar with an inmate and conspired with the inmate to introduce marijuana, mobile phones, and tobacco into the institution. In addition, the officer was allegedly overly familiar with the inmate's girlfriend and numerous other inmate family members by being involved in 185 financial transactions in which the officer received money in exchange for introducing contraband into the institution.

Predisciplinary Assessment

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

The department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-04-29	13-2329-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Insubordination 4. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. No Finding 	Dismissal	No Change

Incident Summary

On April 29, 2011, a department attorney was allegedly dishonest to her supervisor when she stated she needed to settle a case because an expert witness could not locate necessary documentation when, in fact, the documentation was in the attorney's file. On May 3, 2011, she allegedly made a false statement during a hearing when she told an administrative law judge that she had subpoenaed a witness to testify when, in fact, she had not. On September 27, 2011, she was allegedly insubordinate when she did not provide a draft of a pre-hearing settlement conference statement to her supervisor as ordered. On May 14, 2013, she allegedly was arrested for reckless driving.

Predisciplinary Assessment

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

The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority delayed over two years in referring the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on April 19, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 18, 2013, more than two years and four months after the date of discovery.

- Was the predisciplinary/investigative phase conducted with due diligence?

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

SOUTH REGION

Disposition

The hiring authority sustained the allegations that the department attorney was dishonest to an administrative law judge and failed to subpoena an expert witness for a hearing, but did not sustain the other allegations. The hiring authority determined dismissal was the appropriate penalty. The OIG concurred. However, the department attorney resigned before disciplinary action could be imposed.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-06	12-0641-IR	1. Neglect of Duty 2. Inappropriate Classification of Inmate 3. Failure to Report 4. Threaten Inmate	1. Sustained 2. Sustained 3. Not Sustained 4. Exonerated	Suspension	Letter of Reprimand

Incident Summary

Between September 6, 2011, and November 28, 2011, three captains, a lieutenant, and a correctional counselor allegedly inappropriately recommended that an inmate be housed with a cellmate despite the fact that he should have been housed in a cell by himself due to his history of sexual violence and other factors. On September 22, 2011, an associate warden allegedly inappropriately approved the recommendation that the inmate have a cellmate. The inmate alleged that between September 6, 2011, and November 28, 2011, an officer threatened to issue a rules violation report to the inmate if he refused to accept a cellmate. One of the captains also allegedly removed a document from the inmate's file in order to conceal a mistake by another captain in the housing of the inmate. On December 4, 2011, the inmate allegedly murdered his cellmate.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. OIA Central Intake failed to identify all subjects for investigation.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the associate warden inappropriately approved the inmate for double-cell status and that he failed to comply with the department's policies and procedures regarding the housing of the inmate and imposed a 48 working-day suspension. The hiring authority determined there was sufficient evidence to sustain the allegations that the counselor inappropriately recommended the inmate for double-cell status and that he failed to comply with the department's policies and procedures regarding the housing of the inmate; the hiring authority imposed a 10 percent salary reduction for 24 months. The hiring authority determined there was sufficient evidence to sustain the allegations that one of the captains inappropriately recommended the inmate for double-cell status and that she failed to comply with the department's policies and procedures regarding the housing of the inmate; the hiring authority imposed a six-working-day suspension. However, following a *Skelly* hearing, the hiring authority agreed to reduce the penalty to a letter of reprimand and the captain agreed not to file an appeal with the State Personnel Board. The OIG found the agreement to be reasonable based on her lesser role in the incident and her acceptance of responsibility for the misconduct. The hiring authority determined that there was sufficient evidence to sustain the allegations that one of the other captains also inappropriately recommended that the inmate be double-celled and failed to comply with the department's policies and procedures regarding the housing of the inmate and imposed a six working-day suspension. However, following a *Skelly* hearing, the hiring authority agreed to reduce the penalty to a letter of reprimand and the captain agreed not to file an appeal with the State Personnel Board. The OIG found the agreement to be reasonable based on the captain's acceptance of responsibility for his misconduct and that he was scheduled to retire before the imposition of the penalty and agreed not to return to work for the department. The hiring authority determined there was insufficient evidence to sustain the allegations against the third captain. The hiring authority determined that the investigation conclusively proved that the lieutenant did not commit misconduct and that the conduct alleged against the officer did occur; however, the investigation revealed that the officer's actions were justified, lawful, and proper. The OIG concurred with the hiring authority's determinations. The associate warden and the counselor each filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board revoked the actions against the associate warden and the counselor, finding that their actions did not constitute misconduct.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-01	13-2063-IR	<ol style="list-style-type: none"> Dishonesty Contraband Other Failure of Good Behavior Controlled Substance 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On October 1, 2012, a chief nurse executive allegedly brought a bottle of wine, a mobile phone, and several prescription medications on institution premises. The prescription medications included medication she had prescribed for herself, medication that did not contain the required patient's prescription label, and medication she illegally prescribed to another person. The chief nurse executive allegedly influenced witness statements and created documentation in an effort to cover up misconduct related to the illegal prescriptions.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the predisciplinary phase. The special agent entered activity more than four months after the activity occurred, making it difficult for the OIG to monitor the case.	

