

Robert A. Barton
Inspector General

Office of the Inspector General

SEMI-ANNUAL REPORT

July–December 2014

Volume I



March 2015

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

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Inspector General

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March 2015



FOREWORD

This 20th Semi-Annual Report covers the time period July through December 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 California Department of Corrections and Rehabilitation's (CDCR or the department) Office of Internal Affairs investigations and the employee discipline process. The OIG's Semi-Annual Reports primarily serve 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 disciplinary decisions made by hiring authorities (commonly wardens or other CDCR managers) related to cases where there are sustained allegations of employee misconduct. The OIG continues monitoring any subsequent appeal. Volume I is a summary of those administrative and criminal investigations the department conducted that were monitored by the OIG, as well as an assessment of the disciplinary process.

Each administrative case is reported in two separate phases, the Pre-Disciplinary Phase and the Disciplinary Phase. If the administrative investigation is completed and the hiring authority determines findings regarding the allegations, the case is found in Appendix A1, entitled Pre-Disciplinary Phase. In the Disciplinary Phase, cases are reported once the department makes its decision to impose discipline and after completion of any appeal process. These cases are reported in either Appendix B, entitled Disciplinary Phase, or Appendix C, entitled Combined Phases, where both the Pre-Disciplinary and Disciplinary Phases concluded during the six-month reporting period. The Pre-Disciplinary Phase, Disciplinary Phase, and Combined Phase appendices also include cases in which the Office of Internal Affairs approved direct disciplinary action without a full investigation. A direct action case is one where no investigation is opened because the facts are deemed sufficiently established such that no investigation is needed. Sometimes these cases will involve only an interview of the subject of the investigation. The OIG also monitors and assesses these cases.

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

This report provides an assessment of 322 monitored cases the OIG closed during the reporting period of July 1, 2014, through December 31, 2014, of which 309 involve alleged administrative misconduct. The remaining 13 cases pertain to alleged criminal misconduct.

The number of cases reported only reflects the number of cases the OIG monitored and that came to a conclusion during this period. The OIG only reports those cases that have completed a phase in order to protect the integrity of the process.

THE EMPLOYEE DISCIPLINE PROCESS

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

Table 1: OIG Monitoring Criteria

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.
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; or 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; purposely or negligently creating an opportunity or motive for an inmate, ward, or parolee to harm another inmate, staff, or self, i.e., suicide; or use of position to avoid outside law enforcement actions.
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 regarding the discipline decision. If the Special

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

Employees who receive discipline have a right to challenge the discipline imposed against them by filing an appeal with the State Personnel Board, an independent State agency. The OIG continues monitoring through this appeal process. During this process, a case 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 to superior court, the OIG continues to monitor the case until final resolution.

¹ Pursuant to Department Operations Manual, 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.

MONITORING THE PRE-DISCIPLINARY PHASE

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

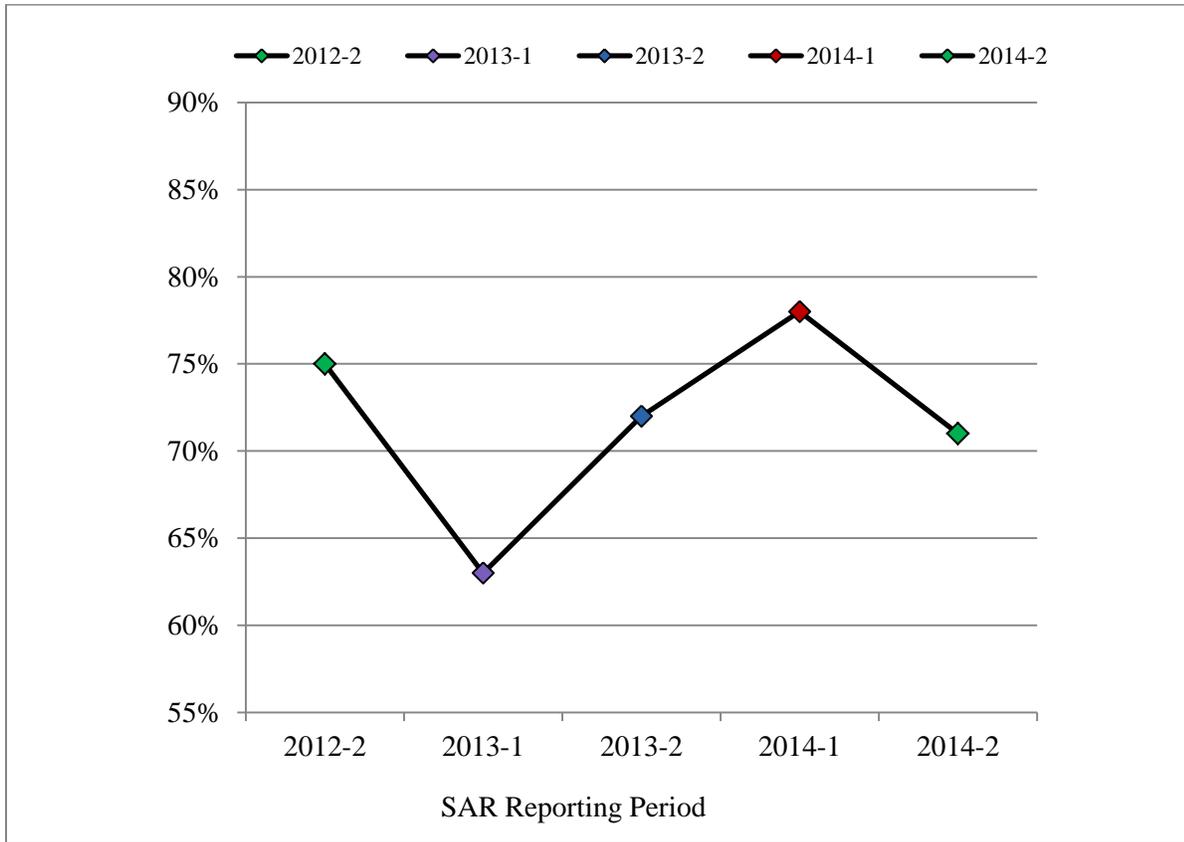
MONITORING HIRING AUTHORITY REFERRALS

The OIG monitors the timeliness of hiring authority referrals to the Office of Internal Affairs. In previous reports, the OIG recommended that the department adopt a 45-day standard for referral of misconduct cases. The department adopted the OIG's recommendation, and the OIG reported that the hiring authority timely referred 78 percent of cases during the January through June 2014 period to the Office of Internal Affairs' Central Intake Panel. This 78 percent constituted a 6 percent increase from the reporting period of July through December 2013 before the change was adopted by the department.

Chart 1 on the following page displays the number of cases referred to the Office of Internal Affairs' Central Intake Panel within 45 days during this reporting period of July through December 2014. As the chart reflects, the hiring authority referred 71 percent of the cases the OIG monitored to the Office of Internal Affairs' Central Intake Panel within 45 days, representing a decrease from that of the last reporting period. This is disappointing in light of the improvement during the last reporting period and the department's agreement to adopt the OIG's recommendations. Timely referrals are critical to completion of thorough and timely investigations, and with the policy now in place, the expectation will be improvement by the hiring authorities.

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

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



MONITORING CENTRAL INTAKE

The Office of Internal Affairs’ Central Intake Panel meets weekly to review the referrals for investigation submitted from throughout the department. Special Assistant Inspectors General review the referrals and attend the meetings on a weekly basis. They make recommendations to the department regarding whether the department should indagate a matter and the level of investigation needed.

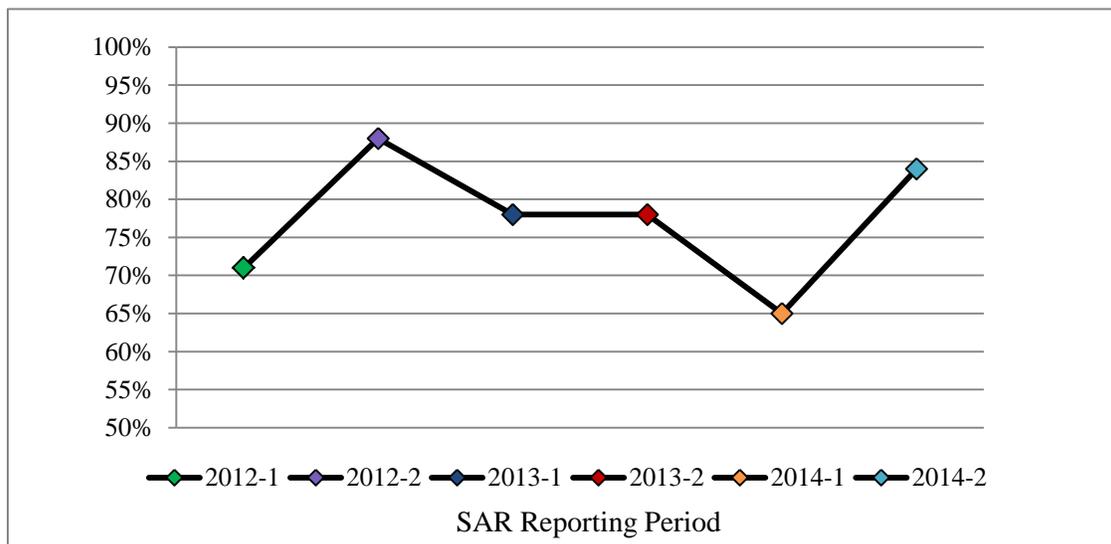
The Special Assistant Inspectors General also inform the department which cases the OIG will accept for monitoring. In the six-month period from July 1, 2014, through December 31, 2014, the OIG reviewed 1,274 cases forwarded to the Office of Internal Affairs’ Central

The OIG reviewed 1,274 cases referred to the Office of Internal Affairs. Approximately 25 percent (322 cases) met the OIG’s criteria and were opened for monitoring.

Intake Panel for evaluation. Departmental policy requires the Office of Internal Affairs’ Central Intake Panel to make a determination regarding the case within 30 days of referral. The information for this reporting period includes cases closed by the OIG during this six-month period and not the actual 1,274 cases reviewed during the six-month period. In this reporting period, 84 percent of the monitored cases closed during the reporting period were addressed

timely by the Office of Internal Affairs' Central Intake Panel. During the last reporting period, only 65 percent of the cases closed and reported had timely determinations. The current number of timely determinations represents a 29 percent increase over the last reporting period. During the last reporting period, the OIG recommended the department take action to decrease the special agent vacancy rate to improve the timeliness of determining the referrals. The Office of Internal Affairs was able to decrease the vacancy rate, which appears to have had a direct impact on timely determinations. This increase in timely determinations by the Office of Internal Affairs' Central Intake Panel demonstrates the department's willingness to comply with its own policies and procedures.

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



MONITORING THE INVESTIGATION

A core *Madrid* concern was the failure of the department to timely complete investigations.³ Pursuant to Department Operations Manual (DOM), Section 33030.13, “As soon as operationally feasible, but no more than twenty-one (21) calendar days following receipt of the investigative report, the Vertical Advocate shall review the investigative report and supporting documentation and provide feedback to the assigned investigator.”⁴ As part of the *Madrid* reforms, the department adopted timelines 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 DOM further specifies, “As soon as operationally possible, but no more than fourteen (14) calendar days following the receipt of the final investigative report, the hiring authority shall review the investigative report and supporting documentation.” The purpose of the review is to determine whether the investigation is sufficient, whether the allegations are founded, whether disciplinary action is supported by the facts, what penalty is appropriate, and what recommendations shall be made by the OIG.

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.”

In past reporting periods, the OIG assessed the Office of Internal Affairs based on a 35-day timeline, which took into consideration the 21 days afforded the department attorney for review of the investigation and the 14 days provided to the hiring authority. Investigations not completed more than 35 days before the statute of limitations were deemed procedurally insufficient. Based on discussions with the department regarding the interpretation of Department Operations Manual, Section 33030.13, the OIG has agreed to assess the department's procedural compliance based on a 14-day standard as the Office of Internal Affairs is required to provide, at a minimum, the completed investigative report and exhibits to the hiring authority at least 14 days before the deadline to take disciplinary action. If the investigation is completed 14 days or less before the deadline for taking disciplinary action, the procedural Pre-Disciplinary assessment will be insufficient.⁵ Despite this change in methodology in assessment from a 35-day standard to a 14-day standard, the OIG's experience this reporting period is that the change made no statistical difference in the assessment ratings.

Nevertheless, the OIG still maintains that the standard for completion of reports 14 days before the deadline to take disciplinary action is not the best practice. A hiring authority is permitted 14 days within which to review the report, and the limited time frame encroaches on the time allowed for that review. A findings and penalty conference also needs to occur within the 14 days, as well as timely service of a disciplinary action or other appropriate document noticing the subject of the intent to take disciplinary action. In fact, even investigations completed more than 14 days before the deadline to take disciplinary action may still result in a substantive insufficient assessment if the delay resulted in harm to the department. Such harm might be an inability to complete further investigation if the hiring authority deems it necessary, thereby affecting the hiring authority's ability to properly determine the allegations.

ALLEGATION TYPE DISTRIBUTION

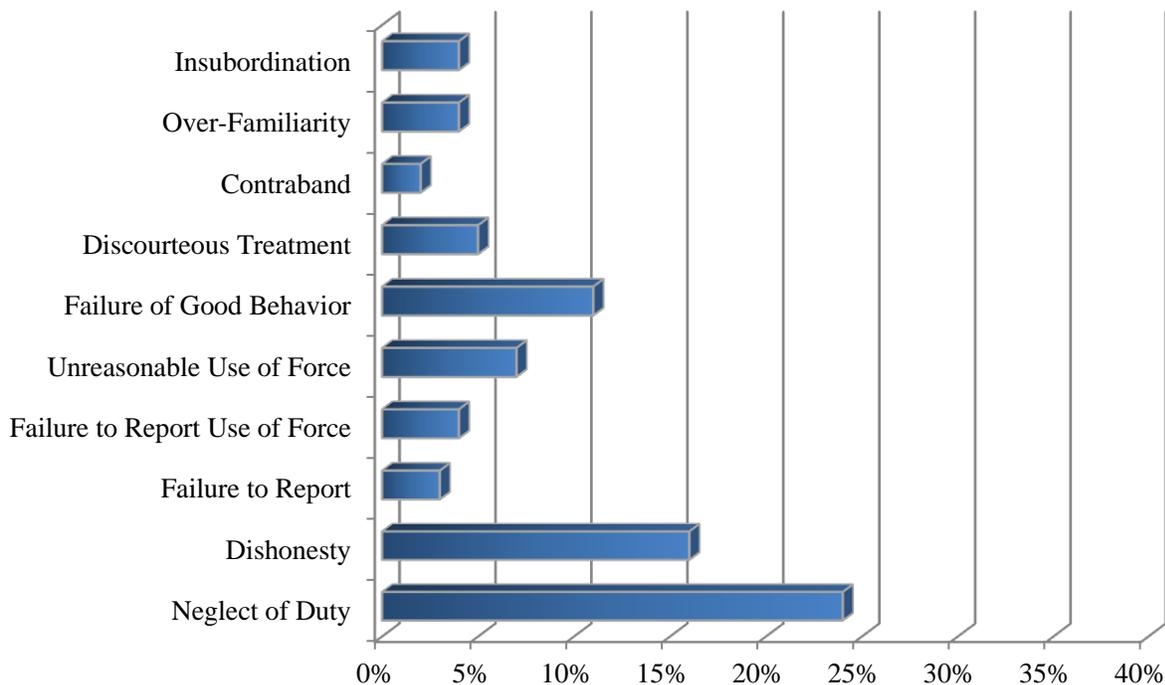
Consistent with prior reporting periods, the OIG focused a large portion of its monitoring activities on cases involving core *Madrid* issues. The core *Madrid* allegations involve unreasonable use of force, officer dishonesty, failure to report misconduct, and code of silence. Cases involving peace officers or sworn staff are given priority for monitoring. In this reporting period, the OIG monitored cases involving 474 sworn officers, representing 92 percent of all subjects reported in the monitoring tables, essentially the same percentage as in the last reporting period (91 percent sworn officers).

Chart 3 provides a summary of the allegations, both core *Madrid* allegations and other allegation types, for the cases being reported. A single case usually contains many allegations of misconduct; therefore, the number of allegations exceeds the number of cases reported. In addition, there are numerous allegation types that cannot be classified into narrow categories and, therefore, are not captured in Chart 3. However, the chart does reflect the percentage of the

⁵ The pertinent assessment questions in the appendices refer to whether or not the Office of Internal Affairs submitted its report to the hiring authority within 35 days; however, the procedural assessment for the Pre-Disciplinary or Investigative Phase was not deemed automatically insufficient unless the investigative report was submitted less than 14 days before the deadline to take disciplinary action. The assessment questions will be changed for the next reporting period.

specific categories outlined below when compared to the total number of allegations in monitored cases, including those that do not fit into the specific categories identified. The chart is intended only to reflect 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, July–December 2014



MONITORING THE HIRING AUTHORITY’S FINDINGS DETERMINATION

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

MONITORING THE DISCIPLINARY PHASE

PENALTIES

In previous reports, the Disciplinary Phase started with the hiring authority's determination whether to sustain allegations. In this reporting period, the Disciplinary Phase begins after the hiring authority determines that allegations should be sustained. If the hiring authority sustains allegations, the hiring authority must determine a penalty consistent with the provisions of CDCR's policies and procedures.

DISHONESTY ALLEGATIONS

The OIG maintains that properly identifying evidence-supported dishonesty allegations is, and should be, a priority for the department. The number of monitored cases involving dishonesty dropped from 95 in the last reporting period to 66 for this reporting period. However, of the dishonesty allegations addressed by hiring authorities this period, a larger percentage was sustained than previously. The percentage of dishonesty allegations sustained increased from 65 percent during the last reporting period to 74 percent during this reporting period. During the five previous reporting periods, the percentage of sustained allegations ranged from 58 percent to 68 percent.

In this report, hiring authorities determined dismissal was the appropriate penalty in 34 dishonesty cases, or 69 percent of the cases. It should be noted that dismissal is the presumed penalty for peace officer dishonesty cases unless mitigating factors are identified. The current reporting period has the lowest percentage since the first six-month reporting period of 2012, when only 63 percent of the dishonesty cases resulted in dismissal. Of the dishonesty cases where dismissal was not imposed, two resulted in demotions, eight in suspensions, four in salary reductions, and one in a letter of reprimand. The foregoing data suggest that although hiring authorities are finding sufficient evidence to sustain dishonesty, they are not always imposing dismissal.

For example, in one case a hiring authority sustained an allegation that an officer was dishonest when he claimed he was late to work due to his tires blowing out when in fact the tires had blown out the week before. Despite the sustained allegation, the hiring authority imposed a suspension. Another case involved a hiring authority that found an officer was dishonest to his supervisor. The hiring authority initially dismissed the officer but subsequently entered into a settlement agreement for a salary reduction despite there being no change of circumstances and no mitigating factors to justify the settlement.

While there are cases involving dishonesty where a lesser penalty may be appropriate, the hiring authority should carefully consider all penalty factors. The OIG elevates any unreasonable decision by a hiring authority for executive review.

EXECUTIVE REVIEW

If either the OIG or the department attorney believes the hiring authority is making an unreasonable decision regarding whether to sustain allegations or the level of discipline, that party can seek executive review pursuant to the department’s policies and procedures. In the executive review, the hiring authority’s supervisor, the department attorney’s supervisor, and the OIG supervisor consult regarding the findings. If an unreasonable decision is still being contemplated, either party may seek to elevate the matter to the next highest level of review until the matter reaches the top executive levels. Executive review is a critical part of the discipline process, but it is designed to be used sparingly. Executive review is sought only when there are *significant* differing opinions that cannot be resolved at the initial hiring authority level.

Overall, for the last six reporting periods, 12 out of 17 executive review decisions were ultimately consistent with OIG recommendations. The OIG continues to believe executive review is a valuable tool and will invoke it whenever necessary. Chart 4 provides a comparison of OIG executive review requests that took place during this reporting period and in prior reporting periods. In the current reporting period, the OIG sought executive review on three occasions; two were decided consistent with the OIG’s position, and one was not.

Chart 4: Executive Review

Reporting Period	OIG Requested Executive Review	Executive Review Decision Consistent with OIG’s Position
Jul–Dec 2014	3	2
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
	17	12

*As in the prior report, this report only includes cases in which solely the OIG requested executive review.

CASE SUFFICIENCY RATINGS

The OIG and the department continue to work collaboratively to improve the internal affairs investigation and employee discipline processes. The OIG assesses each case to determine whether the department sufficiently complied with its policies as well as best practices in conducting the investigation and addressing the allegations. An insufficient rating does not necessarily mean there was an adverse outcome. Rather, an insufficient rating indicates that there were deficiencies with the potential for creating an adverse outcome.

In the last reporting period, at the department's request, the OIG for the first time separately assessed procedural and substantive aspects of each case. Prior to that period, the OIG provided one overall rating, which did not differentiate between procedural and substantive assessments. The purpose for the change was to enable the department to better identify and address areas needing the most attention, as well as to ensure overall fairness to those department employees who performed well qualitatively. The OIG believes that procedural insufficiencies are germane even if a case is completed within statute and there is no tangible harm, as there could be intangible substantive harm, such as an unreasonable length of time for the hiring authority to review a case or for the department attorney to draft the disciplinary action. In addition, the OIG expects the department to comply with its own policies. Therefore, the OIG continues to assess procedural deficiencies regardless of outcome or specific entity responsibility within the department. Minor inadequacies typically do not result in an insufficient rating.

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

Chart 5 shows the OIG's assessments by region for the Pre-Disciplinary and Investigative Phases.⁶ Chart 6 displays the OIG's assessment by region for the Disciplinary Phase. The charts provide sufficiency ratings for the department as a whole rather than for the individual entity (Office of Internal Affairs' Central Intake Panel, department attorney, or hiring authority) responsible for the rating.

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

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

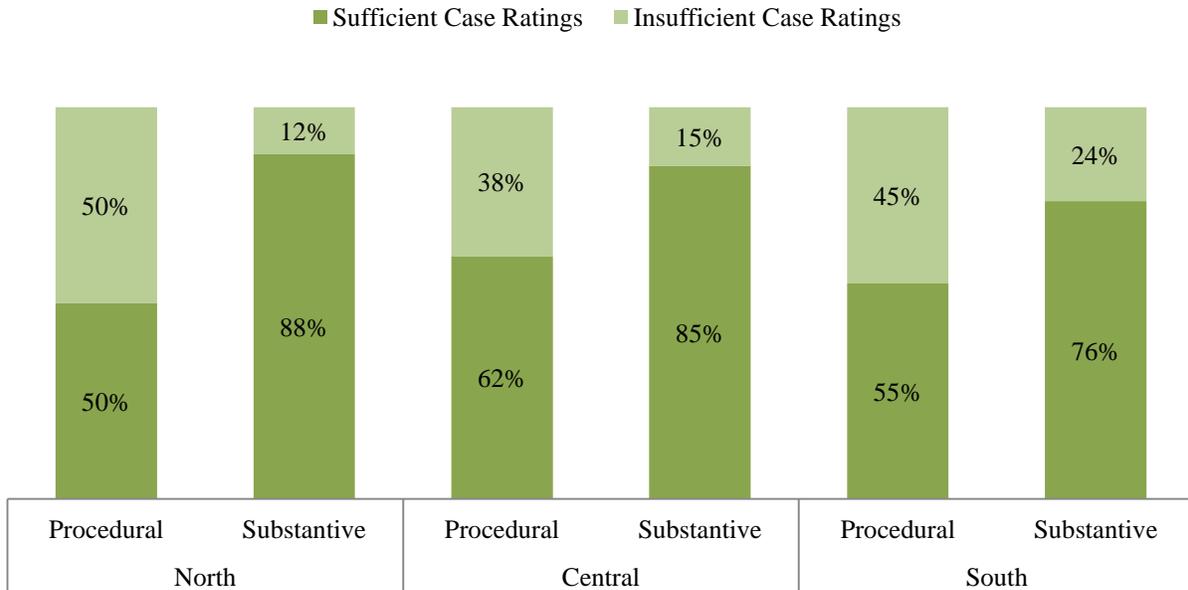
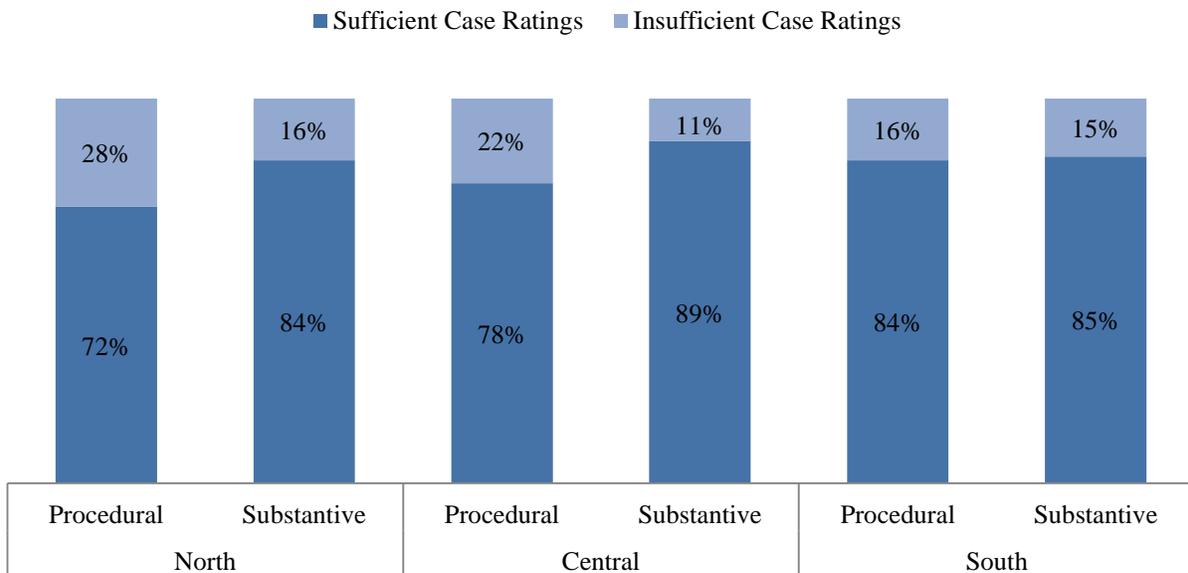


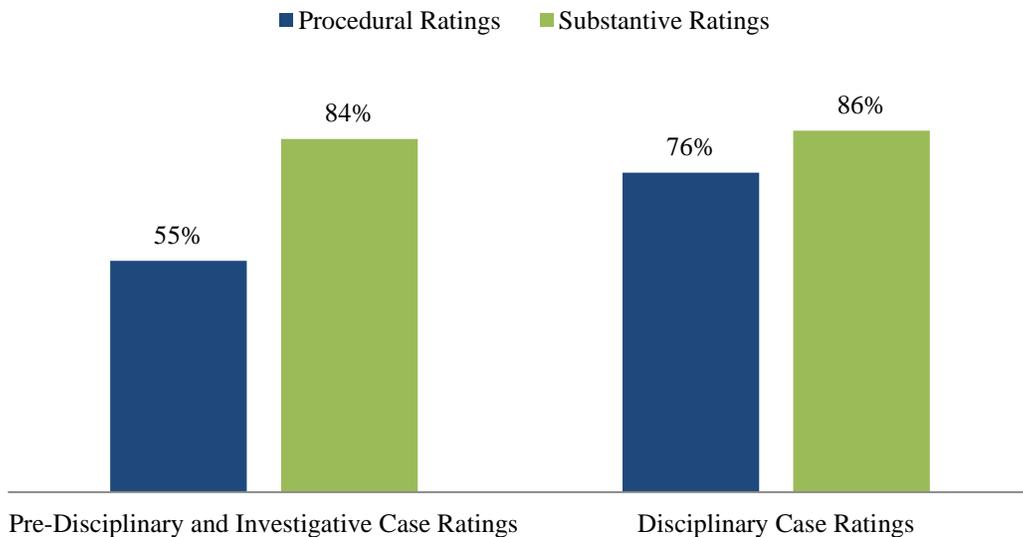
Chart 6: Department Disciplinary Case Ratings by Region



In the last reporting period, cases in the central region carried a 79 percent procedural insufficiency rating, and those in the northern region carried a 61 percent procedural insufficiency rating. The cases monitored for both regions during this reporting period reflect improved sufficiency ratings for the Pre-Disciplinary Phase of the monitoring process. The southern region remains fairly consistent with the past reporting period for the Pre-Discipline Phase but showed improvement in the Disciplinary Phase.