Assessment Questions

- Did the special agent appropriately enter case activity in CMS?

The special agent entered activity more than four months after the activity occurred, making it difficult for the OIG to monitor the case.

Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the chief nurse executive had a limited-term position that expired and was not renewed prior to imposition of the penalty.

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-05	13-0622-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Forgery 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On December 5, 2012, an off-duty officer allegedly forged a prescription for a narcotic and attempted to have the prescription filled at a pharmacy. Outside law enforcement opened a criminal investigation into the matter. During the course of the criminal investigation, the officer allegedly made dishonest statements to outside law enforcement, as well as to the warden and the Office of Internal Affairs concerning how he came to possess the prescription. After the officer was convicted of forgery, he allegedly failed to report the conviction to the hiring authority.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake delayed making a determination regarding the case. The department attorney's initial evaluation of the deadline for taking disciplinary action was incorrect, and the attorney did not provide feedback to the special agent concerning the investigative report.	

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA received the request for investigation on March 29, 2013, but did not take action until May 8, 2013, 40 days after receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney made an entry into CMS on June 19, 2013, concerning the deadline for taking disciplinary action; however, the analysis was incorrect and the entry wasn't made until 29 days after the attorney had been assigned to the case on May 21, 2013.
- 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 the special agent with feedback concerning the draft 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 summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations concerning forgery and dishonesty. The hiring authority also sustained the allegation that the officer failed to notify the department of his conviction. The officer was dismissed from state service. The OIG concurred. The officer filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the officer wherein the officer was allowed to resign in lieu of termination. The OIG concurred with the settlement because it ensured the employee would not return to the department.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-17	13-2451-IR	1. Neglect of Duty	1. Sustained	Letter of Instruction	No Change

Incident Summary

On December 17, 2012, an employee relations officer allegedly failed to timely serve two letters of intent to impose disciplinary action, which resulted in the hiring authority being unable to impose disciplinary action on two parole agents.

Predisciplinary Assessment

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

The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs resulting in the investigation being completed only eight days before the deadline to take disciplinary action.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on December 20, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 16, 2013, almost ten months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed nearly ten months before referring the matter to the Office of Internal Affairs.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was December 19, 2013. The investigation was completed on December 11, 2013, only eight days before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and issued a letter of instruction. Due to mitigating factors, including that the employee relations officer had served the department for 29 years without any prior disciplinary problems, as well as conflicting information given to him by the department attorney regarding the correct deadline for taking disciplinary action, the OIG concurred.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-23	13-0564-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On December 23, 2012, an officer was arrested for domestic violence for allegedly grabbing, shoving, kicking, and pulling his spouse, causing injury. The officer also allegedly failed to report his arrest to the hiring authority.