Chart 7 shows the overall statewide sufficiency procedural and substantive assessments. Of the 271 cases being reported in the Pre-Disciplinary and Investigative Phases, 55 percent were deemed procedurally sufficient and 84 percent substantively sufficient, compared to 40 percent and 80 percent, respectively, during the last reporting period. Of the 216 cases being reported in the Disciplinary Phase, 76 percent were deemed procedurally sufficient and 86 percent substantively sufficient. In the last reporting period the Disciplinary assessments were 68 percent procedurally sufficient and 74 percent substantively sufficient. The current ratings reflect an overall improvement in all phases of the process with respect to cases the OIG monitored.

Chart 7: Department Overall Case Sufficiency Ratings



VOLUME I CONCLUSION

The OIG continues to provide ongoing oversight and transparency to CDCR as the department attempts to enforce the reforms mandated by the *Madrid* court for internal investigations and the employee discipline process. In addition, the Semi-Annual Report once again provides specific recommendations regarding policies and procedures within CDCR, including a summary of the department's response to the prior recommendations. Past recommendations and the department's response are reported separately below. The overall improvements by the department are commendable, but there is still more room to improve.

The OIG also provides new recommendations wherever areas can be improved. The department previously instituted policies to establish guidelines to ensure timeliness, such as 45 days for a case to be referred for investigation once potential misconduct is discovered and 30 days for the Office of Internal Affairs' Central Intake Panel to process a case. However, additional guidelines and policies would help to ensure investigations are timely initiated.

As the OIG previously reported, the amount of time taken by the department to begin and complete investigations is still too lengthy. Delayed investigations cause the subjects of investigations to wait unnecessarily for resolution of the allegations against them and result in faded memories and delayed separation of subpar employees. During this reporting period, there were instances in which the Office of Internal Affairs investigations were not started for several months after being assigned. The average length of time to complete the investigation for a monitored case during this reporting period was eight months.

In one case, the Office of Internal Affairs waited six months to conduct any investigative work and seven months to conduct any interviews. The hiring authority deemed the investigation insufficient; however, due to an impending deadline to take disciplinary action, the hiring authority was unable to request additional investigation. A similar case involved a five-month delay conducting any investigative work and an over-five-month delay conducting interviews. As a result, there was insufficient time to interview other possible subject officers. While the majority of cases are completed in time for no substantive harm, even one case as described above is undesirable.

As the foregoing cases demonstrate, negative consequences may and do result from delayed investigations. Consequently, a requirement that Office of Internal Affairs special agents commence investigations by conducting the first interview within 45 to 60 days of case assignment is recommended. The department should not settle for completing cases to beat a one-year statute of limitations, but instead strive for more timely resolutions. Such a change in management priority would improve employee morale where employees who are found not culpable for misconduct are cleared sooner, relieving their stress. Additionally, more timely completion of investigations would improve the department's professional standing by correcting misbehavior in a more timely fashion. The OIG notes that the Office of Internal Affairs still has challenges filling staff positions, citing hiring and retention difficulties. These are valid problems the department needs to solve.

The OIG also noticed that department attorneys generally prepare witnesses for State Personnel Board hearings without a third party present to witness the meeting and without recording their statements, potentially resulting in negative consequences. The OIG recommends that the department implement a policy requiring department attorneys to have a witness present while preparing trial witnesses for hearing or, if that is not feasible, to record the consultation. Additionally, department attorneys should document their accounts of witness preparation if not recorded. This would alleviate questions at the time of the settlement conference regarding witness statements. It would also prevent the attorney from possibly becoming an impeachment witness if the person being interviewed changes his or her statement.

Another area of concern is the handling of firearms. The OIG monitored two cases during this reporting period illustrating the need for additional policy concerning the safe handling of firearms. In the first case, while on the range, an officer negligently shot himself in the foot and suffered bodily injury. The Office of Internal Affairs did not respond or open an investigation, deeming the matter an “accident.” Although local law enforcement responded to the incident, outside law enforcement only made determinations based on criminal liability. No one investigated whether or not training was followed or policies violated or what could be done to prevent reoccurrence. In the second case, an officer allegedly placed a loaded firearm in a holster in a careless manner, causing a discharge inside an armory. Given the potential deadly consequences in both incidents, a policy should be developed requiring all negligent discharges to be investigated to determine how such situations can be avoided as well as to determine whether disciplinary action is warranted. In addition, the department should have a clear policy concerning gun safety in the armory.

The OIG recommended in the past two reporting periods that the department adopt a consistent statewide policy on the factors that should lead to 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. To date, the department has not implemented such a policy but has indicated that a work group was formed to address the issue. During this reporting period, the OIG closed seven cases involving off-duty officers being in possession of weapons while intoxicated. The facts of each case are as follows:

1. An off-duty officer allegedly danced on top of a bar while intoxicated and flashed his gun at private citizens inside the bar several times.
2. An off-duty officer allegedly engaged in a verbal altercation with a private citizen while intoxicated and pointed a 40-caliber semi-automatic handgun at the private citizen’s chest.
3. An off-duty officer allegedly became intoxicated and urinated outside a public business. When he was arrested by outside law enforcement, the officer was allegedly carrying a loaded, concealed personal handgun in his pants pocket.
4. An off-duty officer was arrested for child endangerment after he allegedly left several firearms and ammunition scattered throughout his home in places accessible to his three minor children, including a loaded firearm in a toy box, while he was intoxicated.
5. An off-duty officer allegedly fired a shotgun into the ground in a residential area at the officer’s home while intoxicated.

6. An off-duty officer allegedly drove his vehicle while intoxicated and engaged in a “road-rage” incident during which he physically assaulted a private citizen and threatened to shoot him. The officer then drove to a different location and allegedly brandished a handgun at private citizens.
7. An officer was arrested for allegedly driving under the influence after outside law enforcement observed the officer crouched behind his parked running vehicle while allegedly holding a mobile phone in one hand and a handgun in the other.

The foregoing cases clearly demonstrate an ongoing problem of off-duty officers being in possession of weapons while intoxicated. Such behavior is not only dangerous to the public but brings discredit to the department. The OIG suggests the department consider making the penalty for any violation of this policy include the immediate revocation of the concealed weapons permit consistent with other law enforcement agencies that grant concealed weapons permits.

The OIG monitors all incidents involving the use of deadly force as well as incidents involving lesser force that may not have been in compliance with departmental policy. Often times, there are conflicting accounts of what transpired, making it difficult to assess whether the force used complied with policy. Video of the incidents can serve to resolve conflicting accounts. However, most institutions are still lacking cameras.

During this reporting period, the OIG closed a monitored incident in which a control booth officer fired multiple less-lethal rounds in an attempt to stop a fight. An inmate initially claimed being struck on the head by one of the rounds but later stated he did not know what caused his head injuries. There was no camera on the yard where the incident occurred and, without video of the incident, it was not possible to determine what struck the inmate on the head. The OIG also monitored an incident in which an officer struck an inmate on the head with his baton while attempting to strike the inmate on the shoulder after the inmate had attacked him. Again, there was no camera where the incident occurred, making it difficult to determine whether the strike was unintentional and whether the force used was consistent with departmental policy.

In summary, this report reflects an overall improvement in sufficient procedural and substantive ratings for the department. It is anticipated that the new policy for timely referrals to the Office of Internal Affairs’ Central Intake Panel and increased Office of Internal Affairs staffing will result in increased timeliness in the future. The department needs to remain committed to continued improvement in the timeliness of investigations.

In addition, in light of the procedural insufficiency ratings, especially for the Pre-Disciplinary Phase, it is apparent that the deadlines are not yet being consistently followed. A large percentage of the delay relates to a combination of untimely case referral for investigation, untimely completion of the investigation, and untimely completion of the investigative findings conferences. There are myriad factors coming into play during each of these processes and, in order for the process to be effective, the department as a whole must work collaboratively. Despite the low procedurally sufficient assessments, the department still scored above 80 percent on a substantive basis. While this is good, there is still room for improvement.

By assessing and reporting on the area of employee discipline, the OIG remains committed to ensuring the department continues to improve both procedurally and substantively. The OIG’s

goal is the same as the department's, which is to ensure a correctional system that functions properly and fairly. The OIG will continue to add value wherever possible.

VOLUME I RECOMMENDATIONS

The OIG commends the department for implementing prior recommendations and continues to encourage CDCR to implement those that remain. The OIG recommends the department implement the following recommendations from Volume I of the Semi-Annual Report, July–December 2014.

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

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

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

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

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

VOLUME I RECOMMENDATIONS FROM PRIOR REPORTING PERIODS

The OIG recommends the department implement the following recommendations from Volume I of the prior 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.

CDCR Response: Pending Implementation

The department has proposed to amend Title 15, California Code of Regulations, Section 3401.5, Employee Sexual Misconduct, as part of compliance with the federal Prison Rape Elimination Act (PREA) standards. The policy is currently in the internal stakeholder review process before being sent to the Office of Administrative Law for the public comment period. These changes will be codified through the Administrative Procedures Act. At this time, the department does not have a specific date when it anticipates the regulation process will be finalized.

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

CDCR Response: Not implemented

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

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

CDCR Response: Pending Implementation

The department has conferred with the Office of Legal Affairs (OLA) and OLA is currently working with other units on a statewide, comprehensive policy to address the issues surrounding concealed weapons permits.

Recommendation 1.3 The OIG 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 be maintained in one central office and available to prosecutorial agencies.

CDCR Response: Not implemented

The department is currently reviewing this recommendation.

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APPENDICES

Appendix A1 contains the assessments for 93 Pre-Disciplinary Phase cases monitored during this reporting period, listed by geographical region. **Page 23**

Appendix A2 contains the assessments for 13 Investigative Phase (criminal) cases monitored during this reporting period, listed by geographical region. **Page 67**

Appendix B contains the assessments for 51 Disciplinary Phase cases monitored during the reporting period, listed by geographical region. **Page 74**

Appendix C contains the assessments of 165 Combined Phase cases monitored during the reporting period, listed by geographical region. **Page 104**

APPENDIX A1 PRE-DISCIPLINARY PHASE CASES

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-06-18	12-1038-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Other Failure of Good Behavior

Incident Summary

On June 18, 2011, an off-duty officer allegedly engaged in a fight with another off-duty officer and seriously injured the second officer. The first officer then fled the scene and allegedly failed to report the incident. He also later allegedly provided false information concerning the incident to outside law enforcement. A third officer witnessed the altercation, but allegedly failed to intervene and stop the attack, fled the scene, and failed to report the incident.

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 delaying over ten months before referring the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The date of discovery was June 23, 2011; however, the hiring authority did not refer the matter to the Office of Internal Affairs until May 1, 2012, over ten months after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2012-09-04	13-2049-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On September 4, 2012, a chief deputy warden allegedly failed to notify the warden of inmates' complaints that they sustained burns while forced to remain on their knees following a riot on an exercise yard. The chief deputy warden was also allegedly dishonest during an investigative interview. On November 1, 2012, a lieutenant was allegedly dishonest in a memorandum he wrote concerning the same incident. The lieutenant and two other lieutenants allegedly failed to properly investigate the inmates' formal complaints. On May 19, 2014, the three lieutenants were allegedly dishonest during their investigative interviews.

Predisciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-17	13-0361-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior

Incident Summary

On January 17, 2013, an off-duty officer allegedly argued with family members and pushed the 15-year-old daughter of his girlfriend to the ground, resulting in outside law enforcement responding. The officer left the scene prior to outside law enforcement arriving. The officer also allegedly violated a restraining order when he returned to the residence to remove property. The officer was also allegedly dishonest to outside law enforcement when he denied hitting his girlfriend during a previous domestic violence incident in 2012 and was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The Office of Internal Affairs and department attorney failed to comply with policies and procedures governing the predisciplinary process. The OIG recommended that the Office of Internal Affairs subpoena telephone records to determine the veracity of information obtained during the course of the investigation. Neither the Office of Internal Affairs nor department attorney agreed and the Office of Internal Affairs refused to obtain the records.

Assessment Questions

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The OIG recommended that the Office of Internal Affairs subpoena telephone records to determine the veracity of the information obtained during the investigation. The department attorney and the Office of Internal Affairs disagreed and the records were not obtained.
- Was the final investigative report thorough and appropriately drafted?
The OIG recommended that the Office of Internal Affairs subpoena telephone records to determine the veracity of the information obtained during the investigation. The department attorney and the Office of Internal Affairs disagreed and the records were not obtained.
- Was the investigation thorough and appropriately conducted?
The Office of Internal Affairs failed to subpoena telephone records to determine the veracity of the information obtained during the investigation.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney initially determined that the investigation was sufficient. The OIG disagreed and recommended that the Office of Internal Affairs subpoena phone records to determine the veracity of the information obtained during the course of the investigation. The hiring authority deemed the investigation insufficient and requested the phone records.

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-29	13-2357-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination

Incident Summary

On August 29, 2013, an officer was allegedly dishonest to his supervisor when he claimed to have a medical appointment and refused to work an involuntary overtime shift. The officer also allegedly attempted to submit a fraudulent family medical leave form that included the date he refused to work the overtime shift and requested a fraudulent medical note excusing his absence. On December 9, 2013, the officer was allegedly dishonest with the hiring authority when he claimed that he could not attend a scheduled investigative interview because he had a union meeting.

Predisciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-06	14-0231-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On September 6, 2013, a control booth officer allegedly opened a patio door without a supervisor present. The control booth officer also allegedly opened a fire door and allowed a second and third officer to bring a disruptive inmate to the prohibited patio area. The second and third officers allegedly failed to ensure a supervisor was present when they escorted the inmate to the patio area. Additionally, the second officer allegedly failed to notify a supervisor that the inmate had become disruptive.

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 almost three months before referring the matter to the Office of Internal Affairs and OIA Central Intake failed to take timely action after receiving the request for investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 6, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until November 26, 2013, 81 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 December 2, 2013, but did not take action until January 15, 2014, 44 days after the receipt of the request.
- Was the investigation or subject-only 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 September 5, 2014. The investigation was completed on August 21, 2014, only 15 days before the deadline to take disciplinary action.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority did not timely refer the matter to the Office of the Internal Affairs and OIA Central Intake failed to take timely action on the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-15	13-2727-IR	Administrative Investigation	<ol style="list-style-type: none"> Code of Silence Dishonesty Failure to Report Use of Force Neglect of Duty Unreasonable Use of Force

Incident Summary

On September 15, 2013, a sergeant and four officers allegedly entered an inmate's cell and allegedly used unreasonable force to recover handcuffs. The sergeant, the four officers, and a control booth officer who opened the inmate's cell door all allegedly failed to report the use of force. The sergeant and three of the officers involved in the use of force were allegedly dishonest in subsequent reports and during their interviews with the Office of Internal Affairs. From September 21, 2013, to October 10, 2013, a lieutenant, four other sergeants, and a sixth officer were allegedly informed of the unreasonable use of force and deliberately decided not to report the incident. Additionally, the lieutenant allegedly was dishonest during his interview with the Office of Internal Affairs.

CENTRAL REGION

Predisciplinary Assessment The department failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to make a timely determination regarding the hiring authority's request for an investigation and the Office of Internal Affairs failed to timely complete the investigation.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

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 October 23, 2013, but did not take action until December 11, 2013, 49 days after receipt of the request.</i> Was the investigation or subject-only 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 September 16, 2014. The investigation was completed on August 27, 2014, only 20 days before the deadline to take disciplinary action.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>OIA Central Intake failed to timely take action on the request for investigation and the Office of Internal Affairs completed its investigation only 20 days prior to the deadline to take disciplinary action.</i>

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-28	14-0278-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty 3. Unreasonable Use of Force

Incident Summary On September 28, 2013, instead of initiating a controlled use of force, a sergeant allegedly ordered an officer to enter the cell of an inmate who had already refused orders to exit the cell, was resistive, and appeared ready to throw an object at officers. The sergeant also allegedly conspired with other officers when writing his report and failed to ensure that two officers independently wrote their own reports. Additionally, two officers allegedly conspired in writing their reports and were dishonest in their interviews with the Office of Internal Affairs.
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Predisciplinary Assessment 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 over three months before referring the matter to the Office of Internal Affairs. The special agent delayed almost five months before conducting interviews. The combined delays limited the time available for an additional interview and adequate review of the investigative report.	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

CENTRAL REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The date of discovery was September 28, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until January 3, 2014, over three months after the date of discovery.
- Were all of the interviews thorough and appropriately conducted?
Due to a lack of time, one witness was not interviewed and a memorandum regarding this case was obtained in lieu of a proper interview.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent forwarded the investigative report to the hiring authority just one day after providing a complete draft report to the OIG. Therefore, the OIG did not have enough time to review the draft report and give feedback to the special agent.
- 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 report was provided to the department attorney one day before the hiring authority received the final report.
- Was the investigation or subject-only 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 September 28, 2014. The investigation was completed on September 11, 2014, only 17 days before the deadline to take disciplinary action.
- Was the investigation thorough and appropriately conducted?
One witness was not interviewed and a memorandum regarding this case was obtained in lieu of a proper interview.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed over three months before referring the matter to the Office of Internal Affairs. Although the special agent was assigned on January 31, 2014, interviews did not commence until June 23, 2014, almost five months after assignment.

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-03	14-0175-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary
 On November 3, 2013, two officers assigned to contraband surveillance watch duties allegedly failed to adequately observe and supervise two inmates who were suspected of secreting weapons in their rectal cavities. Additionally, on November 4, 2013, three other officers assigned to contraband surveillance watch allegedly failed to adequately observe and supervise the same two inmates and also allegedly failed to search the inmates' cells. Both inmates were able to retrieve weapons secreted within their bodies while they were on contraband surveillance watch. The weapons were later discovered hidden in each inmate's cell.

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-13	14-0797-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty

Incident Summary

On November 13, 2013, an officer allegedly failed to report that she found a mobile phone hidden in the dayroom. The officer then asked a second officer to dispose of the mobile phone. The second officer allegedly improperly disposed of the mobile phone by throwing it in a dumpster. On November 15, 2013, the first officer allegedly failed to intervene when she observed an inmate climb a pole and place an unknown object at the top. Additionally, the first officer allegedly provided false information to a sergeant about why she failed to prepare a rules violation report.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The department rejected OIG's recommendation to add an allegation of dishonesty.

Assessment Questions

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

The OIG recommended that OIA Central Intake add an allegation of dishonesty based on the first officer allegedly providing false information to a sergeant about why she failed to prepare a rules violation report, but the recommendation was rejected.

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-02	14-0280-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

On December 2, 2013, two officers allegedly failed to place restraints on an inmate before escorting the inmate to a cell. A control booth officer allegedly opened a cell door allowing the unrestrained inmate inside the cell to run out and start punching the first inmate in the face. The control booth officer also allegedly noted in a log book that no restrictions on inmate movement were in effect at the time, even though there were restrictions. Additionally, a lieutenant allegedly inaccurately reported the incident as an inmate fight rather than an inmate battery.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-17	14-0279-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

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

Predisciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-20	14-2447-IR	Direct Action (No Subject Interview)	1. Dishonesty

Incident Summary

On December 20, 2013, an officer was allegedly dishonest to outside law enforcement when the officer claimed he was unaware his modified vehicle exhaust system was illegal and when he claimed he was never referred to a state smog referee. Less than one month earlier, outside law enforcement stopped the officer advising him that his exhaust system was illegal and referred the officer to a state smog referee.

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
2013-12-27	14-1000-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

Incident Summary

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

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 refer the matter to the Office of Internal Affairs in a timely manner.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 27, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 19, 2014, 82 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.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-04	14-0859-IR	Direct Action (No Subject Interview)	1. Unreasonable Use of Force

Incident Summary

On February 4, 2014, an officer allegedly deployed pepper spray on an inmate who did not pose an imminent threat.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-11	14-0798-IR	Direct Action (No Subject Interview)	1. Discourteous Treatment

Incident Summary

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

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 make a proper determination regarding the case and the hiring authority failed to timely conduct the investigative findings conference.

Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG recommended adding an allegation for threats or intimidation and recommended either an investigation or interview of the captain. OIA Central Intake denied the requests and returned the case to the hiring authority to take action without any further investigation.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on February 21, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until July 10, 2014, almost five months after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely conduct the investigative findings conference.

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-13	14-1544-IR	Direct Action with Subject Only Interview	1. Other Failure of Good Behavior

Incident Summary

On March 13, 2014, an officer allegedly threatened to kill his wife and himself during an argument.

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 months before referring the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on March 14, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 21, 2014, 68 days after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-14	14-1062-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Controlled Substances 3. Misuse of Authority 4. Other Failure of Good Behavior

Incident Summary

On March 14, 2014, an off-duty officer was allegedly in possession of methamphetamine and miscellaneous stolen property including collector's items and a soda vending machine. When outside law enforcement arrested the officer, the officer allegedly identified himself as a correctional officer in an attempt to garner some leniency. Additionally, the officer was allegedly dishonest to outside law enforcement when he claimed the methamphetamine found in his pocket and the stolen items found in his vehicle were not his.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-24	14-1400-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

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

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-10	14-1394-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Other Failure of Good Behavior

Incident Summary

On May 10, 2014, an off-duty officer allegedly became intoxicated and urinated outside a public business. Outside law enforcement arrested the officer for public intoxication. The officer was also allegedly carrying a loaded, concealed personal handgun in his pants pocket. During his arrest, the officer was allegedly discourteous and uncooperative with outside law enforcement.

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
2014-05-16	14-1805-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Unreasonable Use of Force

Incident Summary

On May 16, 2014, an officer allegedly deployed pepper spray on an inmate who was sitting in a dayroom chair refusing to return to her cell when there was no imminent threat justifying the use of force.

CENTRAL REGION

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
2014-05-23	14-1759-IR	Administrative Investigation	1. Contraband 2. Dishonesty 3. Controlled Substances 4. Neglect of Duty

Incident Summary

On May 23, 2014, an officer was allegedly under the influence of prescription medication while on duty. At the time, the officer also allegedly possessed prescription medication and a bottle filled with synthetic urine. During a subsequent interview, the officer was allegedly dishonest about the reason he was in possession of a straw, synthetic urine, and prescription medication.

Predisciplinary Assessment The department failed to comply with policies and procedures governing the predisciplinary process. The special agent failed to timely provide the OIG with a copy of the draft investigative report for review and the hiring authority failed to conduct the investigative findings in a timely manner.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

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 final report was sent to the hiring authority on October 1, 2014. However, the OIG did not receive a copy of the draft investigative report until October 2, 2014.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent failed to timely provide a copy of the draft investigative report to the OIG for review.
- 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 1, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until November 12, 2014, 42 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-01	14-2098-IR	Direct Action (No Subject Interview)	1. Neglect of Duty

Incident Summary

On July 1, 2014, an officer allegedly failed to conduct inmate welfare checks twice every hour within the required time intervals.

Predisciplinary Assessment The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. The department delayed assigning a department attorney and the hiring authority failed to timely consult regarding the sufficiency of the investigation and the investigative findings.	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 case was returned to the hiring authority on August 27, 2014; however, a department attorney was not assigned until September 16, 2014. The consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings was not held until October 27, 2014, 61 calendar days thereafter.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department delayed assigning a department attorney and the hiring authority failed to timely consult with the department attorney and the OIG regarding the sufficiency of the investigation and investigative findings.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-06	14-2104-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Dishonesty Insubordination Neglect of Duty

Incident Summary
 On July 6, 2014, an officer was allegedly dishonest when he told a sergeant he had already reported he lost his duty badge. The officer then allegedly failed to obtain a temporary duty badge as directed by the sergeant. On July 24, 2014, the officer still had not obtained a replacement duty badge and allegedly reported for work without a valid duty badge.

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
2014-09-30	14-2536-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior

Incident Summary
 On September 30, 2014, an officer allegedly drove under the influence of alcohol with a minor in the vehicle and caused a traffic accident. The officer allegedly attempted to pay the driver of the second vehicle to not call outside law enforcement. The officer allegedly attempted to destroy evidence by having his girlfriend dispose of an open bottle of alcohol before outside law enforcement arrived. The bottle of alcohol was located in a nearby trash can. Outside law enforcement arrested the officer.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
The department failed to comply with the department's policies and procedures governing the predisciplinary process. The department attorney failed to provide appropriate legal consultation to the hiring authority.	

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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 case was returned to the hiring authority on October 22, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until December 9, 2014, 48 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 incorrectly advised the hiring authority that there was insufficient evidence to support the allegation of dishonesty.

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

The department failed to conduct the investigative findings conference in a timely manner.

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Incident Date	OIG Case Number	Case Type	Allegations
2012-08-23	12-2235-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Theft 3. Neglect of Duty 4. Other Failure of Good Behavior

Incident Summary

On August 23, 2012, an off-duty officer was arrested by outside law enforcement for reckless driving due to the officer allegedly speeding more than 110 miles per hour. The officer also allegedly refused to provide a thumb print when issued a citation and was allegedly dishonest when he told outside law enforcement that he worked for the department at an institution where he was not assigned. The officer also allegedly failed to notify the hiring authority of his arrest. During an investigative interview, the officer also admitted to altering his personal vehicle's license plate to avoid paying bridge tolls more than 200 times.

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
2012-12-19	13-0306-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Misuse of State Equipment or Property 4. Neglect of Duty 5. Other Failure of Good Behavior 6. Sexual Misconduct

Incident Summary

Beginning on December 19, 2012, a supervising counselor and a subordinate correctional case records supervisor allegedly engaged in an inappropriate sexual relationship in violation of the department's policy against fraternization. The supervising counselor was allegedly dishonest when he denied that he was engaged in a sexual relationship with the correctional case records supervisor to his supervisor. Despite being ordered to refrain from discussing their cases during the investigation, the supervising counselor and correctional case records supervisor allegedly discussed the details of their interviews with each other. The supervising counselor and the correctional case records supervisor allegedly utilized their state computers to access their personal e-mail accounts to communicate with each other while on duty, and the supervising counselor allegedly utilized his state computer to receive pornographic images. The correctional case records supervisor also allegedly provided the supervising counselor with her confidential password to access her state computer, and the supervising counselor allegedly utilized the correctional case records supervisor's password to access her state computer. On May 29, 2013, the supervising counselor and the correctional case records supervisor were allegedly dishonest during their respective interviews with the Office of Internal Affairs when they denied the allegations. On June 10, 2013, the supervising counselor allegedly attempted to destroy evidence related to the investigation when he moved the correctional case records supervisor's computer to a conference room and logged on in an attempt to remove incriminating images.

Predisciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-01	14-1305-IR	Administrative Investigation	<ol style="list-style-type: none"> Attendance Dishonesty Controlled Substances Neglect of Duty

Incident Summary

Between 2013 and 2014, an officer allegedly illegally used prescription medication, was addicted to controlled substances, and subsequently tested positive for a controlled substance for which he did not have a prescription. On February 10, 2014, the officer allegedly reported late for work and the next day, allegedly failed to attend a training session. On March 18, 2014, the officer allegedly abandoned his post and left the institution without permission, and was allegedly dishonest with two supervisors regarding the incident. On May 19, 2014, the officer allegedly reported late for work again and then abandoned his post without supervisor approval.

Predisciplinary Assessment

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

The hiring authority and department attorney failed to comply with the department's policies and procedures. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the department attorney failed to copy the OIG with written feedback regarding the investigative report.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on February 10, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 8, 2014, 87 days after the date of discovery.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney provided feedback to the special agent but failed to copy 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.

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-07	14-0665-IR	Administrative Investigation	<ol style="list-style-type: none"> Failure to Report Use of Force

Incident Summary

On January 7, 2013, an officer allegedly failed to report the force he witnessed another officer use.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-11	14-2230-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Other Failure of Good Behavior

Incident Summary

On May 11, 2013, an officer was arrested after he allegedly engaged in a verbal argument with his ex-girlfriend, kicked in the front door of her residence, tackled her to the ground, and then left the scene before outside law enforcement arrived.

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The hiring authority did not refer the matter to the Office of Internal Affairs until 120 days after the date of discovery and failed to timely conduct the findings conference.</p>	
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the misconduct on April 23, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 21, 2014, 120 days after the date of discovery.</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 17, 2014; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until November 10, 2014, 54 calendar days after receipt of the case.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-14	13-2400-IR	Direct Action (No Subject Interview)	1. Negligent Discharge of Less-Lethal Weapon 2. Neglect of Duty

Incident Summary
 On August 14, 2013, an officer unloaded a less-lethal weapon to practice trigger pull techniques. The officer subsequently reloaded the weapon but allegedly forgot it was loaded and discharged the weapon, causing damage to a window.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department failed to sufficiently 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 failed to timely consult with the OIG regarding the sufficiency of the investigation and investigative findings.</p>	
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the misconduct on August 14, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 17, 2013, more than two months after the date of discovery.</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 November 7, 2013; however, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and investigative findings until July 15, 2014, more than eight months later.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The hiring authority did not timely refer the matter to the Office of Internal Affairs and did not timely consult with the OIG regarding the sufficiency of the investigation and investigative findings.</i> 	

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Incident Date	OIG Case Number	Case Type	Allegations
2013-08-19	14-0283-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On August 19, 2013, an officer allegedly failed to maintain observation of an inmate who was on suicide watch. The officer also allegedly failed to take immediate and appropriate action to prevent the inmate from tearing a piece of fabric and wrapping it around his neck. The officer also allegedly failed to sound an alarm.

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.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on August 19, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 8, 2014, 142 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.

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-06	13-2243-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty 3. Unreasonable Use of Force

Incident Summary

On September 6, 2013, an officer allegedly deployed pepper spray on a mentally-ill inmate with a tracheostomy, even though the inmate did not pose a threat, and then the officer failed to mitigate the effects of pepper spray after its application. The officer was also allegedly dishonest when he failed to accurately report the distance from which he discharged the pepper spray. Another officer, a sergeant, and a lieutenant also allegedly participated in the unreasonable force on the inmate and failed to take appropriate action to mitigate the effects of pepper spray. The officer and the sergeant also allegedly were dishonest in their reports regarding the incident. Another sergeant allegedly failed to take appropriate action to mitigate the effects of pepper spray and denied health care staff access into the cell of the inmate. On September 7, 2013, another lieutenant, who was acting as the watch commander, and a captain, who was acting as the administrative officer of the day, allegedly denied health care staff access into the cell and failed to contact medical staff to clarify doctors' orders regarding the inmate. On September 6, 2013, a registered nurse, upon being denied access to the inmate's cell, allegedly failed to elevate the issue to a supervisor or manager and then fraudulently created a nursing progress note. The nurse also allegedly violated the Health Insurance Portability and Accountability Act when she took part of the inmate's health record home and sent a facsimile of the record to her union representative. On February 5, 2014, the nurse was allegedly dishonest to the Office of Internal Affairs. Two other registered nurses and a licensed vocational nurse, upon being denied access to the inmate's cell, allegedly failed to elevate the issue to a supervisor or manager. Two supervising registered nurses allegedly failed to ensure the inmate received appropriate medical treatment. A physician allegedly failed to ensure the inmate received appropriate medical treatment and, upon learning that custody staff had denied health care staff access to the inmate's cell, failed to elevate the issue to a supervisor or manager. A receiver's medical executive allegedly failed to ensure the inmate received appropriate medical treatment.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures governing the predisciplinary process

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Incident Date	OIG Case Number	Case Type	Allegations
2013-09-12	13-2635-IR	Direct Action (No Subject Interview)	1. Neglect of Duty

Incident Summary

On September 12, 2013, an officer allegedly failed to remove an inmate from the cell while doing a cell search and only completed a visual cell search. The officer also allegedly failed to lock the cell door after completing his shift.

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 did not refer the matter to the Office of Internal Affairs until 78 days after the date of discovery and also failed to consult with the OIG regarding the sufficiency of the investigation and the investigative findings until 251 days after receipt of the case.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 15, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 2, 2013, 78 days after the date of discovery.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the matter to the hiring authority on December 12, 2013; however, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until August 20, 2014, 251 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 failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-20	13-2458-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Failure to Report Insubordination Improper Transmittal of Confidential Information Improper Access to Confidential Information Misuse of State Equipment or Property Neglect of Duty

Incident Summary

On September 20, 2013, an officer allegedly released the identity of inmate sex offenders to other inmates resulting in the need for four inmates to go into protective custody. A lieutenant allegedly failed to take action once she learned of the officer's potential misconduct and allegedly provided false information during the Office of Internal Affairs' investigation. On July 16, 2014, a second lieutenant was allegedly insubordinate for failing to report to an Office of Internal Affairs' investigative interview. The second lieutenant also allegedly provided false information during the investigation.

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Predisciplinary Assessment The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. The department attorney failed to make an entry into CMS confirming relevant dates, failed to timely contact the special agent and the OIG to discuss the investigative plan, and failed to provide written confirmation summarizing all critical discussions about the investigative report to the OIG and special agent. In addition, the investigation was completed only 16 days before the deadline to take disciplinary action.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

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 a timely entry into CMS confirming relevant dates.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?
The department attorney did not contact the special agent or the OIG within 21 days following assignment.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.
- Was the investigation or subject-only interview completed at least 35 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The investigation was completed on September 12, 2014, only 16 days before the deadline to take disciplinary action.
- Was the predisciplinary/investigative phase conducted with due diligence?
The investigation was completed only 16 days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-02	14-0338-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On October 2, 2013, an officer allegedly placed a loaded firearm and ammunition in a transportation bag, placed the bag in an outside hospital armory, and failed to log the weapon. Three sergeants allegedly neglected to ensure the bag, weapon, and ammunition were properly secured in the institution's armory. A fourth sergeant allegedly neglected to properly conduct an account and inventory of the bag, weapon, and ammunition, later resulting in the discovery of the weapon and ammunition within the institution's central control and not in the armory as required. On October 4, 2013, a fifth sergeant allegedly failed to properly conduct an account and inventory of the bag, weapon, and ammunition, later resulting in the discovery of the weapon and ammunition within the institution's central control rather than in the armory.

Predisciplinary Assessment 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 complete the investigation.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

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Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 4, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until December 13, 2013, more than two months later.
- Was the investigation or subject-only 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 3, 2014. The investigation was completed on September 10, 2014, 23 days before the deadline to take disciplinary action.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-18	14-1134-IR	Administrative Investigation	1. Unreasonable Use of Force

Incident Summary

On October 18, 2013, an officer allegedly used unreasonable force when he sprayed an inmate in the face with pepper spray when the inmate reportedly failed to follow orders to leave an area and return to his housing unit.

Predisciplinary Assessment

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

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

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 18, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 16, 2014, 180 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.

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-28	14-0259-IR	Administrative Investigation	1. Dishonesty 2. Unauthorized Absence 3. Neglect of Duty

Incident Summary

From October 28, 2013, to November 4, 2013, two sergeants allegedly improperly swapped work shifts. One sergeant was allegedly absent without leave and the other sergeant allegedly covered up the absences. Both sergeants allegedly failed to submit the proper attendance records.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The department delayed starting the investigation for six months after assigning a special agent and the special agent completed the investigation only ten days before the deadline to take disciplinary action.

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Assessment Questions

- Was the investigation or subject-only 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 November 7, 2014. The investigation was completed on October 28, 2014, only ten days before the deadline to take disciplinary action.
- Was the predisciplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs assigned a special agent on January 28, 2014, but the special agent did not begin the investigation until six months later on July 25, 2014. Also, the investigation was completed only ten days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-01	14-1207-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Misuse of State Equipment or Property

Incident Summary

From November 1, 2013, through May 31, 2014, a special agent from the Office of Correctional Safety allegedly claimed overtime hours that he did not work. From November 1, 2013, through August 11, 2014, the special agent allegedly transported his children to and from school in a state law enforcement vehicle.

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-15	14-0342-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Other Failure of Good Behavior

Incident Summary

On December 15, 2013, an officer was arrested after he allegedly pushed his wife and caused her to fall to the ground resulting in an abrasion and bleeding to her elbow. The officer also allegedly grabbed his son's shoulder in an effort to retrieve a mobile phone.

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 consult with the OIG and department attorney regarding the investigative findings.		

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on February 7, 2014; however, the consultation with the OIG and department attorney regarding the investigative findings did not occur until April 22, 2014, 74 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed consulting with the OIG and department attorney regarding the investigative findings.

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Incident Date	OIG Case Number	Case Type	Allegations
2013-12-22	14-0633-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary

On December 22, 2013, an off-duty officer allegedly stabbed a citizen in the throat during an altercation outside of a bar. The officer was later arrested.

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 hiring authority failed to timely refer the matter to the Office of Internal Affairs and the investigative findings conference was not held timely.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 22, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 26, 2014, 66 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 March 12, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until July 9, 2014, 119 days after receipt of the case. The delay was due to the department attorney.
- 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 failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-24	14-0541-IR	Administrative Investigation	1. Contraband 2. Dishonesty 3. Over-Familiarity 4. Sexual Misconduct

Incident Summary

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

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-28	14-0431-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On December 28, 2013, six officers assigned to the minimum support facility allegedly failed to conduct proper inmate counts and detect that an inmate escaped from the facility.

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department failed to comply with the policies and procedures governing the predisciplinary process. The investigation was not timely completed. Additional investigation was needed but the hiring authority was unable to request further investigation due to the impending deadline to impose disciplinary action.</p>	

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Was the investigation or subject-only 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 report was completed and submitted to the hiring authority with only ten days left before the deadline to take disciplinary action.</i> Was the investigation thorough and appropriately conducted? <i>There was insufficient time for the special agent to question additional first-line supervisors who may have been potential additional subjects of the investigation.</i> If the HA determined additional investigation was necessary, was additional investigation requested? <i>Additional investigation was needed to further question first-line supervisors. However, because of the impending deadline to take disciplinary action, there was insufficient time for additional investigation.</i> If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation? <i>There was insufficient time to interview first-line supervisors to ascertain whether a practice existed to split counts and if so, the reason.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The investigation was not timely completed. Additional investigation was needed but not requested due to the impending deadline to impose disciplinary action.</i>
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Incident Date	OIG Case Number	Case Type	Allegations
2013-12-29	14-1892-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Neglect of Duty 4. Unreasonable Use of Force

Incident Summary
 On December 29, 2013, an officer allegedly used unreasonable force when he deployed pepper spray on a disruptive inmate who did not present an imminent threat. The officer also allegedly used profane language towards the inmate, failed to activate his personal alarm, and dishonestly claimed to lose direct sight of the inmate. Another officer allegedly failed to activate his personal alarm and dishonestly claimed to lose direct sight of the inmate.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<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 Office of Internal Affairs and the Office of Internal Affairs failed to timely complete the investigation. As a result, there was insufficient time to request a higher level of review when the OIG did not concur with the hiring authority's investigative findings.</p>	

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Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The date of discovery was December 29, 2013. However, the hiring authority did not refer the matter to the Office of Internal Affairs until July 10, 2014, more than six months after the date of discovery.
- Was the investigation or subject-only 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 29, 2014. The initial investigation was completed on November 6, 2014, 53 days before the deadline. However, the hiring authority requested additional investigation. The supplemental investigation was completed on December 18, 2014, 11 days before the deadline to take disciplinary action.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not sustain a dishonesty allegation against one of the officers even though there was sufficient evidence to sustain the allegation.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority referred the matter to the Office of Internal Affairs more than six months after the date of discovery. In addition, the investigation was completed only ten days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-09	14-0969-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On January 9, 2014, five officers allegedly failed to obtain a psychiatric consultation for an inmate who claimed to be hearing voices. The inmate ultimately broke his eyeglasses and attempted to cut his wrist with a lens.

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

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The date of discovery was January 9, 2014. The hiring authority did not refer the matter to the Office of Internal Affairs until March 25, 2014, 75 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.

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-18	14-0287-IR	Administrative Investigation	1. Neglect of Duty 2. Unreasonable Use of Force

Incident Summary

On January 18, 2014, a sergeant allegedly conducted an emergency cell extraction when there was no imminent threat, resulting in staff using physical force to restrain the inmate. Two officers allegedly failed to secure the cell door when the inmate became combative and also allegedly used unreasonable force to restrain him, resulting in injuries to the inmate. A second sergeant who responded to the incident also allegedly used unreasonable force to restrain the inmate.

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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
2014-01-19	14-0666-IR	Direct Action (No Subject Interview)	1. Unreasonable Use of Force

Incident Summary

On January 19, 2014, an officer allegedly used unreasonable force when he used pepper spray on an inmate in a mental health crisis bed unit.

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 consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.	

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on March 19, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation did not occur until December 29, 2014, 285 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to consult with the OIG and department attorney in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-29	14-0978-IR	Administrative Investigation	1. Failure to Report Use of Force 2. Neglect of Duty 3. Unreasonable Use of Force

Incident Summary

On January 29, 2014, an officer allegedly used unreasonable physical force on an inmate. A second officer allegedly observed the unreasonable use of force and did not timely submit a report. Once the inmate became resistive, the second officer allegedly failed to assist the first officer.

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 department attorney failed to accurately assess the deadline for taking disciplinary action and failed to timely consult with the OIG and assigned special agent.	

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Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 29, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 28, 2014, 58 days after the date of discovery.
- 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 inaccurately determined the date of discovery which resulted in an incorrect 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 was assigned to the case on May 6, 2014, but did not contact the special agent and the OIG until June 2, 2014, 27 calendar days after assignment 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 the department attorney failed to timely consult with the OIG and the special agent.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-01	14-0722-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On February 1, 2014, an officer in the security housing unit allegedly allowed an inmate out of his cell while another inmate was out of his cell, in violation of departmental policy. The inmates began fighting, necessitating the use of force. Further, the officer allegedly switched posts with a second officer without authorization. Finally, both officers and a third officer allegedly allowed one of the inmates to have fingernail clippers in violation of departmental policy.

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
2014-02-02	14-0976-IR	Administrative Investigation	1. Dishonesty 2. Other Failure of Good Behavior

Incident Summary

Between February 2, 2014, and February 4, 2014, a sergeant was allegedly dishonest when he called in sick, used sick leave, and attempted to use leave under the Family Medical Leave Act to go on a skiing trip with a registered nurse. Further, on February 3, 2014, the registered nurse and the sergeant were involved in an argument off duty. The sergeant allegedly verbally argued with the registered nurse and eventually pushed her causing her to fall on the ground. The nurse was allegedly dishonest on February 4, 2014, when she reported the incident but failed to report that the sergeant had assaulted her while on a skiing trip together.

Predisciplinary Assessment

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

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

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Incident Date	OIG Case Number	Case Type	Allegations
2014-02-08	14-0980-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Failure to Report Use of Force 3. Unreasonable Use of Force

Incident Summary

On February 8, 2014, two officers allegedly used unreasonable force by pushing an inmate into a cell when the inmate placed his body between the open cell door and door frame. The officers also allegedly failed to report the force used and failed to report the inmate's assault against one of the officers. One of the officers also allegedly failed to report witnessing the force the other officer used.

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
2014-02-15	14-0651-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty 3. Unreasonable Use of Force

Incident Summary

On February 15, 2014, an officer allegedly used unreasonable force when he deployed pepper spray on a wheelchair-bound inmate without warning. The inmate requested access to his cell to use the restroom and was denied by the officer who turned around and walked away. The inmate followed him in his wheelchair. The officer turned around and deployed pepper spray on the inmate. The officer reported that the inmate was furious and aggressive. It was also alleged that the officer inaccurately reported his use of force, failed to isolate the inmate when he became upset, was neglectful when the officer turned his back to the upset inmate, and failed to activate his personal alarm device when the inmate became aggressive. A lieutenant and two sergeants allegedly attempted to dissuade the inmate from filing a complaint regarding the use of force.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-17	14-0918-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

Between February 17, 2014, and February 18, 2014, two officers allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch. The inmate was able to remove the hand isolation devices. The officers also allegedly failed to sign their post orders.

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 consult with the OIG regarding the sufficiency of the investigation and the investigative findings.

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Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 18, 2014. The hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until December 19, 2014, four months after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to consult with the OIG in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-19	14-0919-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

Between February 19, 2014, and February 20, 2014, two officers allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch. The inmate was able to remove the waist restraints and hand isolation devices. Additionally, on February 20, 2014, one of the officers allegedly failed to sign his post orders.

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 consult with the OIG regarding the sufficiency of the investigation and the investigative findings.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 18, 2014. The hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until December 19, 2014, four months after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to consult with the OIG in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-19	14-1228-IR	Direct Action (No Subject Interview)	1. Discourteous Treatment 2. Dishonesty 3. Insubordination 4. Neglect of Duty

Incident Summary

On February 19, 2014, and February 20, 2014, an officer allegedly abandoned his post before the shift ended without obtaining prior approval from a sergeant. On those same dates, the officer was allegedly dishonest when he told a sergeant that he was going to meet the warden. The officer was also allegedly discourteous to a sergeant after being ordered not to leave early.

Predisciplinary Assessment

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

The hiring authority failed to comply with the department's policies and procedures. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG.

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Assessment Questions

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

The department learned of the misconduct on February 19, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 30, 2014, 70 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 May 28, 2014; however, the hiring authority did not consult with the OIG until November 19, 2014, 175 days 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 failed to conduct the investigative findings in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-11	14-1745-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Threat/Intimidation

Incident Summary

Between March 11, 2014, and March 25, 2014, a youth counselor was allegedly dishonest on five occasions when he documented that he conducted group sessions when he did not. The youth counselor was also allegedly dishonest when he told his supervisor he had conducted the group sessions. In addition, the youth counselor allegedly directed wards to falsify official documents by stating that counseling group sessions had occurred and threatened to reprimand wards who refused to comply with his directives.

Predisciplinary Assessment

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

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

Assessment Questions

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

The department learned of the misconduct on March 24, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until June 27, 2014, more than three months 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 26, 2014, but the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not take place until October 29, 2014, 33 days later.

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

The hiring authority delayed referring the matter to the Office of Internal Affairs and failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings.

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-15	14-1078-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty

Incident Summary

On March 15, 2014, three officers allegedly failed to notice an unresponsive inmate who was killed in his cell by his cellmate. In addition, two of the officers allegedly failed to issue the inmate an outpatient dietary meal.

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Predisciplinary Assessment Overall, the department sufficient complied with policies and procedures governing the predisciplinary process.	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-05	14-1503-IR	Direct Action (No Subject Interview)	1. Neglect of Duty

Incident Summary

On April 5, 2014, a lieutenant allegedly failed to record an inmate's refusal to be interviewed regarding a use-of-force incident. The lieutenant was ordered to interview the inmate again. The inmate cooperated, but the lieutenant allegedly failed to preserve the confidentiality of the interview when he left the door open during the interview and conducted the interview where other inmates could see and hear it. The inmate was later threatened by some inmates he claimed were witnesses, placed in administrative segregation for safety concerns, and eventually transferred to another institution. The lieutenant also allegedly failed to videotape and document the inmate's injuries.

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-16	14-1310-IR	Direct Action (No Subject Interview)	1. Neglect of Duty

Incident Summary

On April 16, 2014, two officers allegedly failed to ensure that the Mini-14 rifle assigned to a transportation detail was secured in the armory upon completion of a transport.

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-01	14-1700-IR	Direct Action (No Subject Interview)	1. Contraband 2. Misuse of State Equipment or Property

Incident Summary

On May 1, 2014, an officer allegedly brought a mobile phone and USB cord into the secure perimeter of an institution and plugged the USB cord into a state computer. When confronted by a lieutenant, the officer allegedly initially denied bringing the phone into the institution and claimed he plugged the USB cord into the computer because he was testing it. After being confronted again, the officer eventually admitted to bringing the phone into the institution.