Predisciplinary Assessment

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

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of domestic violence, but insufficient evidence to sustain the allegation that the officer failed to report his arrest. The hiring authority served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the officer in which he agreed to resign in lieu of dismissal. The officer also agreed to not seek future employment with the department and to withdraw his appeal. The OIG concurred with the settlement because it ensured the officer would no longer work for the department.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. The hiring authority delayed conducting the findings and penalty conference.

SOUTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The investigation was completed on November 18, 2013; however, the consultation regarding the sufficiency of the investigation and investigative findings did not occur until January 22, 2014, 65 days later.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The investigation was completed on November 18, 2013; however the consultation regarding disciplinary determinations did not occur until January 22, 2014, 65 days later.
- Was the disciplinary phase conducted with due diligence by the department?
The investigation was completed on November 18, 2013; however the consultation regarding findings and disciplinary determinations did not occur until January 22, 2014, 65 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-24	13-0477-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Sexual Misconduct 3. Contraband 4. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

From December 24, 2012, through February 14, 2013, a youth counselor allegedly engaged in sexual misconduct with a ward, alerted a ward that his room was going to be searched in advance of the search, advised him to get rid of any contraband, gave the ward white chocolate, and accepted a love letter from the ward.

Predisciplinary Assessment

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

The department's predisciplinary process sufficiently complied with policies and procedures

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the youth counselor neglected her duty by providing a white chocolate bear to a ward in violation of departmental policy. The hiring authority did not sustain the allegations of over-familiarity, introducing contraband, and sexual misconduct, as there was insufficient evidence to support those allegations. The hiring authority imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The youth counselor filed an appeal with the State Personnel Board. The department entered into a settlement agreement whereby the penalty was reduced to a 5 percent salary reduction for five months with early removal of the disciplinary action from the official personnel file. The OIG did not concur with the settlement because there was no change in circumstances to justify a reduction in the original penalty. The OIG did not seek a higher level of review because the change in penalty was not significant.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-14	13-2693-IR	<ol style="list-style-type: none"> 1. Contraband 2. Over-Familiarity 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

From February 14, 2013, to August 27, 2013, an officer allegedly engaged in an overly familiar sexual relationship with an inmate, provided her with gifts, and wrote her letters.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with the department's policies and procedures governing the predisciplinary process. The Office of Internal Affairs delayed in taking action on the case, the special agent did not confer with the OIG prior to finalizing the investigative report, and the investigation was completed only four days before the deadline to take disciplinary action.

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the request for investigation on July 15, 2013, but did not take action until October 9, 2013, 86 days after the receipt of the request.</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 confer with the OIG prior to finalizing the investigative report and the OIG was not provided with a draft investigative report for review.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The Office of Internal Affairs failed to make a timely determination on the request for investigation and failed to timely complete the investigation.</i> Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The deadline to take disciplinary action was March 11, 2014. The investigation was completed on March 7, 2014, only four days before the deadline to take disciplinary action.</i> Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent did not confer with the OIG prior to finalizing the investigative plan and the OIG was not provided with a draft investigative report for review.</i>
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Disposition
 The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

The department's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-02	13-2394-IR	1. Misuse of Authority 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Incident Summary
 On March 2, 2013, an officer allegedly misused her access to the Strategic Offender Management System to enter an inaccurate inmate count.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority did not timely refer the matter to the Office of Internal Affairs. OIA Central Intake did not make a timely determination on the case and did not include a dishonesty allegation. The Office of Internal Affairs did not timely complete the investigation.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The department learned of the misconduct on March 18, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 24, 2013, 67 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 31, 2013, but did not take action until November 6, 2013, 159 days after receipt of the request.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG recommended that OIA Central Intake add an allegation that the officer was dishonest for making false entries into the department's database; however, OIA Central Intake denied the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination on the case. The total delay was more than seven months. The investigation was not completed until 20 days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline to take disciplinary action was on March 18, 2014. The investigation was completed on February 26, 2014, only 20 days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

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

Overall, the department attorney sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-11	13-1145-IR	1. Discourteous Treatment 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Instruction	No Change

Incident Summary

On March 11, 2013, two officers allegedly engaged in a verbal confrontation in front of other staff and inmates. On April 8, 2013, one of the officers was allegedly dishonest in her written report regarding the incident.