Predisciplinary Assessment 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, failed to timely conduct the findings conference, and failed to add an appropriate allegation of dishonesty. The Office of Internal Affairs failed to make an appropriate initial determination regarding the case. The department attorney failed to timely assess the deadline for taking disciplinary action and failed to recommend that the hiring authority add an appropriate allegation of dishonesty.	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

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Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on May 1, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 27, 2013, 57 days after the date of discovery.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
Despite the OIG's recommendations to open an investigation to evaluate potential dishonesty, OIA Central Intake failed to open an investigation or add a dishonesty allegation.
- 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 October 1, 2014, but did not make an entry into CMS regarding the deadline for taking disciplinary action until November 6, 2014, 36 days after assignment.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on October 20, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until November 17, 2014, 28 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 failed to recommend that dishonesty be added as an allegation although the facts supported that the officer had been dishonest to a supervisor.
- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?
The hiring authority failed to add an allegation of dishonesty although the facts supported that the officer had been dishonest to a supervisor.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority failed to add and sustain an allegation of dishonesty although the facts supported that the officer had been dishonest to a supervisor.
- 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 failed to conduct the findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-19	14-1499-IR	Direct Action with Subject Only Interview	1. Dishonesty 2. Neglect of Duty

Incident Summary

On May 19, 2014, an officer allegedly falsely documented that he observed an inmate during a standing count when, in fact, the inmate was away from the institution at the time of the count.

Predisciplinary Assessment

Procedural Rating: **Sufficient**
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 add a relevant allegation of dishonesty to the investigation and complied only after the OIG sought reconsideration of that decision.

Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
OIA Central Intake failed to include an allegation of dishonesty.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-05-29	14-1632-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior
Incident Summary On May 29, 2014, an officer allegedly tested positive for marijuana.			
Predisciplinary Assessment The department failed to comply with policies and procedures governing the predisciplinary process. The department attorney failed to make a timely entry in CMS regarding the date of discovery and the deadline for taking disciplinary action, and was not timely prepared to discuss the investigative findings with the hiring authority and the OIG, thereby delaying the consultation.			Procedural Rating: Insufficient Substantive Rating: Sufficient
Assessment Questions <ul style="list-style-type: none"> 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>The department attorney was assigned to the case on August 5, 2014, but did not make an entry confirming the date of the incident, the date of discovery, and the deadline for taking disciplinary action until August 27, 2014, 22 days after being assigned.</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 July 10, 2014. The department attorney was not prepared to discuss the investigative findings until September 9, 2014, 61 days thereafter.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The department failed to conduct the investigative findings conference in a timely manner.</i> 			
Incident Date	OIG Case Number	Case Type	Allegations
2014-05-30	14-1891-IR	Administrative Investigation	1. Discourteous Treatment 2. Dishonesty 3. Neglect of Duty 4. Unreasonable Use of Force
Incident Summary On May 30, 2014, an officer allegedly used unreasonable force when he placed his baton through a food port and poked an inmate in the abdomen four times in an effort to remove an object covering the food port. The officer was also allegedly dishonest when he reported that he put his hand through the food port to remove a window covering. A second officer allegedly failed to report the use of force by the first officer and was allegedly dishonest when she also reported that the first officer placed his hand through the food port. A sergeant allegedly failed to recognize that a controlled use of force was necessary when the inmate covered his windows and allegedly made discourteous comments towards the inmate when he responded to the scene. The sergeant also allegedly placed the inmate on "confined to quarters" status without proper authorization.			
Predisciplinary Assessment Overall, the department's predisciplinary process sufficiently complied with policies and procedures.			Procedural Rating: Sufficient Substantive Rating: Sufficient

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Incident Date	OIG Case Number	Case Type	Allegations
2014-06-03	14-1701-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Dishonesty Neglect of Duty

Incident Summary

On June 3, 2014, a sergeant and an officer allegedly failed to accurately conduct an inventory of central control keys and failed to notice that one key was missing. On June 4, 2014, the sergeant allegedly again failed to notice the key was missing and was allegedly dishonest when he informed a lieutenant that all of the keys were accounted for when the key was still missing.

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 make a timely entry in CMS regarding the date of discovery and the deadline for taking disciplinary action, and the hiring authority failed to timely consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings.

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 was assigned to the case on August 11, 2014, but did not make an entry confirming the date of the incident, the date of discovery, and the deadline for taking disciplinary action until September 15, 2014, 35 days after being assigned.
- 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 16, 2014, but the hiring authority did not consult with the OIG or the department attorney regarding the sufficiency of the investigation and the investigative findings until September 25, 2014, 71 days later.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department failed to conduct the investigative findings in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-15	14-1687-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior

Incident Summary

On June 15, 2014, a sergeant was arrested after he allegedly deployed pepper spray at two neighbors during an argument and was allegedly dishonest to outside law enforcement regarding the incident.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to make appropriate initial and final determinations regarding the request for investigation and the hiring authority failed to conduct the investigative findings in a timely manner.

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Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG and department attorney recommended that OIA Central Intake add a dishonesty allegation for the sergeant's dishonesty to outside law enforcement and open a full investigation. Despite the request, OIA Central Intake failed to add the allegation or open an investigation.
- If the hiring authority submitted a request for reconsideration to OIA Central Intake or to the Chief of OIA, was an appropriate decision made regarding the request?
Despite the hiring authority's request for reconsideration to open a full investigation or interview the sergeant, the Office of Internal Affairs denied the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on July 16, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not take place until September 2, 2014, 48 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department failed to conduct the investigative findings in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-16	14-2393-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Over-Familiarity

Incident Summary

On June 16, 2014, an officer allegedly received a bag containing canteen items from an inmate on an exercise yard and attempted to deliver it to an inmate housed in an administrative segregation housing unit.

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
2014-06-29	14-2174-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior 2. Weapons

Incident Summary

On June 29, 2014, an officer was arrested after he allegedly left several firearms and ammunition scattered throughout his home in places accessible to his three minor children, including a loaded firearm in a toy box, while he was intoxicated. Outside law enforcement responded to the house after receiving a phone call from the officer's ten-year-old son saying his parents were fighting and he was scared.

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
2014-07-24	14-2421-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Failure to Report 2. Misuse of Authority 3. Other Failure of Good Behavior

Incident Summary

On July 24, 2014, while off duty, an officer allegedly slapped his girlfriend. Outside law enforcement responded and the officer was arrested. The officer allegedly misused his authority when he identified himself as a correctional officer to responding outside law enforcement officers. The officer also allegedly failed to notify the hiring authority of his arrest.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-29	14-2419-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report Use of Force

Incident Summary

On July 29, 2014, an officer observed a use-of-force incident shortly before he was scheduled to leave his shift. The officer allegedly failed to submit his report regarding the incident until ordered to do so the next day. On August 3, 2014, the officer was allegedly dishonest when he claimed that despite 11 years in the department, he was unaware that he was required to submit a report before leaving his shift.

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
2014-08-01	14-2170-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Use of Controlled Substances

Incident Summary

On August 1, 2014, an officer allegedly tested positive for methamphetamine during a random drug test.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-03	14-2392-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Over-Familiarity

Incident Summary

On August 3, 2014, an officer allegedly received a bag containing canteen items from an inmate on an exercise yard and attempted to deliver it to another inmate housed in administrative segregation.

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
2014-08-08	14-2172-IR	Direct Action (No Subject Interview)	1. Neglect of Duty
Incident Summary On August 8, 2014, an officer allegedly took a loaded revolver into a location where inmates were present and left his assigned post without prior approval from a sergeant. Another officer allegedly allowed the first officer to take a loaded revolver into a location where inmates were present and also left his assigned post without prior approval from a sergeant.			
Predisciplinary Assessment			Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the predisciplinary process.			
Incident Date	OIG Case Number	Case Type	Allegations
2014-08-10	14-2339-IR	Direct Action (No Subject Interview)	1. Failure to Report Use of Force 2. Neglect of Duty 3. Unreasonable Use of Force
Incident Summary On August 10, 2014, an officer allegedly grabbed and twisted an inmate's arm when the inmate refused to relinquish the food port to his cell. The officer also allegedly failed to back away from the food port and contact the supervisor, and failed to report his use of force in a timely manner.			
Predisciplinary Assessment			Procedural Rating: Sufficient Substantive Rating: Sufficient
The department complied with policies and procedures governing the predisciplinary process.			
Incident Date	OIG Case Number	Case Type	Allegations
2014-08-29	14-2544-IR	Direct Action (No Subject Interview)	1. Discourteous Treatment 2. Misuse of Authority
Incident Summary On August 29, 2014, two officers allegedly yelled profanities at a range master at a shooting range. In addition, one of the officers allegedly told the range master and customers that correctional officers are more important than other shooters. That officer also allegedly yelled profanities at the shooting range manager over the telephone.			
Predisciplinary Assessment			Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures governing the predisciplinary process.			

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Incident Date	OIG Case Number	Case Type	Allegations
2012-12-01	14-0425-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

Between December 1, 2012, and December 30, 2013, a parole agent allegedly failed to properly supervise a high-risk sex offender parolee. The parole agent allegedly entered false information on the official caseload roster, failed to maintain required records of supervision, failed to ensure the parolee was fitted and maintained on a global positioning system monitor, and provided his supervisor with inaccurate information regarding his supervision of the parolee.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to accurately identify the appropriate allegations and scope of the investigation. The department attorney failed to correctly analyze the deadline for taking disciplinary action.

Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG recommended adding two dishonesty allegations and the department attorney agreed. Although OIA Central Intake agreed to add one dishonesty allegation, they did not add the second dishonesty allegation even though it was supported by the evidence.
- 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 entry was timely made, the department attorney did not accurately analyze the deadline for taking disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-03	13-1794-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

On June 3, 2013, an officer allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch and failed to conduct an end-of-watch search. A search by officers on the next shift revealed a fecal-stained jumpsuit, cocaine, and heroin.

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 because the hiring authority failed to consult with the OIG regarding the investigative findings for almost three months.

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?
OIA Central Intake referred the matter back to the hiring authority on August 27, 2013, but the hiring authority did not consult with the OIG regarding the investigative findings until November 22, 2013, a delay of almost three months.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to conduct the investigative findings in a timely manner.

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Incident Date	OIG Case Number	Case Type	Allegations
2013-06-05	13-1801-IR	Direct Action (No Subject Interview)	1. Neglect of Duty

Incident Summary

On June 5, 2013, an officer allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch, failed to sign his post orders, and failed, together with his sergeant, to conduct an end-of-shift search. During the next shift, a second officer and a second sergeant allegedly failed to conduct a start-of-shift search and the same officer also allegedly failed to maintain constant visual observation of the inmate. The inmate retrieved and ingested narcotics and was taken to an outside medical facility for treatment.

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 because the hiring authority delayed consulting with the OIG regarding the investigative findings.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
OIA Central Intake referred the matter back to the hiring authority on August 27, 2013, but the hiring authority did not consult with the OIG regarding the investigative findings until November 22, 2013, a delay of almost three months.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to conduct the investigative findings in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-02	13-2496-IR	Administrative Investigation	1. Neglect of Duty 2. Unreasonable Use of Force

Incident Summary

On September 2, 2013, a youth counselor allegedly punched a ward in the face twice after the ward spat on the youth counselor. The youth counselor also allegedly failed to activate his personal alarm or make immediate notification of his use of force, and left the ward lying in his cell without ensuring that he received prompt medical attention.

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	14-1064-IR	Administrative Investigation	1. Dishonesty 2. Insubordination 3. Neglect of Duty

Incident Summary

Between October 1, 2013, and January 30, 2014, a parole agent allegedly falsified documents to make it appear that he was monitoring parolees on his caseload, failed to properly maintain a field book, and violated an order from his supervisor to not be out in the field after being restricted to office duty.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-11	14-0801-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Failure to Report Use of Force 4. Neglect of Duty 5. Unreasonable Use of Force

Incident Summary

On October 11, 2013, a youth counselor allegedly used unreasonable force when he used pepper spray on the back of a ward, failed to report the use of force, and was dishonest in his documentation regarding the matter. During the investigation, the youth counselor was also allegedly dishonest in his interview with the Office of Internal Affairs. A second youth counselor allegedly failed to report the unreasonable use of force he observed and was dishonest in his documentation regarding the matter. During the investigation, the second youth counselor was also allegedly dishonest during his interview with the Office of Internal Affairs. A senior youth counselor allegedly failed to ensure that appropriate de-escalation techniques were utilized, was negligent in failing to supervise the youth counselor in gaining control of the ward, and was allegedly dishonest in his reporting of the matter.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The department delayed referring the matter to the Office of Internal Affairs and OIA Central Intake failed to include allegations of dishonesty for investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 14, 2014, 154 days after the date of discovery.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG recommended adding a dishonesty allegation for both youth counselors as their reports described the ward as physically threatening the youth counselor and the reports failed to include that the ward was sprayed in the back while he was facing away from the youth counselor. OIA Central Intake denied the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority significantly delayed in referring the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-29	14-1622-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Neglect of Duty 3. Unreasonable Use of Force

Incident Summary

On November 29, 2013, an officer allegedly challenged an inmate to a fight in his cell. The inmate allegedly received serious injuries and was knocked unconscious as a result of the fight. The officer also allegedly failed to properly conduct cell searches.

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 more than six months in referring the matter to the Office of Internal Affairs and the investigation was completed with only 25 days left 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?
The misconduct was discovered on November 29, 2013, but the matter was not referred to the Office of Internal Affairs until June 6, 2014, more than six months after the date of discovery.
- Was the investigation or subject-only 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 November 28, 2014. The investigation was completed on November 3, 2014, only 25 days before the deadline to take disciplinary action.
- 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 completed only 25 days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-11	14-0597-IR	Direct Action (No Subject Interview)	1. Controlled Substance

Incident Summary

On December 11, 2013, an officer allegedly tested positive for benzodiazepine and oxazepam, for which she had no valid medical prescriptions.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority delayed conducting the findings conference and improperly determined that additional investigation was needed. The department attorney provided inappropriate legal advice to the hiring authority.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on March 6, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until May 5, 2014, 60 calendar days after receipt of the case.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority deemed the investigation insufficient and returned the case to OIA Central Intake with a request to interview the officer. The interview was unnecessary and OIA Central Intake rejected the request, directing the hiring authority to take action based on the information contained in the file.
- 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 request an interview of the officer. This was not appropriate because the interview was unnecessary and delayed disposition of the case while OIA Central Intake considered the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed in making a determination regarding the investigative findings.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-13	14-0517-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior

Incident Summary

On December 13, 2013, a parole agent allegedly failed to document and report that a parolee under his supervision had engaged in illegal activity by having pornographic photographs of a minor on his mobile phone. Further, on January 14, 2014, the parole agent allegedly told the parolee to delete the evidence of child pornography from his mobile phone. The parole agent also allegedly failed to submit a timely parole violation report as instructed by his supervisor.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-12	14-1060-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Neglect of Duty

Incident Summary

On January 12, 2014, a sergeant allegedly signed the name of a second sergeant on a time sheet, indicating that the second sergeant was working at the institution for that entire shift when in fact the second sergeant was not present at the institution. The second sergeant allegedly authorized the first sergeant to falsely indicate on the time sheet his presence at the institution despite a third sergeant directing the second sergeant to sign the time sheet at the location he was actually assigned and working. On January 14, 2014, when the third sergeant confronted the first sergeant about signing the time sheet for the second sergeant, the first sergeant was allegedly discourteous to her. On February 17, 2014, the first sergeant also allegedly reassigned custody staff without authorization.

Predisciplinary Assessment

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

The Office of Internal Affairs and the department attorney failed to comply with policies and procedures governing the predisciplinary process. The special agent failed to conduct all necessary interviews and failed to consult with the OIG regarding the OIG's recommendation to conduct the interviews. The department attorney failed to identify the need for the additional interviews.

SOUTH REGION

Assessment Questions

- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorney determined the report and investigation were thorough despite the special agent's failure to interview two critical witnesses.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
Two key witness interviews recommended by the OIG were not conducted. One interview was of an officer who allegedly was improperly redirected by the sergeant and the other was an officer who purportedly told the third sergeant that she should "watch her back."
- Was the final investigative report thorough and appropriately drafted?
The final investigative report contained the same lack of interviews as the draft report because the Office of Internal Affairs refused to interview the additional witnesses even after the OIG recommended the interviews.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not consult with the OIG regarding the recommended interviews but simply rejected the recommendations without discussion.
- Was the investigation thorough and appropriately conducted?
Two key witness interviews recommended by the OIG were not conducted. One interview was of an officer who allegedly was improperly redirected by the sergeant and the other was an officer who purportedly told the third sergeant that she should "watch her back."

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-04	14-0914-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Possession of Controlled Substance - Off Duty 3. Contraband - Off Duty

Incident Summary

On March 4, 2014, an off-duty sergeant stopped his vehicle at a border patrol check point. During the stop, the sergeant was allegedly in possession of a glass smoking pipe and marijuana. The sergeant was also allegedly dishonest to outside law enforcement when he initially denied being in possession of a controlled substance. The sergeant was arrested for possession of a controlled substance.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-09	14-1490-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Contraband 2. Dishonesty 3. Neglect of Duty

Incident Summary

On March 9, 2014, an officer allegedly introduced an unauthorized book into the institution and was allegedly distracted by the book while on duty. On March 16, 2014, the officer was allegedly dishonest when describing the incident to his supervisors.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient
The Office of Internal Affairs and the hiring authority failed to comply with policies and procedures governing the predisciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs. Additionally, OIA Central Intake failed to approve the hiring authority's request for an investigation.	

Assessment Questions
<ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the misconduct on March 9, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 3, 2014, 86 days after the date of discovery.</i> If the hiring authority submitted a request for reconsideration to OIA Central Intake or to the Chief of OIA, was an appropriate decision made regarding the request? <i>Upon receiving the case back from OIA Central Intake with an added allegation of dishonesty, the hiring authority believed a full investigation was necessary to vet the dishonesty allegation and the OIG concurred. The hiring authority submitted a request for reconsideration to OIA Central Intake but it was denied.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The hiring authority delayed in referring the matter to the Office of Internal Affairs.</i>

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-16	14-1166-IR	Direct Action (No Subject Interview)	1. Neglect of Duty

Incident Summary
On March 16, 2014, an officer allegedly failed to place an inmate in the correct housing unit. Subsequently, two other officers allegedly failed to complete a proper count of the inmate and the inmate was later discovered in the wrong cell.

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
2014-04-03	14-1292-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary
On April 3, 2014, an officer allegedly slapped and punched his wife while off duty and was arrested by outside law enforcement for domestic battery.

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
2014-04-26	14-1416-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior

Incident Summary

On April 26, 2014, an officer allegedly made an announcement to inmates and their visitors over the public address system warning that a sergeant was on his way and then was allegedly dishonest to his supervisor when he denied making the statement. The officer was also allegedly dishonest during his interview with the Office of Internal Affairs.

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
2014-06-21	14-1817-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination

Incident Summary

On June 21, 2014, an officer allegedly refused a sergeant's direct order to work an involuntary shift, claiming he was ineligible for the hold-over shift because he had just worked back-to-back double shifts when, in fact, there had been a 16-hour break between the two double shifts.

Predisciplinary Assessment

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

The department failed to sufficiently comply with predisciplinary policies and procedures because the hiring authority failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The matter was returned to the hiring authority on July 30, 2014; however, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 3, 2014, 96 days later.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-11	14-2165-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On July 11, 2014, an officer allegedly abandoned his post and left the institution approximately one hour before the end of his shift. Additionally, the officer allegedly falsely signed an official sign-out log indicating he left the institution at the end of his shift. The officer also allegedly falsely claimed he had permission from his supervisor to leave early and that he only left the institution 15 minutes prior to the end of his shift.

Predisciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-05	14-2297-IR	Direct Action (No Subject Interview)	1. Dishonesty

Incident Summary

On August 5, 2014, an officer allegedly failed to conduct a count and entered his count into the department's computer system before verifying the count.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-07	14-2294-IR	Direct Action (No Subject Interview)	1. Intoxication on Duty

Incident Summary

On August 7, 2014, an officer allegedly reported to work while under the influence of alcohol.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-14	14-2296-IR	Direct Action (No Subject Interview)	1. Misuse of Authority

Incident Summary

On August 14, 2014, an officer allegedly misused his authority when he contacted a private citizen regarding a personal matter, told her he was a police officer, and showed her his departmental badge. The officer also allegedly identified himself as an officer with the department when contacted by outside law enforcement regarding the same matter.

Predisciplinary Assessment

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

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

APPENDIX A2 INVESTIGATIVE PHASE CASES

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CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-01	13-1896-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On May 1, 2013, a materials and stores supervisor allegedly introduced tobacco into the institution for inmate use and engaged in sexual acts with inmates. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG did not accept for monitoring.

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. The special agent failed to cooperate with and provide real-time consultation 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 failed to confer with the OIG upon case initiation and prior to performing investigative activities.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent interviewed the key witness without notifying the OIG. Although the special agent then agreed to confer with the OIG before conducting further investigative activities, the special agent conducted an important pretext telephone call from an inmate to the employee without notifying the OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-02	14-1406-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between February 2, 2014, and April 4, 2014, an officer allegedly accepted money from an inmate's family member in exchange for providing mobile phones to that inmate. Additionally, between February 9, 2014, and April 4, 2014, the same officer allegedly provided mobile phones to the inmate within the secure perimeter of the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

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

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

CENTRAL REGION

Incident Date 2014-04-14	OIG Case Number 14-2102-IR	Case Type Criminal Investigation	Allegations 1. Criminal Act
<p>Incident Summary</p> <p>Between April 14, 2014, and October 16, 2014, an officer allegedly engaged in a sexual relationship with an inmate, exchanged letters and phone calls with the inmate, and provided the inmate's mother with money. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Investigative Assessment</p>			<p>Procedural Rating: Insufficient Substantive Rating: Sufficient</p>
<p>The hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The date of discovery was April 14, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until July 29, 2014, 106 days after the date of discovery.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs.</i> 			

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-30	14-0200-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From October 30, 2013, to May 22, 2014, a clinical psychologist allegedly conspired to commit murder when she provided inmates with confidential information resulting in the attempted murder of two 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 also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The institution's investigative services unit repeatedly failed to provide information requested by the Office of Internal Affairs' special agent, and the information that was provided was incomplete and inaccurate. As a result, the investigation was unnecessarily delayed, the integrity of the investigation was compromised, and the OIG's ability to monitor the case was hindered.

Assessment Questions

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

The institution's investigative services unit repeatedly failed to provide information requested by the assigned special agent. In addition, the information that was provided to the special agent was incomplete and inaccurate. As a result, the investigation was unnecessarily delayed, the integrity of the investigation was compromised, and the OIG's ability to monitor the case was hindered.

Incident Date	OIG Case Number	Case Type	Allegations
2014-04-04	14-0917-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On April 4, 2014, an officer allegedly sexually assaulted an inmate during a search. The inmate alleged that the officer placed his bare hand underneath the inmate's underwear and touched the inmate's genitals. 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
2008-10-10	13-1143-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On October 10, 2008, an officer allegedly falsified medical insurance forms to enable unauthorized individuals to receive health insurance benefits. Between August 1, 2010, and February 28, 2013, the officer allegedly introduced 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 did not open an administrative investigation due to lack of evidence.

Investigative Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the investigative process. OIA Central Intake delayed in acting on the case, the Office of Internal Affairs initially failed to conduct a complete investigation and report concerning the fraud allegation approved for investigation, and failed to complete the investigation prior to the deadline for filing criminal misdemeanor charges.

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 31, 2013, but did not take action until July 11, 2013, 41 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 failed to include any investigation regarding the allegation that the officer fraudulently claimed and received health benefits for ineligible dependents.
- Was the investigation or subject-only 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 related to the introduction of contraband was not completed until April 22, 2014, 53 days after the February 28, 2014, deadline for filing misdemeanor criminal charges.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?

The investigation related to the introduction of contraband was not completed until April 22, 2014, 53 days after the February 28, 2014, deadline for filing misdemeanor criminal charges.
- Was the investigation thorough and appropriately conducted?

The special agent failed to fully investigate the allegation that the officer fraudulently claimed and received health benefits for ineligible dependents. Ultimately, that allegation was fully investigated and addressed, but only after the OIG urged the Office of Internal Affairs to undertake the additional investigation.
- Was the predisiplinary/investigative phase conducted with due diligence?

The Office of Internal Affairs failed to complete the investigation in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-01	14-1814-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On February 1, 2013, an officer allegedly conspired with an inmate to introduce narcotics into an institution and between February 1, 2013, and July 9, 2013, the officer allegedly introduced narcotics into the institution for inmate use. On September 2, 2014, the officer was arrested following a search of his vehicle and home which allegedly yielded tobacco, mobile phones, pay and owe sheets, money transfer receipts, and confidential documents pertaining to inmates. The department determined that probable cause existed to believe a crime was committed and referred the matter to the district attorney. The OIG concurred with the probable cause determination. The department did not open an administrative investigation as the officer resigned from state service following his arrest. A letter was placed in his official personnel file indicating that he resigned under adverse circumstances.

SOUTH REGION

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	13-2333-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On April 1, 2013, a youth counselor allegedly introduced mobile phones and tobacco into the institution for personal gain. 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 department did not open an administrative investigation due to lack of evidence.

Investigative Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the investigative process. OIA Central Intake delayed in taking action on the case and the department failed to properly document the collection of evidence .	