Predisciplinary Assessment

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

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the predisciplinary phase. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation. The Office of Internal Affairs failed to timely provide to the department attorney and the OIG the draft investigative report for review and did not conduct a thorough or timely investigation.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?

The department learned of the misconduct on March 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 23, 2013, 73 days after the date of discovery.

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on May 31, 2013, but did not take action until July 10, 2013, 40 days after receipt of the case.

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

The special agent failed to conduct all critical interviews and failed to reinterview the officer who was allegedly dishonest. The special agent also failed to properly manage the time of the investigation, causing it to be completed untimely.

- 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 draft copy of the investigative report was forwarded to the OIG and department attorney just seven days prior to the deadline to take disciplinary action.

- 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 draft copy of the investigative report was forwarded to the OIG and department attorney just seven days prior to the deadline to take disciplinary action.

- Was the predisiplinary/investigative phase conducted with due diligence?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action on the request for investigation and failed to timely conduct the investigation.

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The investigation was completed with only six days left before the deadline to take disciplinary action.

- Was the investigation thorough and appropriately conducted?

Due to time constraints, interviews necessary to complete a thorough investigation were not conducted.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of discourtesy against both officers, but found there was insufficient evidence to support the allegation of dishonesty. The hiring authority determined that corrective action was appropriate for both officers. The OIG concurred in the hiring authority's determinations.

Disciplinary Assessment

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

Overall, the hiring authority and the department attorney complied with the department's policies and procedures; however, the Office of Internal Affairs did not. The Office of Internal Affairs did not provide a thorough and complete investigation to the hiring authority regarding the allegation of dishonesty.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-12	13-1433-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Discourteous Treatment Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On April 12, 13, and 20, 2013, a control booth officer allegedly directed profane and discourteous statements to inmates over the public address system inside a housing unit, left his assigned post, and challenged an inmate to a fight. The officer allegedly failed to report the misconduct of other officers, who he claimed were watching television during their shift instead of supervising inmates. The officer was allegedly dishonest during the interview with the Office of Internal Affairs when he denied his conduct.

Predisciplinary Assessment

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

The department's predisciplinary process sufficiently complied with policies and procedures. The special agent diligently completed the investigation so that it could be combined with another pending case against the officer.

Disposition

The hiring authority found that the evidence did show that the officer was discourteous during the month of April, and therefore sustained that allegation. The hiring authority did not sustain the allegation that the officer left his post. The hiring authority sustained all other allegations, added an allegation of dishonesty during the interview by the Office of Internal Affairs, and imposed a penalty of dismissal. The hiring authority determined there was insufficient evidence to prove that the officer was discourteous on the specific dates alleged. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement ensured the officer would not return to the department.

Disciplinary Assessment

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

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-14	13-0984-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On April 14, 2013, an officer was arrested for domestic violence after he allegedly hit his wife in the mouth and grabbed her neck.

Predisciplinary Assessment

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

The department failed to comply with the department's policies and procedures. OIA Central Intake failed to make a timely determination regarding the case and failed to approve an additional interview of the spouse.

Disposition

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

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary phase. The hiring authority failed to timely consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings and failed to properly complete required forms. The Office of Internal Affairs failed to approve an additional interview, causing an insufficient investigation.

SOUTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 19, 2013. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 24, 2014, almost four months after receipt of the case.
- Was the CDCR Form 402 documenting the findings properly completed?
The CDCR Form 402 did not accurately reflect the hiring authority's determination that the investigation was insufficient.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings in a timely manner.
- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made on any allegation, was that determination the result of an insufficient or untimely investigation?
Despite a request by the special agent, the department attorney, and the OIG for an additional interview of the spouse, who was the alleged victim in the case, the interview was not approved. Without that additional interview, the hiring authority could not properly assess the allegations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-14	13-1149-IR	1. Insubordination 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	No Change

Incident Summary

On April 14, 2013, a senior youth counselor and three youth counselors allegedly failed to take appropriate action upon becoming aware of the scent of marijuana inside their assigned housing unit. The supervising counselor was also allegedly insubordinate when he failed to follow instructions to have every ward in the unit drug tested for the presence of marijuana.

Predisciplinary Assessment

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

Overall, the hiring authority and the department attorney sufficiently complied with policies and procedures; however, OIA Central Intake failed to make a timely determination regarding the case.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 20, 2013, but did not take action until July 10, 2013, 81 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake received the request for investigation on April 20, 2013, but did not take action until July 10, 2013, 81 days after the receipt of the request.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the senior youth counselor and the supervising counselor and imposed a 10 percent salary reduction for 12 months against the senior youth counselor and a 5 percent salary reduction for six months against the supervising counselor. The hiring authority determined there was insufficient evidence to sustain any allegations against the three youth counselors. The OIG concurred with the hiring authority's determinations. Before discipline could be imposed, the senior youth counselor retired from the department. A letter was placed in his file indicating that he retired under adverse circumstances. At his *Skelly* hearing, the supervising counselor showed remorse, accepted responsibility for his actions, and demonstrated that his work performance had improved, indicating that the disciplinary process had served its purpose. The hiring authority agreed to reduce his penalty to a letter of reprimand, and the supervising counselor agreed not to file an appeal with the State Personnel Board. The OIG concurred, finding the agreement to be reasonable in light of the information presented at the *Skelly* hearing.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-16	13-1973-IR	1. Neglect of Duty	1. Unfounded	No Penalty Imposed	No Change

Incident Summary

Between April 16, 2013, and August 26, 2013, an officer allegedly closed cell doors on several inmates in wheelchairs, intentionally trapping their bodies and wheelchairs as they were attempting to enter and exit their assigned cells.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely decision regarding the request. The Office of Internal Affairs did not complete the investigation until 27 days prior to the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery or as soon as reasonably practical?
The date of discovery was April 16, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until June 25, 2013, 70 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 2, 2013, but did not take action until September 11, 2013, 71 days after receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination on the case. The total delay was more than four months.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The investigation was completed on March 20, 2014, only 27 days before April 16, 2014, the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

Procedural Rating: Sufficient
Substantive Rating: Sufficient

The department's disciplinary process sufficiently complied with policies and procedures.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-03	13-1524-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On May 3, 2013, and May 17, 2013, two sergeants allegedly used excessive physical force on officers during a training exercise, resulting in injury to officers. The two sergeants using force allegedly used excessive physical force on the officers on both dates because the officers were former parole agents. A lieutenant allegedly observed the excessive use of force on May 3, 2013, but failed to report it. On May 17, 2013, one of the injured officers allegedly reported the injury to a third sergeant, who failed to properly respond to the report of staff injury. A fourth sergeant and three officers allegedly failed to properly supervise and monitor the training exercise on both dates, and on March 26, 2014, all four were allegedly dishonest during their internal affairs interview when each denied observing any use of excessive force at the trainings. A fifth sergeant allegedly failed to supervise and monitor the training exercise on May 17, 2013.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. The OIA Central Intake did not make a timely determination regarding the case, the Office of Internal Affairs did not diligently conduct the investigation, failed to timely submit a draft investigative report for feedback by the department attorney or OIG, and did not timely submit the investigative report to the hiring authority.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on June 10, 2013, but did not take action until July 24, 2013, 44 days after receipt of the request.
- 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?