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 29, 2013, but did not take action until October 23, 2013, 55 days after the receipt of the request.
- Was the investigation thorough and appropriately conducted?
The institution's investigator's failed to maintain appropriate records regarding the collection of the evidence, resulting in the inability to obtain search warrants needed to obtain additional evidence.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake delayed in taking action on the case.

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-18	14-0881-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between September 18, 2013, and February 7, 2014, an officer allegedly communicated with an inmate by phone and text messages more than one thousand times. 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 failed to timely refer the matter to the Office of Internal Affairs.	

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The hiring authority learned of the misconduct on November 11, 2013, but did not refer the matter to the Office of Internal Affairs until March 14, 2014, 123 days later.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-14	14-1737-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On February 14, 2014, an officer allegedly engaged in sexual relations with an inmate. On February 15, 2014, the officer allegedly choked the inmate and forced her to perform a sexual act. 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.

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-01	14-1619-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Beginning on March 1, 2014, an officer allegedly introduced tobacco, mobile phones, and narcotics into the institution in exchange for money. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Investigative Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-05	14-2006-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On August 5, 2014, a sergeant allegedly provided an inmate with a mobile phone within the secure perimeter of the institution. Additionally, the sergeant allegedly sent the inmate naked photographs of herself via text messages on the mobile phone. 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.

SOUTH REGION

Incident Date 2014-09-06	OIG Case Number 14-2192-IR	Case Type Criminal Investigation	Allegations 1. Criminal Act
<p>Incident Summary</p> <p>On September 6, 2014, an off-duty parole agent allegedly drove a state vehicle to a parolee's residence, picked up the parolee, and took the parolee to the agent's residence. While at the residence, the agent allegedly made sexually suggestive comments to and groped the parolee. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Investigative Assessment</p> <p>The department's investigative process sufficiently complied with policies and procedures.</p>			<p>Procedural Rating: Sufficient Substantive Rating: Sufficient</p>

APPENDIX B DISCIPLINARY PHASE CASES

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-05	13-2548-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

Incident Summary

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

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 resigned before the disciplinary action took effect. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

The department sufficiently complied with policies and procedures.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-31	13-2495-IR	1. Dishonesty 2. Other Failure of Good Behavior 3. Over-Familiarity 4. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Resignation in Lieu of Termination

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations, except that the officer was introducing contraband into the institution, and determined dismissal was the appropriate penalty. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the officer whereby the officer agreed to resign in lieu of termination and in exchange the officer withdrew his appeal and agreed not to seek future employment with the department. The OIG concurred as this settlement obtained the same result, ensuring the officer would never work for the department again.

Disciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-10	13-0630-IR	<ol style="list-style-type: none"> Discourteous Treatment Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Salary Reduction

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.

Disposition

The hiring authority sustained the allegations against the two officers who failed to intervene and stop the inmate misconduct and determined that a 10 percent salary reduction for 24 months was the appropriate penalty for both officers. The OIG concurred. However, the officers resigned prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating that the officers resigned under adverse circumstances was placed in their official personnel files. The hiring authority sustained the allegations against the third officer and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department reached a settlement agreement wherein the officer resigned in lieu of dismissal, agreed to never seek employment with the department in the future, and withdrew the appeal. The OIG concurred because the ultimate goal of terminating the officer's employment was achieved and the settlement agreement will remain in the department's records. The hiring authority also sustained the allegation against the sergeant and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.

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
2013-04-03	13-2671-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Suspension

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. The officers filed appeals with the State Personnel Board. The department entered into settlement agreements with the officers and agreed to reduce their penalties from dismissals to 45-working-day suspensions due to perceived evidentiary problems. The OIG did not concur with the department's assessment of the case but did not seek a higher level of review because the hiring authority's decision to settle was reasonable given the department attorney's failures and because the hearing was scheduled to start within one week.

Disciplinary Assessment

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide the hiring authority with appropriate legal advice concerning the allegations and the viability of the department's case against the officers, failed to adequately cooperate with the hiring authority and the OIG, and failed to properly prepare witnesses for hearing.

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

CENTRAL REGION

Assessment Questions

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

The department attorney initially recommended against sustaining dishonesty allegations but, upon further review, agreed that the allegations should be sustained. During preparation for hearing, the department attorney interviewed witnesses for the first time without anyone present to witness the interviews, failed to document the details of those interviews for the hiring authority, misrepresented to the hiring authority the nature of the facts gleaned from those interviews, and recommended a settlement of the case based on facts that did not exist. The failures by the department attorney left the hiring authority with no option other than to settle.

- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The department attorney urged the hiring authority to settle the matter based on perceived weaknesses in the statements made by key department witnesses. The OIG and the hiring authority requested a detailed accounting of what the witnesses actually said to allow each to assess the statements and the impact on the viability of the case. The department attorney failed to provide this information. Given the failure of the department attorney to provide the necessary information, the hiring authority agreed to settle the case. The OIG agreed with the hiring authority's decision to settle the case based upon the department attorney's failures.

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

The department attorney failed to have someone present while interviewing department witnesses for the first time and failed to adequately document statements the witnesses made.

- Did the department attorney or employee relations 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 a detailed description of witness statements made to the department attorney during hearing preparation. The department attorney provided general and conclusory statements that were not supported by facts.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-30	13-2030-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Misuse of Authority 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Dismissal	Letter of Instruction

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the sergeant and dismissed him. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the sergeant resigned in lieu of termination and in exchange agreed to withdraw his appeal and never seek future employment with the department. The OIG concurred since the settlement achieved the same result that the sergeant would never work for the department again. The hiring authority determined there was insufficient evidence to sustain any allegations against the lieutenant and the nurse. However, the hiring authority still issued a letter of instruction to the lieutenant regarding properly documenting when inmate-manufactured weapons are discovered. 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.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-11	13-2733-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 	Letter of Instruction	No Change

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.

Disposition

The hiring authority determined there was insufficient evidence to sustain any of the allegations. However, letters of instruction were issued to the sergeant and the first officer regarding proper documentation. The second officer retired before a letter of instruction could be served. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

The department attorney failed to comply with policies and procedures governing the disciplinary process by failing to attend the initially scheduled penalty conference.

Assessment Questions

- Did the department attorney or employee relations 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?

Although a timely penalty conference was scheduled for June 20, 2014, the department attorney failed to attend. The penalty conference was ultimately held on July 3, 2014, 24 days after the investigation was delivered to the hiring authority.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-30	13-2494-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

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.

Disposition

The hiring authority sustained the allegations against the lieutenant and dismissed the lieutenant. The OIG concurred; 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 hiring authority also sustained the allegations against the sergeant and imposed a 5 percent salary reduction for five months. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department and the sergeant entered into a settlement agreement whereby the salary reduction would remain unchanged but the disciplinary action would be removed early from the sergeant's official personnel file. In return, the sergeant agreed to withdraw his appeal. The OIG concurred as the substance of the penalty remained the same.

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
2013-08-29	13-2320-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Discourteous Treatment 3. Failure to Report Use of Force 4. Misuse of Authority 5. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Salary Reduction	No Change

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the officer conducted an unclothed body search of the inmate in front of other inmates but did not sustain the other allegations. 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; however, the officer failed to appear at the pre-hearing settlement conference 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
2013-11-04	14-1114-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

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.

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.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-02-24	14-0131-IR	<ol style="list-style-type: none"> 1. Contraband 2. Dishonesty 3. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Resignation in Lieu of Termination

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.

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 hearing, the department entered into a settlement agreement with the officer in which she agreed to resign in lieu of dismissal. The officer also agreed to not seek future employment with the department and to withdraw her appeal. The OIG concurred because the ultimate goal of separating the officer was achieved.

Disciplinary Assessment

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

The department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions and failed to timely provide the OIG with a draft copy of the pre-hearing settlement conference statement.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
No written confirmation of penalty discussions was provided to the OIG by the department attorney.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney provided the OIG with a draft of the pre-hearing settlement conference statement on the afternoon that it was due at the State Personnel Board thus failing to give the OIG an opportunity to review and provide input.
- Did the department attorney or employee relations 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?
No written confirmation of penalty discussions was provided to the OIG by the department attorney. The OIG was given a draft copy of the pre-hearing settlement conference statement on the afternoon that it was due to be filed with the State Personnel Board thus failing to give the OIG an opportunity to review and provide input.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-04-04	13-0029-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Dismissal	No Change

Incident Summary

Between April 4, 2011, and December 16, 2011, an officer allegedly engaged in an overly familiar relationship with an inmate by making arrangements for the inmate to contact her upon the inmate's release. It was further alleged that after the inmate's release, the officer provided false or misleading statements to a supervisor regarding the nature of her relationship with the former inmate. The officer also allegedly provided false or misleading statements during an investigative interview.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following the hearing, the State Personnel Board upheld all of the allegations and the penalty of dismissal. The officer filed a petition for rehearing, which was denied. The officer filed a Petition for Writ of Mandamus, which was also denied.

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
2011-05-09	13-2222-IR	1. Dishonesty	1. Sustained	Dismissal	Resignation in Lieu of Termination

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.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. After the *Skelly* hearing, the department entered into a settlement agreement whereby the officer agreed to resign and pay restitution for the money he fraudulently obtained. The OIG concurred with the terms of the settlement agreement as the ultimate goal of separating the officer was achieved. In addition, the department was made whole and the officer agreed never to seek reemployment with the department.

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
2011-08-12	13-0447-IR	<ol style="list-style-type: none"> 1. Contraband 2. Controlled Substances - Use or Possession Off Duty 3. Contraband 4. Failure to Report 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Dismissal	Resignation in Lieu of Termination

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.

Disposition

The hiring authority sustained the allegations that the supervising cook used marijuana before reporting to work and served the supervising cook with a notice of dismissal. The hiring authority found there was insufficient evidence to sustain the remaining allegations. The OIG concurred. The supervising cook filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the supervising cook resigned in lieu of dismissal, agreed to never seek employment with the department in the future, and withdrew the appeal. The OIG concurred because the settlement achieved the ultimate goal of terminating the supervising cook's employment with the department and the appeal was withdrawn.

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
2011-10-25	12-2597-IR	<ol style="list-style-type: none"> 1. Disclosure of Confidential Information 2. Discourteous Treatment 3. Insubordination 4. Improper Access to Confidential Information 5. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Letter of Reprimand	No Change

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of disclosure of confidential information, but insufficient evidence to sustain the other allegations. The hiring authority issued the executive assistant an official letter of reprimand. The OIG concurred with the hiring authority's determinations. The executive assistant 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 hold the disciplinary consultation until 150 days after the investigation was completed and then continued the consultation for an additional 56 days. The disciplinary action was not served until more than three months later.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The investigation was completed on September 10, 2013, but the consultation regarding disciplinary determinations did not occur until February 7, 2014, 150 days later. In addition, the hiring authority continued the consultation to April 4, 2014, another 56 days.

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

The hiring authority delayed conducting the consultation regarding disciplinary determinations. In addition, the consultation was completed on April 4, 2014, but the disciplinary action was not served until July 9, 2014, more than three months later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-28	12-0870-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. Sustained 3. Not Sustained 	Salary Reduction	No Change

Incident Summary

On February 28, 2012, an officer allegedly used unreasonable force when he slapped an inmate on the head, pushed him downward into a chair, and failed to document his use of force. The officer also allegedly made racially derogatory statements directed at the inmate. A sergeant and another officer allegedly observed the incident but failed to follow departmental policies by not properly documenting the officer's use of force.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of discourteous treatment and failure to report against the first officer, but insufficient evidence to sustain the allegation of unreasonable use of force. The hiring authority imposed a 5 percent salary reduction for 24 months. The hiring authority determined there was sufficient evidence to sustain the allegation against the sergeant and imposed a 5 percent salary reduction for 24 months. The hiring authority also determined there was sufficient evidence to sustain the allegation against the second officer and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The sergeant and officers filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board sustained the allegations and upheld the salary reductions.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-03-12	13-2120-IR	1. Over-Familiarity	1. Sustained		

Incident Summary

Between March 12, 2012, and February 11, 2013, a parole agent was allegedly engaged in an overly familiar relationship with a female parolee under his supervision. Further, on February 11, 2013, the parole agent allegedly engaged in an overly familiar relationship with family members of the same female parolee.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent wherein the penalty was reduced to a 5 percent salary reduction for six months because of evidentiary problems that arose that eliminated one allegation, which reduced the severity of the remaining allegations. In exchange, the parole agent agreed to withdraw the appeal. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because of the evidentiary problems that affected the severity of the misconduct and the parole agent still received a salary reduction, which could be considered in any future disciplinary action if further misconduct arose.

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 provide written confirmation of penalty discussions, failed to adequately and timely consult with the OIG prior to amending the disciplinary action and settling the case, and failed to adequately notify the OIG of the date of the State Personnel Board hearing.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide written confirmation of penalty discussions.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The department entered into a settlement whereby the penalty was reduced from a salary reduction of 5 percent for 24 months to 5 percent for six months. The OIG was not consulted until the day of the State Personnel Board hearing and did not concur with the settlement. However, the OIG did not seek a higher level of review because the department attorney represented that there were evidentiary problems that arose after the penalty conference that eliminated one of the allegations.
- Did the department attorney or employee relations 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 notify the OIG that the department withdrew an allegation and amended the disciplinary action until after the events had already taken place, thus depriving the OIG of the opportunity to review the matter and seek a higher level of review. In addition, the department attorney failed to notify the OIG of the date of the State Personnel Board hearing until the day of the hearing.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-19	13-2255-IR	<ol style="list-style-type: none"> 1. Disclosure of Confidential Information 2. Neglect of Duty 3. Other Failure of Good Behavior 4. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Resignation in Lieu of Termination

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain all of the allegations except the allegation that the parole agent stalked his ex-girlfriend and her sons. The hiring authority served the parole agent with a notice of dismissal. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the parole agent in which he agreed to resign in lieu of dismissal. The parole agent agreed not to seek future employment with the department and to withdraw his appeal. The OIG concurred with the settlement because it ensured the parole agent would not return to employment with the department.

Disciplinary Assessment

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

The department attorney failed to comply with the department's policies and procedures governing the disciplinary process. The department attorney was unavailable to participate in the disciplinary determinations, causing the conference to be delayed. The department attorney also failed to confirm penalty discussions in writing.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on May 16, 2014. The hiring authority was prepared to consult with the OIG and the department attorney regarding the disciplinary determinations on May 20, 2014, but the department attorney was not available to consult until July 9, 2014, 54 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 and the OIG with written confirmation of the penalty discussions.
- Was the disciplinary phase conducted with due diligence by the department?
The disciplinary determinations were not conducted in a timely manner due to the unavailability of the department attorney.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-01	13-0078-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	Suspension

Incident Summary

Between August 1, 2012, and August 31, 2012, a parole agent, without authorization, allegedly provided a photograph of himself holding a state-issued rifle and standing in front of a federal law enforcement vehicle to an online magazine, which published the photograph. Additionally, during the same time period, the parole agent also allegedly submitted a video to a reality show that contained pictures of himself engaged in official law enforcement operations, again without the prior approval of the department or the other involved state and federal agencies. On December 19, 2012, outside law enforcement officers allegedly found methamphetamine and marijuana, a stolen hand gun, and an unregistered assault weapon in the parole agent's residence during the execution of a search warrant. On May 21, 2013, the parole agent was allegedly dishonest to the Office of Internal Affairs during his investigatory interview.

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. Following a hearing, the allegation that the parole agent was aware that drugs were in his house was not sustained and the administrative law judge modified the dismissal of the parole agent to an eight-month suspension. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the parole agent's credible denials. The State Personnel Board rejected the administrative law judge's proposed decision and invited further argument regarding the proven misconduct. The department entered into a settlement agreement with the parole agent wherein the dismissal was modified to an eight-month suspension and the parole agent waived all back pay. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review to avoid possible back pay based on the administrative law judge's credibility finding.

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
2012-11-08	13-0196-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Incident Summary

It was alleged that on November 8, 2012, three officers released an inmate from his cell without properly restraining the inmate and without the required number of escort officers thereby providing the inmate the opportunity to attack another inmate.

Disposition

The hiring authority sustained the allegations. The hiring authority served the first officer with a 5 percent salary reduction for six months, the second officer with a 5 percent salary reduction for four months, and the third officer with a letter of reprimand. The OIG concurred with the hiring authority's determinations. The three officers filed appeals with the State Personnel Board. Prior to the hearing, the hiring authority withdrew the disciplinary actions against the second and third officers because of evidentiary problems that developed. The OIG concurred because the issues that developed made it unlikely that the department could prevail. Following a hearing, the State Personnel Board upheld the penalty against the remaining officer.

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 conduct the disciplinary determinations in a timely manner. In addition, the disciplinary actions were not served within 30 days of the decision to take disciplinary action.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 13, 2013. The hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until October 9, 2013, almost four 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 disciplinary determinations in a timely manner. In addition, the disciplinary actions were 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 officers were not served the actions until December 4, 2013, 56 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-13	13-0599-IR	<ol style="list-style-type: none"> 1. Willful Disobedience 2. Misuse of Authority 3. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Salary Reduction	Letter of Reprimand

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the supervising parole agent signed a declaration on behalf of a sex-offender parolee without prior authorization and participated in a television interview after being told by her supervisor not to give any more interviews without prior authorization, and imposed a 10 percent salary reduction for three months. The OIG concurred. The hiring authority determined there was insufficient evidence to sustain the allegation that the supervising parole agent misused her authority by appearing on local television news without prior authorization to discuss the department's practices regarding sex-offender parolees. The OIG did not concur but did not seek a higher level of review because the other allegations were sustained and the additional allegation would not have changed the penalty. The supervising parole agent filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the supervising parole agent wherein the penalty was reduced to a letter of reprimand, the department agreed to reimburse back pay, and a cause of action was removed from the disciplinary action. The OIG did not concur with the settlement because there were no changed circumstances to warrant settlement but could not seek a higher level of review due to lack of consultation.

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 disciplinary determinations. The hiring authority and department attorney failed to adequately consult with the OIG regarding settlement.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 17, 2013, but the consultation with the OIG and department attorney regarding the disciplinary determinations did not take place until October 4, 2013, 17 days after receipt of the case.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?

The form stated that the matter had been discussed with the OIG. Although preliminary settlement discussions included the OIG, the final settlement terms had not been discussed with the OIG.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?

Although the hiring authority consulted with the OIG when settlement was discussed at the pre-hearing settlement conference, there were subsequent communications between the hiring authority and department attorney regarding settlement during which the OIG was not consulted. The hiring authority ultimately settled the case without a final consultation with the OIG. In addition, the settlement included new terms not previously discussed with the OIG. These terms were an agreement to reimburse the supervising parole agent back pay and to remove a cause of action and all supporting evidence from the disciplinary action. The OIG did not learn of these matters until after the agreement was finalized.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur with the settlement because there were no changed circumstances to justify a settlement or removing a cause of action and all supporting evidence from the disciplinary action.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The department attorney failed to adequately consult with the OIG regarding settlement negotiations and settled the case without final consultation with the OIG. In addition, although the department attorney provided the OIG a draft settlement document to review after the settlement agreement was reached, the final settlement document contained a new provision wherein the department agreed to reimburse the supervising parole agent back pay. This provision was not included in the draft provided to the OIG. Also, the settlement included an amended disciplinary action that removed an entire cause of action and all supporting documentation. This amendment also was not discussed with 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 hiring authority failed to adequately consult with the OIG regarding settlement and amending the disciplinary action, and settled the case without final consultation with the OIG.
- Was the disciplinary phase conducted with due diligence by the department?

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-05	13-0602-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

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.

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Disposition

The hiring authority sustained the allegations against the officer and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the penalty was reduced to a 5 percent salary reduction for nine months and the department agreed to remove the disciplinary action from the officer's official personnel file after three years or on the date of his retirement, whichever came first. In exchange, the officer withdrew his appeal. The OIG did not concur with the settlement because there was no change of circumstances; however, the terms of the settlement did not merit a higher level of review because the penalty reduction was not significant. The hiring authority determined there was insufficient evidence to sustain the allegations against the sergeant and the OIG concurred.

Disciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions and the pre-hearing settlement conference statement and there was no change of circumstances to warrant settlement.

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 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 OIG was not provided 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 settlement because there was no new evidence or information obtained that warranted a penalty reduction.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-17	13-0711-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Salary Reduction	No Penalty Imposed

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for four months on the lieutenant, a 5 percent salary reduction for three months on the sergeant, and letters of reprimand for the two officers. The OIG concurred. The lieutenant, sergeant, and two officers filed appeals with the State Personnel Board. After the first hearing, the State Personnel Board revoked the disciplinary action against the sergeant. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the sergeant's credible denial. The hiring authority subsequently rescinded the disciplinary actions against the lieutenant and two officers. The OIG concurred with the hiring authority's decision to rescind the remaining disciplinary actions based on the State Personnel Board's decision in the sergeant's case.

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 make an entry into CMS confirming relevant dates, failed to provide the OIG a draft copy of the disciplinary action, and failed to notify the OIG of the State Personnel Board hearing date. Therefore, the OIG was unable to monitor the hearing. The employee relations officer also failed to consult with the OIG regarding the witnesses and evidence to be introduced at the hearing.

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Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?
The employee relations officer did not make an entry into CMS confirming relevant dates.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The employee relations officer did not provide the OIG a draft copy of the disciplinary action.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The employee relations officer failed to notify the OIG of the hearing date so the OIG was unable to monitor the hearing. The employee relations officer also failed to consult with the OIG regarding the witnesses and evidence intended for hearing.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-20	13-1382-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. As the department attorney was preparing for the State Personnel Board hearing, evidentiary problems developed which tended to undermine the credibility of departmental witnesses. Therefore, the department entered into a settlement agreement with the officer wherein the department agreed to reduce the penalty to a 5 percent salary reduction for 24 months and the officer agreed to withdraw the appeal. The OIG concurred with the settlement because of the evidentiary problems.

Disciplinary Assessment

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

Overall, the department sufficiently compiled with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-14	13-1459-IR	1. Neglect of Duty 2. Insubordination 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On March 14, 2013, eight officers were allegedly negligent when they failed to properly account for and document equipment at the beginning and end of their shift. It was also alleged that on March 14, 2013, a sergeant failed to notify the lieutenant that equipment was missing. It was further alleged that on March 15, 2013, the sergeant was insubordinate when he failed to complete and submit a written report of the incident as instructed by the lieutenant.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of negligence against the sergeant, but did not sustain the allegation of insubordination due to lack of evidence, and issued a letter of instruction. The OIG concurred. The hiring authority sustained the allegations against five of the officers, issued letters of instruction to two of the officers, letters of reprimand to two other officers, and imposed a salary reduction of 5 percent for 12 months to the fifth officer. The difference in penalties imposed reflected the varying levels of responsibility for the misconduct and the relative seriousness of their respective misconduct. The department entered into settlement agreements with each of the officers who received penalties whereby the salary reduction was reduced to 5 percent for six months and the letters of reprimand were reduced to letters of instruction in exchange for each of these three officers waiving their rights to appeal. The OIG concurred in the hiring authority's penalty determinations and the respective settlements because each of the officers acknowledged their misconduct and waived their rights to appeal. The hiring authority determined there was insufficient evidence to sustain the allegations against the three remaining officers. 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
2013-03-21	13-0813-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Exonerated 	Demotion	No Change

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain all of the allegations against the sergeant and demoted the sergeant to an officer. The OIG concurred. The hiring authority determined there was sufficient evidence to sustain the allegation of filing an inaccurate report against two of the officers, but determined there was no intent to deceive. The hiring authority issued a letter of instruction to both officers. The OIG concurred. The hiring authority determined there was insufficient evidence to sustain the allegations against four officers. The OIG concurred. As to the seventh officer, the hiring authority determined that the conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement and agreed to reinstate the former sergeant back to his sergeant position effective March 6, 2015. Thus, the demotion will remain in effect for a total of 15 months. The OIG concurred with the settlement because the agreed upon penalty was not significantly different from the original penalty imposed. In addition, the agreement has a provision that the original penalty will be reinstated if the sergeant engages in further misconduct, and the sergeant will have no right of appeal.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-21	13-2223-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Failure to Report 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Resignation in Lieu of Termination

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.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to hearing, the department entered into a settlement agreement whereby the officer resigned in lieu of dismissal. The OIG concurred with the settlement because the ultimate goal of separating the officer was achieved and the officer agreed never to seek employment with the department again.

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
2013-05-28	13-2097-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Failure to Report 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Salary Reduction	No Change

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain two neglect of duty allegations against the first officer because he failed to properly conduct inmate counts and the mandatory hourly suicide prevention check; however, the hiring authority determined there was insufficient evidence to sustain a third neglect of duty allegation, a failure to report allegation and two dishonesty allegations. The hiring authority determined a salary reduction of 5 percent for 12 months was the appropriate penalty for the first officer. The hiring authority determined there was sufficient evidence to sustain a neglect of duty allegation against a second officer because she failed to discover the inmate lying unresponsive on the floor during the initial security check; however, the hiring authority determined there was insufficient evidence to sustain a failure to report allegation and two dishonesty allegations. The hiring authority determined a 5 percent salary reduction for six months was the appropriate penalty for the second officer. The OIG concurred with these determinations. After the *Skelly* hearing for the second officer, the hiring authority entered into a settlement agreement reducing the salary reduction to a letter of reprimand. The OIG did not concur with the reduction in penalty because there was no change in circumstances articulated during the *Skelly* hearing, nor was there new information presented to warrant a reduction. The OIG did not seek a higher level of review because discipline was imposed against the second officer and the letter of reprimand can be cited for purposes of progressive discipline in any future disciplinary action. The penalty imposed upon the first officer remained unchanged and that officer did not file an appeal with the State Personnel Board. The hiring authority determined there was insufficient evidence to sustain the allegations against the two remaining officers. The OIG concurred.