Although portions of the draft investigative report were submitted for review just days earlier, the full 66-page draft investigative report was not completed until May 2, 2014, the day before the deadline for taking disciplinary action. This prevented the department attorney and the OIG from providing feedback prior to the report being sent to the hiring authority.
- 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?

Although portions of the draft investigative report were submitted for review just days earlier, the full 66-page draft investigative report was not completed until May 2, 2014, the day before the deadline for taking disciplinary action. This prevented the department attorney and the OIG from providing feedback prior to the report being sent to the hiring authority.
- Was the final investigative report thorough and appropriately drafted?

The draft investigative report was received the day of the findings and penalty conference, which was held on the day before the deadline for taking disciplinary action. Consequently, there was no final report.
- Was the predisciplinary/investigative phase conducted with due diligence?

The special agent was assigned to the case on August 19, 2013, but did not complete the investigation until May 2, 2014, eight months and 13 days after assignment. Although the special agent worked steadily on the case, the number of witnesses that needed to be interviewed required a quicker pace of investigation. During this period, there were four separate one-month periods in which no interviews occurred.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The deadline for taking disciplinary action was May 3, 2014, but the investigation was not completed until May 2, 2014, one day before the deadline for taking disciplinary action.
- Was the investigation thorough and appropriately conducted?

The investigation was not completed in a timely manner.

SOUTH REGION

Disposition

The hiring authority determined there was insufficient evidence to support any allegations because the investigation was incomplete and the investigative report was received late. The OIG disagreed with the hiring authority as the investigation was complete, and there was sufficient evidence to support the allegations. The OIG sought a higher level of review, but the higher level of review did not occur because of insufficient time; the findings and penalty conference occurred just one day prior to the deadline for taking disciplinary action.

Disciplinary Assessment

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

The hiring authority did not comply with the department's policies and procedures regarding the disciplinary process. The hiring authority was not adequately prepared for the findings and penalty conference due to the lateness of the investigative report. Despite the lateness of the investigative report, the hiring authority failed to make a proper determination on the sufficiency of evidence to support the allegations. The OIG sought a higher level of review, which could not occur due to the deadline to take disciplinary action.

Assessment Questions

- 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 did not have the most current version of the draft investigative report due to the lateness of the investigation.
- If the HA determined additional investigation was necessary, was additional investigation requested?
The hiring authority could not request additional investigation because the deadline for taking disciplinary action was only one day following the findings and penalty conference.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority failed to sustain any allegations despite strong evidence. The hiring authority chose to ignore seven officers who provided statements that they were repeatedly struck hard in the head by trainers, one lieutenant who observed several hard strikes to the head of trainees, and admissions by the two officer-trainers that they were intentionally striking trainees in the head as they had been instructed. The hiring authority chose instead to believe the self-serving statements of other trainers and safety officers charged with the responsibility of ensuring safety, who denied observing such activity and who claimed that all trainers were trained not to strike in the head. The hiring authority chose to excuse the behavior of these same safety officers assigned to observe the training and stop unsafe behavior, claiming that they lacked training. The hiring authority then excused the supervisors' failure to supervise and monitor the training and excused the trainers for lack of training because they were simply following past practice at the institution. The hiring authority did this despite the recent attendance by the supervisors at the department's training for reality-based training and their acknowledgment that head strikes were against policy. The hiring authority also excused one supervisor's failure to monitor and train the trainers because he was not present for the actions despite the fact the supervisor purposely absented himself from the trainings.
- Was an executive review invoked to raise an issue to a higher level of management in this case?
The OIG requested to raise the issue to a higher level of review at the findings and penalty conference because the hiring authority incorrectly determined that the investigation was insufficient and the hiring authority incorrectly determined that the facts presented did not constitute misconduct.
- If an executive review was invoked, was the executive review process in the DOM Followed?
The OIG requested to raise the issue to a higher level of review at the findings and penalty conference. However, there was insufficient time to conduct the higher level of review because the findings and penalty conference occurred just one day prior to the deadline for taking disciplinary action.
- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made on any allegation, was that determination the result of an insufficient or untimely investigation?
The hiring authority determined that no allegations could be sustained because the investigation was insufficient but was not completed until the deadline for taking disciplinary action.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-16	13-2139-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On May 16, 2013, an inmate made a threatening remark to an officer about the inmate's psychologist. The officer left a voicemail for the psychologist and also directly told the psychologist that the inmate was upset and that the psychologist should be careful. However, the officer was allegedly negligent when he subsequently allowed the inmate to meet with the psychologist for a one-on-one session. The inmate became aggressive and threatening toward the psychologist and force had to be used on the inmate. On August 20, 2013, a lieutenant was allegedly dishonest in a memorandum he prepared about the incident when he denied that he had heard the voicemail left by the officer for the psychologist.

Predisciplinary Assessment

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

The Office of Internal Affairs and the department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to timely take action on the request for investigation and the department attorney failed to timely assess relevant dates and to initiate a discussion with the special agent and the OIG regarding elements of a thorough investigation.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on July 8, 2013, but did not take action until October 2, 2013, 86 days after receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned to the case on October 17, 2013; however, she did not make an entry into CMS until November 8, 2013, 22 days later.
- 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 to the case on October 17, 2013; however, she did not contact the special agent until November 8, 2013, 22 days later.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake failed to timely take action on the request for investigation.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against the officer and the lieutenant. 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.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-23	13-2224-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On May 23, 2013, an officer allegedly conducted an inappropriate unclothed body search of an inmate in which he inserted his hand between the inmate's buttocks. The search allegedly occurred in front of other inmates and custody staff.

SOUTH REGION

Predisciplinary Assessment		Procedural Rating: Sufficient
		Substantive Rating: Sufficient
The department's predisciplinary process sufficiently complied with policies and procedures.		
Disposition		
The hiring authority determined there was insufficient evidence to sustain the allegation against the officer. The OIG concurred.		
Disciplinary Assessment		Procedural Rating: Sufficient
		Substantive Rating: Sufficient
Overall, the department sufficiently complied with disciplinary policies and procedures.		

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-17	13-2250-IR	<ol style="list-style-type: none"> Insubordination Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On August 17, 2013, an officer allegedly left the institution after being directed by a sergeant to wait at the exit gate so the sergeant could determine if the officer would be required to work involuntary overtime due to staff shortages. The officer was allegedly dishonest to the sergeant about whether that day was the last day the officer was scheduled to work that week.

Predisciplinary Assessment		Procedural Rating: Insufficient
		Substantive Rating: Insufficient
The Office of Internal Affairs and the department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake failed to timely send case materials to the Office of Internal Affairs, resulting in the department attorney's inability to conduct a timely discussion with a special agent regarding the investigation. OIA Central Intake also failed to approve a request for reconsideration for an investigation regarding dishonesty. The department attorney failed to provide written feedback to the OIG regarding the investigative report.		

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Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
The OIA Central Intake received the case on September 27, 2013. Although OIA Central Intake made a timely determination of the case on October 17, 2013, OIA Central Intake failed to communicate the decision and send case materials to the local Office of Internal Affairs until November 22, 2013, 36 days after making its determination and 56 days after receipt of the case.
- If the case was submitted to OIA Central Intake or to the Chief of OIA for reconsideration, was an appropriate decision made regarding the request?
The investigation did not include interviews of two sergeants who witnessed the allegedly dishonest statements the officer made. Despite requests by the special agent, the department attorney, and the OIG, a full investigation was not approved. The additional interviews were necessary to fully evaluate the dishonesty allegation.
- 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 made timely efforts to contact a special agent to discuss the investigation, but no special agent was assigned within the 21 days of the department attorney's assignment to the case.
- 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?
Although the department attorney provided written confirmation to the special agent, she did not provide a copy to the OIG.
- Was the predisciplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs failed to timely take action on the request for investigation.
- Was the investigation thorough and appropriately conducted?
The investigation did not include interviews of two sergeants who witnessed the allegedly dishonest statements the officer made. Despite requests by the special agent, the department attorney, and the OIG, a full investigation was not approved. The additional interviews were necessary to fully evaluate the dishonesty allegation.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the officer left the institution after she had been ordered to stand by and imposed a 5 percent salary reduction for three months. The hiring authority determined there was insufficient evidence to sustain the dishonesty allegation. The OIG concurred. After the officer filed an appeal with the State Personnel Board, the hiring authority entered into a settlement agreement wherein the officer agreed to withdraw the appeal and the department agreed to allow the officer to request removal of the disciplinary action from her official personnel file after 12 months. The OIG concurred with the terms of the settlement because it did not change the penalty imposed.