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Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
<p>The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority was not prepared for the penalty conference and made determinations based on the department attorney's representations.</p>	
Assessment Questions <ul style="list-style-type: none"> If the HA consulted with the OIG concerning the disciplinary determinations, was the HA adequately prepared? <i>The hiring authority stated he had not reviewed the investigative report prior to the consultation regarding the investigation and investigative findings. The department attorney provided him a verbal summary of the investigation at the meeting.</i> If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur because there were no change of circumstances or new information to warrant a reduced penalty. However, the OIG did not seek a higher level of review because discipline was imposed against the second officer and a letter of reprimand can be cited for purposes of progressive discipline in any future disciplinary action.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-31	13-1898-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Insubordination 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Dismissal	No Change

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.

Disposition

The hiring authority sustained the allegations against the officer for dishonesty regarding the fraudulent medical forms and for failing to provide medical documentation that was requested during the course of the investigation and served the officer with a notice of dismissal. The remaining allegations were not sustained. 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
<p>The department's disciplinary process sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-05	13-1755-IR	1. Discourteous Treatment 2. Discourteous Treatment	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Instruction

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

Disposition

The hiring authority sustained an allegation for yelling profanities at the inmate but found insufficient evidence to sustain the remaining allegation, and issued a letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the hiring authority revoked the disciplinary action and issued a letter of instruction based on information initially obtained from the *Skelly* hearing that the officer did not instigate the incident. The OIG did not concur with the hiring authority's decision because there were no changed 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
2013-06-20	13-1762-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Petty Theft 3. Misuse of Authority 4. Misuse of State Equipment or Property 5. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	Suspension

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.

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. Due to evidentiary problems that developed after service of the disciplinary action, the department entered into a settlement agreement with the officer. The witnesses who best supported the department's case were unavailable for hearing, despite the department's efforts to locate and subpoena them. The department agreed to reduce the penalty from dismissal to a suspension without pay for four months in exchange for the officer agreeing to withdraw his appeal. The OIG concurred with the terms of the settlement agreement because of the unavailable witnesses.

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
2013-06-27	14-0282-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Over-Familiarity 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

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.

Disposition

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

NORTH 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
2013-07-02	13-1890-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	Letter of Reprimand

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.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 13 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority agreed to withdraw the dishonesty allegation and reduce the penalty to a letter of reprimand. The hiring authority believed the officer's assertions that he intended to correct a clerical error when he changed the expiration date on his meal tickets and never intended deception. The OIG did not concur with the settlement because there were no changed circumstances; however, the parties agreed to the settlement before the OIG could seek a higher level of review.

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The hiring authority failed to consult with the OIG in a timely manner prior to offering and agreeing to a settlement. The OIG did not concur with the terms of the settlement but was precluded from seeking a higher level of review due to the lack of consultation.	

Assessment Questions

- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The employee relations officer did not provide the OIG a copy of the CDC Form 3021 as requested.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
The department attorney notified the OIG at the pre-hearing settlement conference that the hiring authority had offered the officer a settlement which removed the dishonesty allegation from the disciplinary action and reduced the penalty from a salary reduction to a letter of reprimand. The OIG did not concur as there was insufficient change in circumstances to justify the settlement. The hiring authority agreed to the settlement without consulting with the OIG.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The hiring authority agreed to a settlement at the pre-hearing settlement conference which removed the dishonesty allegation from the disciplinary action and reduced the penalty from a salary reduction to a letter of reprimand. There was insufficient change in circumstances to justify the modification.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-17	13-2399-IR	<ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

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.

NORTH REGION

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against both 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
2013-07-27	14-0109-IR	<ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

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.

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
2013-08-08	13-2258-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 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.

Disposition

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

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

NORTH REGION

Incident Date 2013-09-09	OIG Case Number 14-0110-IR	Allegations 1. Neglect of Duty	Findings 1. Not Sustained	Penalty INITIAL: No Penalty Imposed FINAL: No Change	
<p>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.</p>					
<p>Disposition The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.</p>					
<p>Disciplinary Assessment The department's disciplinary process sufficiently complied with policies and procedures.</p>				<p>Procedural Rating: Sufficient Substantive Rating: Sufficient</p>	

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-01	12-1620-IR	<ol style="list-style-type: none"> 1. Code of Silence 2. Discourteous Treatment 3. Dishonesty 4. Failure to Report 5. Battery 6. Misuse of Authority 7. Misuse of State Equipment or Property 8. Other Failure of Good Behavior 9. Failure to Report 10. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Sustained 8. Sustained 9. Not Sustained 10. Not Sustained 	Dismissal	No Change

Incident Summary

In August 2011 a male parole agent allegedly climbed through the window of the home of a former girlfriend who was also a parole agent. The male parole agent allegedly wore his badge and duty belt at the time of the break-in, and allegedly erased incriminating email messages from a laptop computer the couple shared. The male parole agent was allegedly dishonest with outside law enforcement investigating the break-in when he denied climbing through the window. It was further alleged the male parole agent was not properly supervising parolees on his caseload. When his supervisor asked to see his case notes, the male parole agent allegedly dishonestly told the supervisor that he had lost his notes. The male parole agent also allegedly engaged in several instances of mutual work-place violence with the female parole agent, and failed to report the female parole agent's misconduct for engaging in and sometimes initiating the altercations. The male parole agent also allegedly drove a state vehicle for personal use and was allegedly dishonest during his interview with the Office of Internal Affairs. It was also alleged the female parole agent sent numerous profane text messages to the male parole agent's ex-girlfriend and failed to timely report the misconduct of the male parole agent for failing to supervise parolees, for being dishonest with his supervisor about the lost case notes, misusing the state vehicle, and engaging in workplace violence. The female parole agent also allegedly initiated an instance of workplace violence with the male parole agent and was allegedly dishonest during her interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained all of the allegations against each parole agent except an allegation that the male parole agent was distributing illegal drugs and one allegation against the female parole agent that she failed to timely report misconduct by the male parole agent. The hiring authority dismissed both. The OIG concurred. Each agent filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board sustained all of the allegations against the male parole agent and upheld the dismissal. With regard to the female parole agent, the administrative law judge dismissed the insubordination, an allegation added by the department attorney after the findings and penalty conference, and dishonesty charges and reduced her penalty to an 18-month suspension. The State Personnel Board rejected the administrative law judge's proposed decision and requested argument on the appropriate penalty for the proven misconduct. After oral argument, the State Personnel Board found that dismissal was the appropriate penalty.

Disciplinary Assessment

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department attorney served some of the disciplinary documents prior to consulting with the OIG. Additionally, the department attorney failed to draft the disciplinary action in a timely manner. Had the OIG not intervened, the disciplinary action would have been served after the deadline for taking disciplinary action expired.

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

SOUTH REGION

Assessment Questions

- Did the department attorney or employee relations 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 the OIG with the letters of intent prior to serving them.
- Was the disciplinary phase conducted with due diligence by the department?
The department attorney delayed until the day of the deadline for taking disciplinary action to serve the disciplinary actions. The department attorney did not properly calculate the deadline for taking disciplinary action and had the OIG not intervened, the actions would not have been timely served.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	12-2424-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Discourteous Treatment 3. Sexual Misconduct 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Unfounded 	Salary Reduction	No Penalty Imposed

Incident Summary

From January 1, 2012, through December 31, 2012, a senior youth counselor was allegedly overly familiar and discourteous towards wards when he referred to them as "baby boy" and told the wards that he "loved" them. The senior youth counselor also allegedly leered at the wards while they were showering and told the wards that he liked their hair.

Disposition

The hiring authority sustained the allegation that the senior youth counselor called the wards "baby" and "babe." The hiring authority determined that the investigation conclusively proved that the allegation that the senior youth counselor leered at the wards while they showered did not occur and that there was insufficient evidence to sustain the allegation that the senior youth counselor commented on the wards' hair. The hiring authority imposed a salary reduction of 10 percent for 12 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the action, finding that the senior youth counselor's conduct did not constitute misconduct as the institution failed to enforce its policy concerning how its employees are to refer to wards under their supervision.

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
2012-05-15	12-1540-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Suspension	No Change

Incident Summary

On May 15, 2012, a youth counselor allegedly attempted to minimize the misconduct of two wards and was dishonest when he described their interaction in an incident report as "horseplay" rather than fighting.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the youth counselor neglected his duties by minimizing the misconduct of the two wards, but did not sustain the allegation that the youth counselor was dishonest. A 30-working-day suspension was imposed. The OIG concurred with the hiring authority's determinations. The officer 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.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-11	12-2234-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On June 11, 2012, a captain allegedly falsified the date on a rules violation report against an inmate to avoid missing a deadline. Between June 11, 2012, and July 14, 2012, the captain allegedly failed to disclose the false date, allowing an improper hearing to occur. An officer was allegedly dishonest and negligent in the preparation and handling of the same rules violation documents, delivered the false documentation for signature, served the inmate with the false documentation, and failed to report the misconduct of the captain in altering the rules violation documents. On August 22, 2012, the captain allegedly failed to report a suspected alteration to another official document related to the rules violation report documents. On January 30, 2013, the officer was allegedly dishonest during his interview with the Office of Internal Affairs. On April 23, 2013, the captain was also allegedly dishonest during her interview with the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer and the captain. The OIG concurred. 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 captain filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board sustained the dismissal. The captain also filed a petition for rehearing, which the State Personnel Board also denied.

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 prepared a draft disciplinary action that was legally and factually inaccurate.

Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action failed to include all sustained allegations, incorrectly recited key facts, dates, and the chronology of events, incorrectly cited departmental policy regarding time for service of a rules violation report on an inmate, and failed to appropriately elaborate on facts necessary to support the dishonesty allegations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-15	13-0593-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Incident Summary

On June 15, 2012, a lieutenant and a sergeant allegedly left an inmate in his cell unattended with an inmate-manufactured weapon, failed to make proper notifications to supervisors of the situation, and failed to act to remove the inmate from his cell and confiscate the inmate-manufactured weapon. Instead, both the lieutenant and sergeant left the situation to the next shift of officers. Also, an officer allegedly incorrectly documented the time when the inmate-manufactured weapon was first observed.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and issued a letter of instruction to the officer, a letter of reprimand to the sergeant, and a salary reduction of 5 percent for six months against the lieutenant. The OIG concurred with the hiring authority's determinations. After the sergeant's *Skelly* hearing, the hiring authority entered into a settlement agreement wherein the letter of reprimand would be withdrawn from the sergeant's official personnel file after one year and the sergeant agreed to waive her right to appeal. The OIG concurred with the settlement because the penalty was unchanged. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board found the department failed to prove that most of the lieutenant's conduct violated policy but found that the lieutenant was neglectful for failing to ensure that staff maintained constant visual observation of the inmate prior to the cell extraction. The State Personnel Board upheld the penalty of 5 percent for six months.

SOUTH REGION

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
2012-11-01	13-1811-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Unfounded 	Letter of Reprimand	No Change

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.

Disposition

The hiring authority sustained allegations against two licensed vocational nurses that they failed to complete appropriate forms for an inmate's missed medications, but did not sustain the remaining allegations, and determined that letters of reprimand were appropriate for both. The OIG concurred. One nurse filed an appeal with the State Personnel Board. Prior to the hearing, the hiring authority reached a settlement agreement wherein the nurse withdrew the appeal and the hiring authority agreed to remove the disciplinary action from her official personnel file in one year upon written request. The OIG concurred because the penalty was not reduced and the disciplinary action could be used for progressive discipline. The second nurse resigned prior to completion of the investigation. Therefore, disciplinary action was not served. A letter indicating the nurse resigned under adverse circumstances was placed in her official personnel file. The hiring authority determined that the investigation conclusively proved that the misconduct alleged against the third nurse did not occur, and that there was insufficient evidence to sustain the allegations against the physician and physician's assistant. 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.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-14	13-0452-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Use of Force Insubordination Neglect of Duty Dishonesty Failure to Report Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained Not Sustained Not Sustained 	Dismissal	No Change

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.

SOUTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain allegations against the two officers for failing to report force used and observed, the allegation against the control booth officer for failing to activate his personal alarm, and the allegation against the sergeant for failure to report use of force. The hiring authority sustained an added allegation of insubordination against the control booth officer for failing to appear at his interview with the Office of Internal Affairs and added allegations of dishonesty against the first officer and the sergeant based on statements made in their interviews with the Office of Internal Affairs and against the second officer for dishonesty to his supervisor regarding the incident. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The hiring authority dismissed the first officer, imposed a salary reduction of 10 percent for 12 months on the second officer, imposed a salary reduction of 10 percent for 18 months against the control booth officer and imposed a salary reduction of 5 percent for five months against the sergeant. The OIG concurred with all of the hiring authority's determinations. The first officer was dismissed in connection with a previous misconduct case. The sergeant did not appeal the hiring authority's decision. At his *Skelly* hearing, the control booth officer stated he was taking medication, causing him to miss his Office of Internal Affairs' interview and that another officer had already activated the alarm to explain his failure to do so. The department entered into a settlement with the control booth officer wherein his penalty was reduced to a letter of reprimand and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred based on the information learned at *Skelly*. The second officer filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the second officer wherein the penalty was reduced from 10 percent for 12 months to 10 percent for nine months in exchange for the officer's agreement to attend report writing training and to withdraw his appeal. The OIG concurred because the settlement did not significantly reduce the penalty and the additional training reduced the likelihood of reoccurrence.

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
2013-02-14	13-1332-IR	1. Over-Familiarity	1. Sustained	Salary Reduction	No Change

Incident Summary

On February 14, 2013, a youth counselor allegedly engaged in an overly familiar relationship with a female ward when he passed her an envelope containing cards and letters written by a male ward.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 13 months. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction.

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
2013-02-19	13-1634-IR	1. Dishonesty 2. Neglect of Duty 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination

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.

SOUTH REGION

Disposition

The hiring authority sustained the allegations and dismissed the executive secretary. The OIG concurred. The executive secretary filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the executive secretary resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of separating the executive secretary's employment from 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
2013-02-26	14-0754-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Resignation in Lieu of Termination

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.

Disposition

The hiring authority sustained both allegations and dismissed the counselor. The OIG concurred. Following the *Skelly* hearing, the hiring authority sought to reduce the penalty to a demotion. The department attorney elevated the matter to the hiring authority's supervisor for review of the change in penalty. The OIG concurred with the request for a higher level of review. At the higher level of review, the department determined that the allegations and penalty would remain as initially decided. The counselor filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the counselor in which she agreed to resign in lieu of dismissal, to not seek future employment with the department, and to withdraw her appeal. The OIG concurred with the settlement agreement because it ensured the counselor would no longer work for the department.

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
2013-03-07	13-2654-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	No Change

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.

Disposition

The hiring authority determined that the officer was negligent when he removed an unrestrained inmate from his cell without ensuring the housing unit was clear of all unrestrained inmates. The hiring authority imposed a salary reduction of 10 percent for 24 months. As a result of the investigation, an allegation was added that the officer was dishonest during his investigative interview with the Office of Internal Affairs. The hiring authority found insufficient evidence to sustain dishonesty. The hiring authority sustained the allegation against the lieutenant and issued a letter of instruction. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

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
2013-03-28	13-0750-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	No Change

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the supervising parole agent, but not against the senior youth counselor or senior case work specialist. The hiring authority issued a 5 percent salary reduction for six months to the supervising parole agent. The OIG concurred with the hiring authority's determinations. The supervising 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.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-10	13-2689-IR	<ol style="list-style-type: none"> Insubordination Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Suspension	Modified Suspension

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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officer failed to accurately complete and turn in the forms and imposed a 36-working-day suspension. 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 his appeal and waive back pay and the department agreed to reduce the penalty to a 20-working-day suspension and remove the allegation of insubordination. The hiring authority settled the case due to evidentiary concerns regarding the insubordination allegation and the officer began timely submitting apprenticeship documents after being disciplined. The OIG concurred with the settlement because the officer had timely submitted all apprenticeship documents since he was served with the action and the action would remain in the officer's official personnel file.

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
2013-10-01	14-0599-IR	<ol style="list-style-type: none"> Over-Familiarity Failure to Report 	<ol style="list-style-type: none"> Sustained Not Sustained 	Dismissal	No Change

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.

Disposition

The hiring authority sustained the allegation of over familiarity against the office technician and determined that dismissal was the proper penalty. The OIG concurred. However, the office technician resigned before disciplinary action could be imposed. A letter indicating the office technician resigned under adverse circumstances was placed in her official personnel file. The hiring authority determined there was insufficient evidence to sustain the allegation against the correctional counselor. The OIG concurred.

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
2013-11-27	14-0334-IR	<ol style="list-style-type: none"> Insubordination Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Suspension	No Change

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.

Disposition

The hiring authority sustained the allegations of insubordination and neglect of duty, but did not sustain the dishonesty allegation, and issued a six-working-day suspension. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department attorney 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 and prepared a draft disciplinary action that contained inaccurate information.

Assessment Questions

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

The department attorney did not provide appropriate legal advice to the hiring authority concerning the findings on the allegations. The department attorney misunderstood the application of the Family Medical Leave Act for departmental employees and as a result, advised the hiring authority not to sustain allegations. The hiring authority rejected the inaccurate advice and appropriately sustained the allegations.

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action contained inaccurate references regarding departmental policy and applicable law.

APPENDIX C COMBINED PHASE CASES

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CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-05-03	11-1908-IR	1. Dishonesty	1. Sustained	Dismissal	No Penalty Imposed

Case Type: Direct Action (No Subject Interview)

Incident Summary

On May 3, 2011, a lieutenant allegedly gave false testimony while under oath. The lieutenant had appealed a prior disciplinary action and testified at the resulting State Personnel Board hearing that he had never used methamphetamine while employed by the department. However, the lieutenant had a prior urinalysis test result that was positive for methamphetamine use.

Predisciplinary Assessment

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

The hiring authority and the department attorney failed to comply with 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 department attorney failed to enter relevant dates into CMS.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on May 3, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 25, 2011, 83 days after the date of discovery.
- 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 entry into CMS confirming relevant dates.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely fashion.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and dismissed the lieutenant. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal. The department filed a writ, which was granted. The lieutenant then filed an appeal with the Fifth Circuit Court of Appeals, which reversed the writ and directed the lower court to deny the department's writ and ordered the department to pay the costs on appeal.

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 keep the OIG properly informed and failed to adequately represent the department at the State Personnel Board hearing, contributing to an unfavorable State Personnel Board decision.

CENTRAL REGION

Assessment Questions

- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?
The department attorney did not adequately prepare witnesses for the hearing as he failed to enter necessary information into evidence through witness testimony.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department attorney was unable to enter necessary evidence through the testimony of expert witnesses.
- Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence?
The department attorney failed to properly introduce and have documentary evidence admitted at hearing.
- Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?
The department attorney did not prepare a final memorandum.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the writ or court appeal portion of the case?
The department attorney failed to provide the OIG with regular updates on this case.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-15	11-2632-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On September 15, 2011, an officer allegedly violated a restraining order by entering his estranged wife's residence and removing items. The items taken included a handgun, which the restraining order prohibited the officer from possessing. The officer was also allegedly dishonest to outside law enforcement during its investigation into the alleged restraining order violation.

Predisciplinary Assessment 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 and dismissed the officer. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-14	12-2951-IR	<ol style="list-style-type: none"> Discourteous Treatment Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On November 14, 2012, an officer allegedly choked his pregnant daughter and kneed her in the stomach. He also allegedly took her mobile phone to prevent her from contacting outside law enforcement.

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. 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
2013-03-02	14-2435-IR	<ol style="list-style-type: none"> Discourteous Treatment 	<ol style="list-style-type: none"> Sustained 	Letter of Reprimand	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 2, 2013, an off-duty lieutenant and his wife, an off-duty sergeant, were intoxicated and began arguing with each other. The lieutenant allegedly hit his wife in the face and head multiple times with his hands. Outside law enforcement responded and arrested the lieutenant for spousal battery. The lieutenant subsequently pled no contest to disturbing the peace.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The department failed to timely refer the matter to the Office of Internal Affairs, referring the matter almost a year and a half after the date of discovery, and delayed consulting regarding the sufficiency of the investigation and the investigative findings.

CENTRAL REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on March 12, 2013, but failed to refer the matter to the Office of Internal Affairs until August 22, 2014, one year and five months after the date of discovery.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on September 24, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until November 12, 2014, 49 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and issued a letter of reprimand. The OIG concurred. The lieutenant did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-01	14-1501-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On May 1, 2013, five officers from the investigative services unit allegedly provided inmates, whom they believed were reliable confidential informants, with mobile phones. The officers also allegedly destroyed narcotics found on an inmate and failed to report that the inmate was found in possession of narcotics.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. The department attorney failed to confirm the deadline for taking disciplinary action and the hiring authority failed to timely consult regarding the sufficiency of the investigation and the investigative findings.

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 accurately made an entry confirming the date of the incident and date of discovery, but failed to confirm 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 Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 18, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until December 15, 2014, 58 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to conduct the investigative findings in a timely manner.

CENTRAL REGION

Disposition The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.	
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures.	Procedural Rating: Sufficient Substantive Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-01	14-1996-IR	1. Over-Familiarity	1. Sustained	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary
 Between June 1, 2013, and May 19, 2014, an officer allegedly engaged in an overly-familiar relationship with an inmate, continuing the relationship after the inmate paroled.

Predisciplinary Assessment The department's predisciplinary process sufficiently complied with policies and procedures.	Procedural Rating: Sufficient Substantive Rating: Sufficient
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Disposition
 The hiring authority determined there was sufficient evidence to sustain the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the 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 The department's disciplinary process sufficiently complied with policies and procedures.	Procedural Rating: Sufficient Substantive Rating: Sufficient
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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-09	14-1193-IR	1. Neglect of Duty	1. Exonerated	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary
 On August 9, 2013, a sergeant allegedly failed to forward to the investigative services unit an inmate's allegations that he had been sexually assaulted by staff.

Predisciplinary Assessment Overall, the department's predisciplinary process sufficiently complied with policies and procedures.	Procedural Rating: Sufficient Substantive Rating: Sufficient
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Disposition
 No misconduct occurred and the OIG concurred with the hiring authority's determination.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-11	14-0230-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Failure to Report 4. Threat/Intimidation Toward an Inmate 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

Case Type: **Administrative Investigation**

Incident Summary

On August 11, 2013, an officer allegedly failed to give an inmate a property receipt for the inmate's shoes that were confiscated during a cell search and allegedly pretended to sell the shoes. On August 15, 2013, the officer allegedly used profanity towards the same inmate. On August 18, 2013, the officer allegedly posted a photograph of the same inmate, identifying the inmate as a child molester, where other inmates could see it. On September 1, 2013, the officer allegedly failed to issue a rules violation report to a second inmate for possessing contraband. Instead, the officer allegedly coerced the second inmate to dress provocatively, put on lipstick, and parade in a flamboyant manner on the exercise yard to appear homosexual in exchange for the officer not issuing the rules violation report. A second officer allegedly assisted by translating for the first officer to the second inmate who only spoke Spanish. The second officer also allegedly failed to report the first officer's misconduct and failed to issue a rules violation report to the second inmate for the contraband. Finally, on November 3, 2013, the first officer allegedly taped a photograph of a third inmate on the toilet seat in the staff restroom and threatened to sell the inmate's tennis shoes. On June 2, 2014, the first officer was allegedly dishonest during an interview with the Office of Internal Affairs.

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 delaying referring the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The date of discovery was September 11, 2013; however, the matter was not referred to the Office of Internal Affairs until December 17, 2013, more than three 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.

Disposition

The hiring authority sustained the allegations against both officers. The first officer was served with a notice of dismissal and the second officer received a 5 percent salary reduction for 24 months. The OIG concurred with the hiring authority's determinations. The officer who was served with the dismissal resigned prior to disciplinary action taking effect. A letter indicating he resigned pending disciplinary action was placed in his official personnel file. At the second officer's *Skelly* hearing, the second officer took responsibility and admitted he should have informed his supervisor. He was apologetic, stated he had learned from his mistake, and realized there are far-reaching consequences to his actions. This showed new insight which lessened the likelihood of recurrence. Based on 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 20 months. In exchange, the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

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
2013-08-17	13-2221-IR	<ol style="list-style-type: none"> Neglect of Duty Misuse of Authority Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

On August 17, 2013, an officer allegedly failed to activate his alarm when two inmates began fighting in the dayroom. The officer also allegedly failed to notice injuries to one of the inmates as he spoke to that inmate. The officer then allegedly confined the inmates to their separate cells without proper approval. A second officer also allegedly observed the two inmates fighting and failed to activate his alarm. A control booth officer allegedly failed to activate his alarm or notify a supervisor when he observed the two fighting inmates.