Disciplinary Assessment

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

Overall, the hiring authority sufficiently complied with the department's policies and procedures; however, the department attorney did not. The department attorney did not believe the facts supported a finding of misconduct and recharacterized the misconduct in an attempt to avoid a more severe penalty.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-18	14-1034-IR	<ol style="list-style-type: none"> Dishonesty Contraband Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

From September 18, 2013, to February 7, 2014, an officer allegedly communicated with an inmate by phone and text messages over 1,000 times. The officer also allegedly provided the inmate with a mobile phone and was dishonest about having done so when questioned.

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Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in her official personnel file.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-04	14-0197-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	No Change

Incident Summary
Between October 4, 2013, and October 7, 2013, an officer allegedly forged the signature of his supervisor on employee attendance records that he submitted to the department.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department's predisciplinary process complied with policies and procedures.	
Disposition	
The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-04	14-0195-IR	1. Sexual Misconduct	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary
Between November 4, 2013, and November 20, 2013, an officer allegedly unzipped his pants, verbally propositioned an inmate, and attempted to kiss her.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-28	13-2686-IR	1. Contraband	1. Sustained	Dismissal	No Change

Incident Summary

On November 28, 2013, an officer allegedly brought heroin, marijuana, tobacco, and mobile phones into the institution when he reported to work. The officer was arrested.

Predisciplinary Assessment

The department sufficiently complied with policies and procedures.

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

Disposition

The hiring authority sustained the allegation and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer had already been nonpunitive terminated when he failed to report to work for several days after his arrest; therefore, disciplinary action could not be imposed.

Disciplinary Assessment

The department's disciplinary process sufficiently complied with policies and procedures.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-27	14-0598-IR	1. Dishonesty 2. Neglect of Duty 3. Unauthorized Absence	1. Sustained 2. Sustained 3. Sustained	Suspension	No Change

Incident Summary

On December 27, 2013, two officers allegedly swapped shifts without a supervisor's permission. The first officer allegedly failed to document that he actually worked the shift, but instead signed the second officer's name to a document to indicate that the second officer worked the shift. The second officer was allegedly absent from her assigned post on that date. Further, between March 27, 2013, and December 27, 2013, both officers allegedly violated the procedures requiring completion of swaps within 90 days.

Predisciplinary Assessment

Overall, the department's predisciplinary process sufficiently complied with policies and procedures.

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against both officers and imposed a 60 working-day suspension against the first officer and a salary reduction of 10 percent for 24 months against the second officer. The OIG did not concur with the hiring authority's determinations as to the first officer and recommended a dismissal. The OIG did not seek a higher level of review because the penalty imposed was still significant and the hiring authority articulated specific reasons for not imposing dismissal. The OIG concurred with the hiring authority's determinations as to the second officer; however, before discipline could be imposed, the second officer retired from the department. A letter was placed in the second officer's official personnel file indicating that she retired under adverse circumstances.

Disciplinary Assessment

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to impose a penalty of dismissal as to the first officer despite the sustained allegation of dishonesty.

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



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STATE OF CALIFORNIA
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