Predisciplinary Assessment

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

The special agent and the department attorney failed to comply with the department's policies and procedures governing the predisciplinary process. The special agent delayed almost six months before commencing with interviews. Additionally, the department attorney failed to provide to the OIG written confirmation summarizing feedback to the special agent regarding the draft 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?
Although the department attorney noted in CMS that she reviewed the report and provided feedback to the special agent, the department attorney failed to provide to the OIG written confirmation summarizing critical discussions about the investigative report.
- Was the predisciplinary/investigative phase conducted with due diligence?
The special agent delayed almost six months before starting interviews. This impacted the investigation since the complaining inmate witness had already transferred to another institution by the time he was interviewed, resulting in further delays completing the investigation.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations except that one officer failed to notice injuries on the inmate and confined the two inmates to their cells without proper approval. The hiring authority imposed a 5 percent salary reduction for 12 months on the first two officers and the control booth officer. The OIG concurred. The first two officers did not file appeals with the State Personnel Board. The control booth officer filed an appeal with the State Personnel Board. At the control booth officer's *Skelly* hearing, he expressed remorse, explained the reasons for his actions, and acknowledged better ways to handle the situation. Based on the mitigating information, the hiring authority entered into a settlement agreement with the control booth officer wherein the penalty was modified to a 5 percent salary reduction for five months combined with an added eight-working-day suspension spread over two months. In exchange, the control booth officer agreed to withdraw his appeal and to not apply for a control booth position in the future. The OIG concurred because the settlement resulted in a similar monetary penalty and also ensured the control booth officer would not return to a control booth position.

Disciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-24	13-2440-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On August 24, 2013, an officer allegedly left an inmate in handcuffs in a holding cell for over four hours, failed to notify a sergeant that the inmate was placed in the holding cell, and failed to perform two welfare checks. The officer was also allegedly dishonest when he completed log books documenting that the sergeant was notified of and ordered the inmate to be placed in the holding cell.					
Predisciplinary Assessment 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 complete the investigation in a timely manner.				Procedural Rating: Insufficient Substantive Rating: Sufficient	
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The department learned of the misconduct on August 24, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 24, 2013, 61 days after the date of discovery.</i> Was the investigation or subject-only 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 August 23, 2014, but the case was not submitted to the hiring authority until July 25, 2014, only 29 days before the deadline.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>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 in a timely manner.</i> 					
Disposition The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 13 months. The OIG concurred. At the <i>Skelly</i> hearing, the officer expressed remorse and acknowledged his failure to comply with policies. He demonstrated insight and awareness into his poor decision making process. Due to this mitigating information, the hiring authority entered into a settlement agreement with the officer and modified the salary reduction to a 5 percent salary reduction for 26 months. The officer also agreed not to file an appeal with the State Personnel Board. The OIG concurred with the hiring authority's determinations based on the factors learned at the <i>Skelly</i> hearing.					
Disciplinary Assessment The department's disciplinary process sufficiently complied with policies and procedures.				Procedural Rating: Sufficient Substantive Rating: Sufficient	

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-25	13-2316-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 	Salary Reduction	No Change

Case Type: Administrative Investigation

Incident Summary

On August 25, 2013, an officer allegedly turned a decontamination shower on a suicidal inmate because the inmate refused orders to stop talking to himself. The officer then allegedly raised the inmate's hands, which were already restrained, behind the inmate's back, forcing the inmate's hands up to shoulder level. The officer also allegedly attempted to push the inmate into a pole during the escort and failed to report his use of force. A second officer also allegedly failed to report the first officer's 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 sufficient evidence to sustain the allegation that the first officer turned the decontamination shower on the inmate for no reason but did not sustain the remaining allegations against the first officer. The hiring authority imposed a 5 percent salary reduction for 12 months. The officer did not file an appeal with the State Personnel Board. The hiring authority did not sustain the allegation against the second officer. 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
2013-08-29	13-2289-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 	<ol style="list-style-type: none"> 1. Sustained 2. No Finding 	Salary Reduction	Suspension

Case Type: Direct Action (No Subject Interview)

Incident Summary

On August 29, 2013, an investigative services unit officer allegedly failed to produce medical documentation as ordered after claiming she could not work an involuntary overtime shift due to a medical appointment. The officer was also allegedly dishonest when she told two sergeants she had a pre-scheduled medical appointment and that the physician's office had cancelled the appointment. Several days later, the officer admitted to a sergeant that she did not have a physician's appointment on August 29, 2013.

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 consult with the OIG regarding the investigative findings.

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 October 25, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until December 16, 2013, 52 days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely conduct the investigative findings.

Disposition

The initial hiring authority determined there was sufficient evidence to sustain the dishonesty allegation and imposed a salary reduction of 5 percent for 13 months. The initial hiring authority made no finding regarding the allegation that the officer failed to produce medical documentation as there was no medical appointment and thus no documentation. The OIG did not concur and the matter was elevated to the hiring authority's supervisor. At the higher level of review, the hiring authority determined the penalty would remain as initially determined. The OIG did not concur and elevated the matter to the second level supervisor, who determined that the officer should be suspended without pay for 26 working days. The OIG still did not concur and elevated the matter further. The third level supervisor suspended the officer for 37 working days and 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 phase. The hiring authority failed to conduct the disciplinary determination in a timely manner. The initial hiring authority and two levels of supervisors failed to make an appropriate disciplinary determination and the department attorney who participated in the case at various levels of review failed to provide appropriate legal consultation to the hiring authority regarding the disciplinary determination. The OIG sought a higher level of review regarding the disciplinary determination and did not concur with the penalty until the third level supervisor, the director of the department's Division of Adult Institutions, made a determination. Finally, the department attorney failed to assess the deadline for taking disciplinary action and failed to confirm penalty discussions in writing.

CENTRAL REGION

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?

The employee relations officer, who was responsible for the case for approximately the first six months, did not make any entry into CMS confirming relevant dates.
- 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 25, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until December 16, 2013, 52 days after receipt of the case.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

The department attorney inappropriately advised the hiring authority that the appropriate penalty for the sustained allegation of dishonesty by an officer to a supervisor was significantly lower than dismissal.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The hiring authority who participated in the disciplinary conference failed to select the appropriate penalty for the sustained allegation of dishonesty.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.
- Was an executive review invoked to raise an issue to a higher level of management in this case?

The OIG sought a higher level of review regarding the disciplinary determination. The review was ultimately elevated through multiple levels to the director of the department's Division of Adult Institutions.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the disciplinary determinations in a timely manner. The department also failed to timely conduct the reviews by the hiring authorities at the higher levels.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-17	14-0999-IR	<ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On September 17, 2013, an officer and a sergeant allegedly used unreasonable force on two intoxicated inmates while they were inside their cell. After the inmates refused the sergeant's orders to submit to handcuffs, the inmates covered their cell door with a mattress. The officer allegedly deployed two bursts of pepper spray under the cell door. Even though the inmates had not yet been handcuffed, the sergeant allegedly ordered the control booth officer to open the cell door slightly and the sergeant then allegedly deployed a pepper spray grenade into the cell.

Predisciplinary Assessment

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

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

CENTRAL REGION

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for eight months on the sergeant and a 5 percent salary reduction for six months on the officer. The OIG concurred. Both employees filed appeals with the State Personnel Board. Although no new evidence was produced at a pre-hearing settlement conference, the hiring authority decided to enter into settlement agreements with both employees. The sergeant's penalty was reduced to a 5 percent salary reduction for six months and the officer's penalty was reduced to a 5 percent salary reduction for three months. The OIG did not concur with the settlements because there were no changed circumstances and no new evidence; however, the terms of the settlement did not merit a higher level of review because the salary reductions still remained in the original penalty range.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-23	14-0151-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On September 23, 2013, an officer allegedly sprayed an inmate's face, head, and torso with pepper spray even though the inmate presented no immediate threat.

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 over two months before referring the matter for investigation and the Office of Internal Affairs failed to take timely action.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 23, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 26, 2013, 64 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 December 2, 2013, but did not take action until January 8, 2014, 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 for investigation to the Office of Internal Affairs and OIA Central Intake failed to take timely 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.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-07	13-2731-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 7, 2013, a sergeant allegedly failed to intervene and initiate a controlled use of force when an officer began to spray an inmate with pepper spray through the cell food port when the inmate refused to relinquish his handcuffs when 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 hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 7, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 9, 2013, 63 days after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed over two months before referring the matter to the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and issued a letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the State Personnel Board hearing, a settlement agreement was negotiated whereby the disciplinary action would be removed after 12 months upon request by the officer. The OIG concurred with the settlement because the penalty remained unchanged and there was no investigation conducted to explore the facts and any possible witness testimony.

Disciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department attorney failed to adequately consult with the OIG.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney refused to provide a final, complete written confirmation despite two written requests from the OIG.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney refused to provide a final, complete written confirmation despite two written requests from the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-10	13-2728-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	Letter of Instruction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 10, 2013, an officer allegedly kicked an inmate in the ribs as the inmate fought with a second inmate on the floor.

CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the predisciplinary process.	
Disposition The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 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 hearing, the employee relations officer discovered that no training officers were willing to testify that the officer's use of force was unreasonable. The employee relations officer consulted with the department attorney who would not accept the case but recommended the disciplinary action be withdrawn. The hiring authority ultimately withdrew the action and issued a letter of instruction. The OIG did not concur with the disposition but did not seek a higher level of review due to the evidentiary issues.	
Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the disciplinary process. The employee relations officer failed to make an entry into CMS confirming key dates, failed to provide the OIG a copy of the draft disciplinary action, and failed to timely file the pre-hearing settlement conference statement. The hiring authority delayed consulting with the OIG regarding penalty determinations.	

CENTRAL REGION

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?
The employee relations officer failed to make an entry into CMS confirming key dates.
- 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 11, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until January 24, 2014, 44 days after receipt of the case.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The employee relations officer failed to provide a copy of the draft disciplinary action to the OIG; therefore, the OIG could not provide any feedback.
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?
Although the pre-hearing settlement conference statement filed by the employee relations officer had all the required basic information, the disciplinary officer failed to timely file the pre-hearing settlement conference statement.
- 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 employee relations officer appeared at the pre-hearing settlement conference without realizing that she had untimely filed the pre-hearing settlement conference statement.
- 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 action and issue a letter of instruction to the officer. Although there were evidentiary issues, the case could have proceeded to the State Personnel Board hearing.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The employee relations officer was not aware that timely filing of the pre-hearing settlement conference statement by mail required additional days. As a result, the department's pre-hearing settlement conference statement was not timely filed.
- Did the SPB impose any sanction or penalty on the department for failure to comply with the SPB regulations, or deem any filing by the department untimely?
The State Personnel Board determined the employee relations officer failed to timely file the pre-hearing settlement conference statement by mail and ordered her to show cause for the delay. The employee relations officer explained that her lack of training, budgetary constraints, and being unfamiliar with State Personnel Board rules contributed to the untimely filing. The State Personnel Board determined the employee relations officer's explanation showed good cause for delay.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the disciplinary determinations in a timely manner and the pre-hearing settlement conference statement was not timely filed.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-22	14-0249-IR	<ol style="list-style-type: none"> Sexual Harassment Misuse of State Equipment or Property Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Suspension	Modified Suspension

Case Type: Direct Action (No Subject Interview)

Incident Summary

On October 22, 2013, an associate warden allegedly sent an e-mail message containing pornographic images from his state computer to several departmental employees on their state computers.

Predisciplinary Assessment

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

The department attorney failed to make an entry into CMS confirming relevant dates and the hiring authority failed to timely conduct the investigative findings 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 department attorney 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 January 27, 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 10, 2014, 42 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely conduct the investigative findings conference.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 15-working-day suspension. At the *Skelly* hearing, the associate warden expressed remorse and accepted responsibility for his actions. Based on the factors learned at the *Skelly* hearing, the department offered to enter into a settlement agreement with the associate warden wherein the suspension would be reduced but the associate warden filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the penalty was reduced to a five-working-day suspension. The associate warden agreed to waive five days of back pay and agreed to withdraw his appeal. The OIG concurred with the settlement based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

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

The hiring authority failed to timely conduct the disciplinary determinations. In addition, the department attorney failed to provide the OIG with a draft of the disciplinary action or a draft of the pre-hearing settlement conference statement.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on January 27, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until March 10, 2014, 42 calendar days after receipt of the case.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The department attorney failed to 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 department attorney failed to provide the OIG with a draft of the pre-hearing settlement conference statement prior to it being filed.
- Did the department attorney or employee relations 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 the OIG with a draft of the disciplinary action and the draft pre-hearing settlement conference statement.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-24	14-0277-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On October 24, 2013, an officer allegedly kicked an inmate's feet apart, leaned on the inmate, pushed the inmate's head against a wall, then forced the inmate to the ground. While escorting the same inmate, a second officer allegedly pushed the inmate's head into a wall. A third officer allegedly pushed the same inmate's head through the window on the program office door, breaking the glass which caused a laceration to the inmate's head.

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 failed to timely refer the matter for investigation to the Office of Internal Affairs. The special agent delayed four months after being assigned to the case before starting interviews. By the time the complaining inmate was interviewed, the inmate had already been transferred to an institution further away.

CENTRAL REGION

Assessment Questions

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

The date of discovery was October 24, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until December 18, 2013, 55 days after the date of discovery.
- Did the special agent adequately prepare for all aspects of the investigation?

The special agent failed to have exhibits ready during the interviews and failed to have clear photos of the area to show where the inmates and officers were located during the event.
- Were all of the interviews thorough and appropriately conducted?

The special agent interviewed the complaining inmate after the other interviews were completed. In addition, the special agent appeared nearly an hour and a half after the interview was scheduled to begin. During the interview, the complaining inmate made additional allegations that the officers were never asked about because the deadline for taking disciplinary action had nearly expired. The special agent did not have color photographs of the area the incident took place to show the relationship between the location of the inmate and the officer. The special agent had to rely upon the OIG's copies of photographs during the interview.
- Was the investigation or subject-only 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 24, 2014. The investigation was completed on September 26, 2014, only 28 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 delayed in scheduling interviews, despite repeated requests from the OIG. Additionally, the special agent did not keep the OIG informed regarding who would be interviewed on scheduled interview dates and also failed to inform the OIG that an inmate interview had not occurred until the OIG later asked about the interview.
- Was the investigation thorough and appropriately conducted?

The special agent failed to prepare the necessary exhibits for the interviews and failed to interview the complaining inmate before the officers.
- Was the predisciplinary/investigative phase conducted with due diligence?

The special agent was assigned on February 3, 2014, but did not begin interviews until June 12, 2014, a delay of 129 days. In addition, the special agent delayed in scheduling interviews, despite repeated requests from the OIG, thereby precluding follow-up interviews of officers based on information obtained from the complaining inmate.

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**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-29	14-0105-IR	1. Discourteous Treatment 2. Neglect of Duty	1. Sustained 2. Sustained	Suspension	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 29, 2013, an officer allegedly failed to report to the hiring authority that he was issued a restraining order which included a firearm restriction preventing him from owning or possessing a firearm for two years. On November 3, 2013, the officer also allegedly violated the restraining order by sending two intimidating e-mail messages to the person the officer was prohibited from contacting.

CENTRAL REGION

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 and determined that a 36-working-day suspension was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed. A letter indicating the officer retired under adverse circumstances was placed in his official personnel file.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty				
2013-10-30	14-0689-IR	1. Neglect of Duty	1. Not Sustained	<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							

Case Type: Administrative Investigation

Incident Summary
On October 30, 2013, an officer allegedly failed to alert other custody staff when it appeared that an inmate was climbing a fence, left his post without permission to confront the inmate, and failed to request the assistance of other custody staff when the inmate claimed to be in possession of a weapon.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The hiring authority and special agent 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. The special agent failed to diligently conduct interviews.	

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 30, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 21, 2014, almost four months after the date of discovery.
- Was the investigation or subject-only 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 30, 2014. The investigation was completed on October 6, 2014, only 24 days before the deadline to take disciplinary action.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner. The special agent delayed five months before conducting interviews.

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.	

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-30	14-0691-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On October 30, 2013, an officer allegedly failed to accurately report a second officer's use of force. The first officer also allegedly failed to immediately respond when a disruptive inmate began to run towards another officer.

Predisciplinary Assessment

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

The hiring authority and the special agent 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. The special agent delayed over five months before conducting interviews.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 30, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 20, 2014, 113 days after the date of discovery.
- Was the investigation or subject-only 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 30, 2014. The investigation was completed on October 10, 2014, only 20 days before the deadline to take disciplinary action.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter for investigation. Additionally, the special agent was assigned on March 19, 2014; however, interviews were not scheduled to start until September 9, 2014, over five months later.

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
2013-11-19	14-0333-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On November 19, 2013, an officer allegedly failed to verbally communicate to a control booth officer which cell needed to be opened in the security housing unit. Instead, the officer motioned with his baton towards a cell. The control booth officer allegedly failed to verbally confirm which cell should be opened and, as a result, opened the wrong cell door. An inmate from that cell then ran out and attacked two officers.

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 did not timely refer the matter to the Office of Internal Affairs or hold the investigative findings conference in a timely manner.

CENTRAL REGION

Assessment Questions

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

The department learned of the misconduct on November 19, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 7, 2014, 49 days after the date of discovery.

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

The case was returned to the hiring authority on February 5, 2014; 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, 2014, over eight months 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 failed to timely conduct the findings conference.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against both officers and imposed a 5 percent salary reduction for three months on each. The OIG concurred. At a *Skelly* hearing, one officer expressed remorse, apologized for his actions, and requested that the disciplinary action be removed early from his official personnel file. The hiring authority entered into a settlement agreement with the officer that permitted early removal of the disciplinary action from the officer's official personnel file and the officer agreed not to file an appeal. The OIG concurred as the officer was remorseful and apologetic for his actions. The second officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on February 5, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until October 8, 2014, over eight months after receipt of the case.

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

The department failed to conduct the disciplinary determinations conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-25	14-0257-IR	<ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On November 25, 2013, an officer, while conducting a clothed body search, allegedly used unreasonable force to pin an inmate to the wall when the inmate resisted. A second officer observed the use of force and allegedly conspired with the first officer to write reports that were nearly identical.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. The department failed to complete the investigation in a timely manner.

CENTRAL REGION

Assessment Questions

- Was the investigation or subject-only 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 3, 2014. The investigation was not completed until November 24, 2014, only nine days before the deadline to take disciplinary action.
- Was the predisciplinary/investigative phase conducted with due diligence?
The investigation was completed only nine 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
2013-11-25	14-0439-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

Case Type: Administrative Investigation

Incident Summary
On November 25, 2013, two officers allegedly deployed pepper spray on an inmate's face when the inmate refused orders to get down, and continued to spray the inmate even after he complied with orders. Additionally, the two officers allegedly failed to report one another's 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 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.	

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-26	13-2732-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Case Type: **Administrative Investigation**

Incident Summary

On November 26, 2013, an officer was allegedly overly familiar with a parolee when parole agents discovered the parolee and the officer working together on a vehicle at the officer's home. The officer knew the parolee for two years yet allegedly failed to notify the department of his relationship with the parolee. Additionally, the officer was allegedly dishonest during the investigative interview with the Office of Internal Affairs when questioned about the relationship.

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 his official personnel file.

Disciplinary Assessment

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

The hiring authority failed to comply with policies and procedures governing the disciplinary process by failing to timely serve the disciplinary action on the officer.

Assessment Questions

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

The hiring authority determined the penalty on September 26, 2014; however, the disciplinary action was not served until November 4, 2014, 39 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-13	14-0339-IR	<ol style="list-style-type: none"> Dishonesty Theft 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On December 13, 2013, an officer allegedly stole several items from a department store. In a letter to her supervisor, she was allegedly dishonest when she denied stealing the items, claiming it was a mistake because she was in a hurry. The officer was also allegedly dishonest in her interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to make an appropriate initial determination regarding the case and the hiring authority failed to timely consult with the OIG and department attorney regarding the investigative findings.

CENTRAL REGION

Assessment Questions

- 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 taking the merchandise without paying for it and for claiming it was a mistake; however, OIA Central Intake denied the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 9, 2014, but the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not take place until October 8, 2014, 29 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings in a timely manner.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer resigned after the disciplinary action was served but before the effective date of the dismissal. A letter indicating the officer resigned 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
2013-12-13	14-0686-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On December 13, 2013, after an inmate kept staring at female employees, an officer allegedly pulled the inmate out of a holding cell by grabbing the inmate's jacket. Prior to the officer's use of force, the inmate had refused orders and took an aggressive stance towards the officer.

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 71 days after discovering the possible misconduct to refer the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 16, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 25, 2014, 71 days after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner.

CENTRAL REGION

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 officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for three months because the officer expressed remorse and was contrite at his <i>Skelly</i> hearing, information the hiring authority believed was new and should be considered. In exchange for the reduced penalty, the officer agreed to withdraw his appeal. The OIG did not concur with the settlement because information presented at the <i>Skelly</i> hearing was not new and the officer did not appear sincerely remorseful; however, the terms of the settlement did not merit a higher level of review as the penalty was still within the appropriate range.	
Disciplinary Assessment Overall, 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
2013-12-17	14-0998-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	Letter of Reprimand

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On December 17, 2013, a sergeant allegedly used unreasonable force on two intoxicated inmates who refused orders to remove window coverings from their cell. Although the two inmates were initially belligerent, they soon became quiet. The sergeant then allegedly discharged pepper spray into the inmates' cell through the food port.

Predisciplinary Assessment The department's predisciplinary process sufficiently complied with policies and procedures.	Procedural Rating: Sufficient Substantive Rating: Sufficient
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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 six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department's failure to file a pre-hearing settlement conference statement prompted a request for sanctions. The department ultimately entered into a settlement agreement with the sergeant, modifying the penalty to a letter of reprimand. The OIG concurred with the settlement because the department attorney's failure to file a pre-hearing settlement conference statement would likely preclude the department from calling any witnesses, thereby presenting significant evidentiary issues.

Disciplinary Assessment The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to submit a pre-hearing settlement conference statement listing witnesses. As a result, the case was forced to settle due to significant evidentiary issues and possible sanctions.	Procedural Rating: Insufficient Substantive Rating: Insufficient
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Assessment Questions

- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?
The department attorney failed to file a written pre-hearing settlement conference statement. This would likely have precluded the department from calling any witnesses. As a result, the department was forced to settle 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 pre-hearing settlement conference statement.
- Was the disciplinary phase conducted with due diligence by the department?
Due to the department attorney's failure to submit a pre-hearing settlement conference statement listing witnesses, the department was forced to settle the case

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-06	14-0573-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty 3. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary

On January 6, 2014, an officer allegedly deployed pepper spray on a disruptive, wheelchair-bound inmate after the inmate grabbed onto a fence, maneuvered his wheelchair, then began to swing his only leg at the officer. A second officer allegedly failed to report the first officer's use of force. Additionally, a lieutenant allegedly failed to identify that the first officer's use of force was unreasonable.

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 and the lieutenant. 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
2014-01-18	14-0426-IR	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 18, 2014, an off-duty officer allegedly punched her boyfriend in the face, threatened him with a knife, and damaged two televisions. Outside law enforcement arrested the officer and she admitted to punching her boyfriend, brandishing the knife, and damaging the televisions.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to make the appropriate determinations.

Assessment Questions

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

The OIG and department attorney recommended adding an allegation for domestic violence and either opening an investigation or interviewing the officer. OIA Central Intake denied the requests and returned the case to the hiring authority to take action without any further investigation.

Disposition

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

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
2014-01-18	14-0535-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 18, 2014, an off-duty officer argued with his girlfriend's son and allegedly punched his girlfriend in the face after she became involved in the argument. Outside law enforcement responded and arrested the officer for domestic battery.

Predisciplinary Assessment	Procedural Rating: Sufficient 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. Despite the OIG's recommendations, OIA Central Intake failed to open an investigation into the matter and the hiring authority failed to request an investigation at the findings conference.	

Assessment Questions

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

The OIG recommended adding allegations of domestic violence and dishonesty, as well as opening a full investigation to interview the involved officer and parties. The department attorney agreed with the OIG regarding adding the allegation and opening an investigation. OIA Central Intake denied the requests and returned the case to the hiring authority to take action without any further investigation.
- Did the HA properly determine whether additional investigation was necessary?

The investigation was completed by outside law enforcement. Despite the OIG's recommendation, the hiring authority declined to request further investigation from the Office of Internal Affairs. Additional investigation should have been requested based upon the statements represented in the police report.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer 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
2014-01-19	14-0537-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 19, 2014, an off-duty officer allegedly pushed his girlfriend against the refrigerator and kitchen counter and attempted to choke her by grabbing her throat several times. The officer also allegedly smashed two televisions before leaving their house and refused to give his girlfriend her mobile phone back. Additionally, the officer allegedly pushed a witness as the witness tried to keep the officer and his girlfriend separated. The officer was subsequently arrested for spousal battery.

CENTRAL REGION

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 imposed a 5 percent salary reduction for 12 months against the officer. The OIG concurred. After the *Skelly* hearing for the officer, it was discovered that key witnesses to the incident had provided statements recanting their original version of events. 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 not to file an appeal with the State Personnel Board. Based upon the new information learned after the *Skelly* hearing, 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
2014-01-23	14-0725-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained No Finding 	Suspension	No Change

Case Type: **Administrative Investigation**

Incident Summary

On January 23, 2014, an officer allegedly failed to respond to a physical altercation involving two inmates, sound an alarm, and left the area without assisting another officer who responded to the cell. The officer was also allegedly dishonest to a supervisor when she denied witnessing the altercation between the two inmates.

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 that the officer failed to sound an alarm and assist the responding officer and imposed a ten-working-day suspension. The hiring authority determined there was insufficient evidence to sustain the dishonesty allegation. The OIG concurred. With respect to the allegation that the officer left the area without assisting another officer who responded to the cell, the correct determination was to not sustain that allegation. However, the hiring authority decided that no finding was the appropriate determination. The officer retired before the disciplinary action took effect. A letter indicating the officer retired pending disciplinary action was placed in her official personnel file.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-25	14-0536-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On January 25, 2014, two officers allegedly slept in a darkened office while on duty. Additionally, the officers allegedly left a main entrance door and side grill gates unsecured and unattended while they slept.

CENTRAL 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 sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 12 months against both officers. The OIG concurred. After the *Skelly* hearings for the officers, the penalty was upheld. The officers filed appeals with the State Personnel Board. Prior to any hearings, the hiring authority and both officers entered into settlement agreements wherein the penalty remained unchanged but the disciplinary action would be removed early from the officers' respective official personnel files. In exchange, both officers agreed to withdraw their appeals. After the *Skelly* hearing, the hiring authority believed the officers presented sufficient information to indicate the officers were remorseful and, therefore, settled the cases. The OIG did not concur with the settlements because the officers did not appear sincerely remorseful and instead, attempted to shift blame onto the lieutenant who discovered them sleeping. Consequently, no new relevant information was presented to warrant settling. However, the terms of the settlement agreements did not merit a higher level of review because the actual penalties remained unchanged.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-02	14-2101-IR	<ol style="list-style-type: none"> Contraband Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Case Type: **Administrative Investigation**

Incident Summary

Between February 2, 2014, and April 4, 2014, an officer allegedly brought mobile phones into the secure perimeter of an institution in exchange for money.

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 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
2014-02-19	14-1005-IR	<ol style="list-style-type: none"> Dishonesty Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Case Type: **Administrative Investigation**

Incident Summary

From February 19, 2014, to March 11, 2014, an officer allegedly engaged in an overly-familiar relationship with an inmate, making several hundred contacts from the officer's personal mobile phone to the inmate's contraband mobile phones. Additionally, on June 24, 2014, the officer was allegedly dishonest in the investigative interview with the Office of Internal Affairs.

CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The employee relations officer failed to comply with the department's policies and procedures governing the predisciplinary process by omitting a sustained allegation from the CDCR Form 402.

Assessment Questions

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

The CDCR Form 402 was not accurately completed. The sustained dishonesty allegation was omitted from the form.

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 and resigned following her *Skelly* hearing.

Disciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

The employee relations officer failed to comply with policies and procedures governing the disciplinary process by omitting the penalty of dismissal from the CDCR Form 403.

Assessment Questions

- Was the CDCR Form 403 documenting the penalty properly completed?

The CDCR Form 403 was not accurately completed. The penalty of dismissal was omitted from the form.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-02	14-0799-IR	<ol style="list-style-type: none"> Discourteous Treatment Intoxication Misuse of Authority Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Suspension	Salary Reduction

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On March 2, 2014, an off-duty officer allegedly drove his personal vehicle while intoxicated and struck his wife with the open door of the vehicle, causing her to fall and injure her head. The officer was also allegedly uncooperative with outside law enforcement during his arrest, using profanity and resisting their orders. He also resisted orders and caused injury to outside law enforcement while awaiting a blood test at an outside hospital. The officer allegedly attempted to garner more lenient treatment by stating he was a peace officer. Finally, once arrested, the officer allegedly destroyed a jail telephone and damaged a cell door.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

The Office of Internal Affairs and hiring authority failed to comply with the department's policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to begin the investigation in a timely fashion. The hiring authority failed to timely hold the investigative findings consultation with the department attorney and the OIG.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 5, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 8, 2014, 64 calendar days after receipt of the case.
- Was the predisiplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs failed to timely assign a special agent. OIA Central Intake made a determination on April 3, 2014, but the special agent was not assigned until July 15, 2014, three and a half months later. Additionally, the hiring authority failed to consult on the investigative findings in a timely manner.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and imposed a 60-working-day suspension. The OIG concurred. At the *Skelly* hearing, the officer expressed remorse, accepted responsibility for his actions, and confirmed he was going to counseling. Based on the mitigating information, the hiring authority entered into a settlement agreement whereby the 60-working-day suspension was converted to a 10 percent salary reduction for 30 months. In exchange, the officer would not file an appeal. Additionally, the officer would successfully complete a counseling program. The OIG did not concur with the settlement because the officer did not present any new information that would warrant a penalty modification; however, the terms of the settlement did not merit a higher level of review because the resulting penalty was monetarily comparable to the original penalty.

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 over two months before conducting the penalty conference.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 5, 2014. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 8, 2014, 64 calendar days after receipt of the case.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The department attorney did not complete the CDCR Form 3021 correctly. The form named the wrong hiring authority. The department attorney corrected this after the OIG advised of the error.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement because the officer did not present any new information.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-05	14-1115-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On March 5, 2014, and March 6, 2014, an officer allegedly failed to take immediate and appropriate action after an inmate requested several times to be moved out of his cell because he was fearful of his cellmate who was antagonizing him with a cup and a sock. The officer allegedly returned the first inmate to his cell and asked both inmates together about the cell move. Pending the cell move, the second inmate used the cup in a sock to strike the first inmate and then sexually assaulted him.

CENTRAL 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. 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
2014-03-11	14-1545-IR	1. Misuse of Authority 2. Misuse of State Equipment or Property 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

Between March 11, 2014, and April 24, 2014, a sergeant allegedly used a state computer to access confidential inmate information about his stepson who was an inmate at another institution and his stepson's current cellmate. The sergeant then allegedly contacted a correctional counselor at that other institution to request his stepson be rehoused with a different cellmate.

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 consulting with the OIG regarding the sufficiency of the investigation and the investigative findings for almost three months.	

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 June 18, 2014; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until September 11, 2014, 85 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department failed to conduct the investigative findings in a timely manner.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred. During the *Skelly* hearing, the sergeant provided additional facts regarding his involvement and understanding of the regulations. Additionally, the sergeant was apologetic and remorseful. Due to this mitigating information, the hiring authority entered into a settlement agreement with the sergeant reducing the penalty to a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed consulting with the OIG regarding the disciplinary determinations for almost three months. The employee relations officer failed to make an entry into CMS confirming the relevant dates and failed to complete the Form 3021.	

CENTRAL REGION

Assessment Questions	
<ul style="list-style-type: none"> Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry into CMS confirming relevant dates.</i> 	
<ul style="list-style-type: none"> Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The case was returned to the hiring authority on June 18, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until September 11, 2014, 85 calendar days after receipt of the case.</i> 	
<ul style="list-style-type: none"> If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021? <i>The employee relations officer did not complete the CDC Form 3021.</i> 	
<ul style="list-style-type: none"> Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the disciplinary determinations in a timely manner.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-21	14-1144-IR	<ol style="list-style-type: none"> Discourteous Treatment Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On March 21, 2014, an off-duty officer was allegedly intoxicated and discourteous to others at a comedy club which started a brawl in which she battered a patron and two security guards.

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 imposed a 10 percent salary reduction for 24 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 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
2014-03-26	14-1190-IR	<ol style="list-style-type: none"> Discharge of Lethal Weapon 	<ol style="list-style-type: none"> Sustained 	Letter of Reprimand	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On March 26, 2014, an investigative services unit officer allegedly discharged his firearm after failing to remove the ammunition before attempting to dry fire into a safety clearing barrel.

CENTRAL 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 sufficient evidence to sustain the allegation and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
2014-03-27	14-1397-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	<small>INITIAL</small> Salary Reduction	<small>FINAL</small> No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 27, 2014, an officer allegedly failed to secure an unloaded duty weapon before transporting an inmate into the secure perimeter of the institution and also drove the transport vehicle instead of riding as a passenger, in violation of departmental policy. A second officer allegedly searched the first officer and failed to observe the weapon, allowing the first officer to enter the secure perimeter. A third officer also allegedly failed to notice the weapon as he entered the secure perimeter with the first officer.

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 first officer for failing to secure the weapon but did not sustain the other allegation. The hiring authority imposed a 5 percent salary reduction for three months. The OIG concurred with the hiring authority's determinations. Following service of the disciplinary action, the department entered into a settlement agreement with the first officer, agreeing to remove the disciplinary action from the first officer's official personnel file one year earlier than standard and allowing the officer to bid for a transportation position in the future. In exchange, the first officer agreed not to file an appeal. The OIG concurred with the settlement as the penalty remained the same and the officer agreed not to file an appeal. The hiring authority also determined there was sufficient evidence to sustain the allegations against the second officer and imposed a 5 percent salary reduction for nine months. The OIG concurred. The second officer did not file an appeal with the State Personnel Board. The hiring authority determined there was insufficient evidence to sustain the allegation against the third officer. The OIG concurred.	
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
2014-03-27	14-1542-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 27, 2014, two transportation officers allegedly failed to secure a loaded Mini-14 rifle into the armory when they returned to the institution, leaving the rifle on a weapon rack inside an unattended vehicle. Two sally port officers allegedly failed to adequately search the vehicle to discover the Mini-14 rifle, instead permitting the vehicle to enter the secure perimeter. Additionally, one of the transportation officers allegedly failed to complete a sign-in sheet at the sally port and both sally port officers allegedly failed to ensure the sign-in sheet was completed.

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 against all of the officers and imposed a 5 percent salary reduction for six months on each transportation officer and one of the sally port officers. The hiring authority imposed a 5 percent salary reduction for nine months on the second sally port officer due to having a prior disciplinary action. The OIG concurred with the hiring authority's determinations. At their respective *Skelly* hearings, the sally port officers expressed remorse and accepted responsibility. In addition, they prepared a detailed operating procedure to ensure a similar incident would not happen again. Based on these factors, the hiring authority entered into settlement agreements with each, allowing the disciplinary actions to be removed early from their respective official personnel files and restoring their rights to bid for transportation positions in the future. Additionally, the second sally port officer's penalty was reduced to a 5 percent salary reduction for six months because he had not had an opportunity to improve after the prior disciplinary action which arose from a separate incident on the same day. In exchange, the officers agreed not to file appeals with the State Personnel Board. The OIG concurred with the settlements based on the factors expressed at the *Skelly* hearings and efforts taken to avoid similar situations. The transportation officers did not file appeals 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
2014-04-04	14-1235-IR	1. Discourteous Treatment 2. Misuse of Authority 3. Other Failure of Good Behavior 4. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 4, 2014, an off-duty officer allegedly became argumentative with outside law enforcement during a traffic stop when he received a ticket for having illegal tint on his personal vehicle. The officer also allegedly attempted to use his status as a peace officer to gain more lenient treatment. The officer then made numerous calls to the 9-1-1 emergency phone call system to complain about the ticket he had just received. Additionally, the officer was allegedly dishonest in his report to the hiring authority about the incident.

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 requested additional investigation from the Office of Internal Affairs, which was denied. Additionally, the hiring authority failed to sustain a dishonesty allegation that was supported by the evidence.

Assessment Questions

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

The hiring authority requested that OIA Central Intake open an investigation; however, this request was denied. An investigation may have provided additional information regarding the dishonesty allegation.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

Although the evidence substantiated a dishonesty allegation, the hiring authority did not sustain the allegation.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations except the dishonesty allegation and imposed a 10 percent salary reduction for 18 months. The OIG did not concur and requested a higher level of review; however, the hiring authority's supervisor also did not sustain the dishonesty allegation and the penalty remained the same. At the *Skelly* hearing, the officer was apologetic and advised he replaced the problematic window tint with compliant clear tint. Based on the new information, the hiring authority entered into a settlement agreement with the officer whereby the penalty was reduced to a 10 percent salary reduction for 16 months. The OIG did not concur with the settlement as the initial penalty was too lenient based solely on the sustained allegations, considering the egregious nature of the officer's abuse of the emergency calling system and the discredit he brought upon the department.

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 sustain an allegation of dishonesty even when the OIG elevated the matter to a higher level of review.

Assessment Questions

- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur with the modification because of the severity of the allegations. The OIG argued at a higher level of review that the dishonesty allegation should have been sustained. Additionally, during argument at the higher level of review, the department indicated the penalty was appropriate based upon the sustained allegations and the discredit brought to the department.
- Was an executive review invoked to raise an issue to a higher level of management in this case?

At the findings and penalty conference, the hiring authority determined not to sustain a dishonesty allegation. The OIG did not concur and elevated the matter to a higher level of review.
- If an executive review was invoked, was the appropriate decision made?

The hiring authority at the higher level of review initially agreed with the OIG that the officer misrepresented in his memorandum what took place during his encounters with outside law enforcement on April 4, 2014. However, the hiring authority ultimately decided not to sustain the dishonesty allegation.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-05	14-1234-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On April 5, 2014, as outside law enforcement searched her home, an off-duty officer allegedly refused orders to stop sending text messages and put away her mobile phone. The officer also allegedly yelled at outside law enforcement, identified herself as a peace officer, and encouraged another family member to be disruptive as outside law enforcement conducted the search.

CENTRAL 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 sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-07	14-1192-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On April 7, 2014, an off-duty officer allegedly grabbed his estranged wife and held her against her will causing visible injuries. The officer also allegedly made harassing phone calls to his wife. The officer was subsequently arrested for domestic violence, false imprisonment, and making annoying phone calls.

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 and imposed a 30-working-day suspension on the officer. The OIG concurred. After a <i>Skelly</i> hearing, the officer provided proof that he was enrolled in anger management classes. Due to this mitigating information, the hiring authority agreed to enter into a settlement agreement to convert the 30-working-day suspension to a higher 10 percent salary reduction for 21 months so the officer could maintain health benefits for his family. The OIG concurred with the hiring authority's determinations based on the officer's mitigating information and because the final penalty actually resulted in a more severe salary reduction.	
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
2014-04-17	14-0194-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	No Change

Case Type: **Administrative Investigation**

Incident Summary

On April 17, 2013, an off-duty officer allegedly solicited an underage prostitute and engaged in sexual encounters with her, and had allegedly done so several times previously. The officer was also allegedly dishonest to outside law enforcement when he denied knowing the prostitute was a minor.

CENTRAL REGION

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 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
2014-04-20	14-1191-IR	1. Intoxication - Drunkenness in Public	1. Sustained	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 20, 2014, an off-duty officer was allegedly intoxicated and began loudly knocking on the door at a residence he later reported to be his ex-girlfriend's. Outside law enforcement responded and arrested the officer for public intoxication.

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 against the officer 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.	
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
2014-05-03	14-1543-IR	1. Insubordination 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	No Penalty Imposed

Case Type: Direct Action (No Subject Interview)

Incident Summary

On May 3, 2014, a sergeant allegedly refused to be held over for additional duty. When a lieutenant ordered the sergeant over, the sergeant refused and went home sick. The sergeant was allegedly dishonest because the sergeant stated in an earlier conversation that he had family in town visiting and if he was held over, he would refuse and go home sick.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
The hiring authority failed to comply with policies and procedures governing the predisciplinary process. Despite the OIG's recommendation, the hiring authority declined to request further investigation even though further information was needed to make a determination regarding the dishonesty allegation.	

CENTRAL REGION

Assessment Questions

- Did the HA properly determine whether additional investigation was necessary?

Despite OIG's recommendation to request an investigation to clarify questions about the dishonesty allegation, the hiring authority declined to request further investigation.

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

More information was needed to make a determination regarding the dishonesty allegation; however, despite the OIG's recommendation, the hiring authority declined to request an investigation. Instead, the hiring authority proceeded and did not sustain the dishonesty allegation based on the information available.

Disposition

The hiring authority determined there was sufficient evidence to sustain the insubordination allegation and imposed a 10 percent salary reduction for three months. The hiring authority did not sustain the dishonesty allegation. Although the OIG concurred with the hiring authority's determination to sustain the insubordination allegation, the OIG did not concur with the hiring authority's decision to not sustain the dishonesty allegation without the hiring authority at least requesting an investigation. Additionally, the OIG did not concur with the penalty as the employee was a sergeant, which should have aggravated the penalty. The OIG did not seek a higher level of review regarding the dishonesty allegation as there was some ambiguity as to what the sergeant actually said to the lieutenant. At the sergeant's *Skelly* hearing, the sergeant provided documentation substantiating his illness and also showing prescriptions for medications prescribed by his doctor. Due to this mitigating information, the hiring authority elected to withdraw the disciplinary action because the sergeant should not have been held over if he was sick. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

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

The department's disciplinary process failed to comply with policies and procedures. Despite the OIG's recommendation, the hiring authority declined to request further investigation. Had an investigation been conducted, exculpatory information later revealed at the *Skelly* hearing could have been discovered earlier, thus eliminating the need to take disciplinary action. Additionally, the employee relations officer failed to confirm in CMS all relevant dates prior to the findings and penalty conference.

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?

The penalty conference took place on July 23, 2014, but the employee relations officer did not make an entry into CMS regarding the deadline for taking disciplinary action until that same day.

- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The OIG recommended that the penalty be aggravated due to the sergeant's blatant insubordination and because the employee was a sergeant. Additionally, the OIG believed a more severe penalty could have resulted if the dishonesty allegation had been fully investigated and sustained.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-10	14-1762-IR	1. Dishonesty 2. Discrimination-Harassment	1. Sustained 2. Sustained	Dismissal	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 10, 2014, a sergeant allegedly provided false information in an official report regarding the institution's respiratory protective program fit testing. The officer also allegedly posted a sign at his desk with a sexually offensive statement that was readily visible.

CENTRAL 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 sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed.	
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
2014-06-20	14-1588-IR	<ol style="list-style-type: none"> 1. Contraband 2. Neglect of Duty 3. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On June 20, 2014, an officer allegedly contacted a minor via a social networking site, sending inappropriate messages to entice the minor to engage in a sexual relationship with the officer. The officer allegedly used his personal mobile phone to send the messages while he was on duty within the secure perimeter of the institution. The officer was allegedly distracted from his duties when he sent the inappropriate messages. The officer was subsequently convicted of a felony related to his contact with the minor.

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 dismissed the officer. 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's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-22	14-1903-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Letter of Instruction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On June 22, 2014, an off-duty officer began to argue with his girlfriend and allegedly struck her face with his hand and grabbed her arms. Outside law enforcement responded and arrested the officer for domestic violence.

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

CENTRAL REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation that the officer was discourteous and issued a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the allegation that the officer did not exhibit good behavior and that he brought discredit to the department. The OIG concurred with the hiring authority's determinations.

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
2014-06-28	14-1998-IR	<ol style="list-style-type: none"> Driving Under the Influence Misuse of Authority 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Suspension

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 28, 2014, an officer was arrested for allegedly driving under the influence of alcohol. The officer also allegedly attempted to use his status as a peace officer to seek leniency from outside law enforcement.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. The hiring authority delayed consulting with the OIG regarding the sufficiency of the investigation and the investigative findings.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on August 6, 2014; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until October 27, 2014, 82 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed consulting with the OIG regarding the sufficiency of the investigation and the investigative findings.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 20 months. The OIG concurred. At the *Skelly* hearing, the officer accepted responsibility, expressed remorse, and explained that he was not attempting to use his position as a peace officer to gain leniency. Instead, he was referring to his fiancée, who is a parole agent, when he asked to have someone drive him home. Due to this mitigating information, the hiring authority entered into a settlement agreement with the officer wherein the penalty was reduced to a two-working-day suspension without pay and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department failed to conduct the disciplinary determinations in a timely manner.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on August 6, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until October 27, 2014, 82 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-04	14-1997-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary
On July 4, 2014, an off-duty officer allegedly dragged his girlfriend out of their camping trailer, poured beer down her throat, and hit her in the face with his elbow, splitting her lip.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
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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.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-16	14-1999-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary
On July 16, 2014, an off-duty officer allegedly became intoxicated and began hitting and slapping her husband's back, head, and face, causing her husband's lip to bleed and become swollen.

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

Disposition
The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-17	14-2326-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On July 17, 2014, an off-duty officer allegedly pulled his spouse out of his pickup truck against her will and was arrested for spousal battery.

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 and imposed a 10 percent salary reduction for six months. The OIG concurred. During the *Skelly* hearing, the officer expressed regret and apologized for his behavior. The hiring authority found the officer to be credible and also determined the officer was cooperative during the arrest. Due to this mitigating information, the hiring authority reduced the penalty to a 10 percent salary reduction for three months. In exchange, the officer entered into a settlement agreement with the hiring authority and agreed not to file an appeal with the State Personnel Board. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

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
2014-07-27	14-2103-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On July 27, 2014, an off-duty sergeant allegedly drew his handgun and pointed it at an occupied vehicle that was following too closely to the vehicle in which the sergeant was riding.

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 and imposed a 10 percent salary reduction for nine months. The OIG concurred. However, the officer retired before disciplinary action could be imposed. A letter indicating the officer retired under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-24	14-2460-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Intoxication 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On August 24, 2014, an off-duty sergeant allegedly punched and shattered the back window of his wife's car during an argument. He was subsequently arrested by outside law enforcement for public intoxication. In addition, the officer allegedly failed to timely notify the hiring authority of his arrest.

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 allegations except that the sergeant failed to timely report the arrest and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

Overall, the department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	12-1525-IR	<ol style="list-style-type: none"> 1. Disclosure of Confidential Information 2. Discourteous Treatment 3. Dishonesty 4. Neglect of Duty 5. Other Failure of Good Behavior 6. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 	Dismissal	No Change

Case Type: **Administrative Investigation**

Incident Summary

In January 2012, a psychologist allegedly engaged in efforts to assist an inmate appeal his criminal conviction for sexual misconduct with a minor. The psychologist also allegedly contacted the inmate's parents, discussed the inmate's mental health treatment, and suggested they seek an appeal on their son's behalf. In March 2012, the psychologist allegedly contacted the inmate's sister and discussed the inmate's mental health treatment without authorization from the inmate. The psychologist also allegedly caused emotional trauma to the inmate's sister by telling her that he was assisting the inmate in efforts to be released from prison when the sister had been instrumental in the arrest and conviction of her brother. The psychologist also allegedly caused the inmate's sister financial hardship because she had to change her personal contact information and business-related documents after he called her private telephone number. The psychologist also allegedly spoke to the inmate's sister in a rude and disrespectful manner and was unprofessional and discourteous when he suggested that law enforcement and witnesses had fabricated the allegations against her brother. On March 26, 2012, the psychologist was allegedly dishonest to management and his supervisors when he claimed he received written consent from the inmate to contact the inmate's sister and discuss his mental health treatment. On July 18, 2014, the psychologist was allegedly dishonest during an Office of Internal Affairs' interview.

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 failed to timely conduct the investigative findings. The Office of Internal Affairs failed to complete the investigation in a timely manner.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on March 23, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until June 9, 2012, 78 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 investigation was completed and returned to the hiring authority on August 4, 2014; however, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until September 5, 2014, more than one month 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 failed to conduct the investigative findings in a timely manner. In addition, OIA Central Intake approved the request for investigation on June 27, 2012, but the investigation was not completed until August 4, 2014, over two years later.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and dismissed the clinical psychologist. The OIG concurred with the hiring authority's determinations. The clinical psychologist resigned before discipline could be imposed. A letter indicating the clinical psychologist resigned under unfavorable circumstances 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.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	14-1196-IR	<ol style="list-style-type: none"> Dishonesty Improper Access to Confidential Information Over-Familiarity Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained 	Dismissal	No Change

Case Type: Administrative Investigation

Incident Summary

Between January 1, 2012, and March 1, 2014, a psychologist allegedly engaged in an overly-familiar relationship with an inmate, had unauthorized communications with the same inmate, and violated information technology policies by accessing numerous websites from her state computer. From June 27, 2013, to February 3, 2014, the psychologist allegedly improperly accessed confidential information and on March 4, 2014, allegedly provided intentionally false or misleading information during an ongoing Office of Internal Affairs' criminal investigation.

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

Disposition

The hiring authority sustained all allegations except that the clinical psychologist violated information technology policies. The hiring authority determined dismissal was the appropriate penalty. The OIG concurred. However, the clinical psychologist resigned before the disciplinary action was imposed. A letter indicating the clinical psychologist resigned under unfavorable 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
2012-07-02	13-2629-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary

Between July 2, 2012, and April 30, 2014, a chief executive officer allegedly failed to ensure suicide watches were conducted and that proper medical and dental care was provided to inmates. The chief executive officer also allegedly failed to properly discipline medical staff.

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 delayed referring the matter to the Office of Internal Affairs for almost one year after learning of the misconduct and further delayed in conducting the findings conference. OIA Central Intake delayed making a determination regarding the case. The Office of Internal Affairs delayed investigating the allegations and the draft investigative report was incomplete.	

NORTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The hiring authority learned of the alleged misconduct on October 10, 2012, but did not refer the matter to the Office of Internal Affairs until October 8, 2013, almost one year 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 8, 2013, but did not take action until December 11, 2013, 64 calendar 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 include some evidence necessary to determine whether the misconduct occurred.
- 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 21, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 19, 2014, 29 days after receipt of the case.
- 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 hiring authority delayed conducting the findings and penalty conference. The special agent failed to perform any substantive work between January 19, 2014, and April 15, 2014.

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
2012-07-25	13-2452-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

Between July 25, 2012, and April 17, 2013, a parole agent allegedly failed to adequately address a parolee's global positioning system reports. On August 2, 2013, the parole agent allegedly failed to establish an exclusion zone for the global positioning system of the parolee regarding an order to stay 100 yards away from a private citizen. The exclusion zone would have notified the parole agent if the parolee came within 100 yards. On August 4, 2013, the parole agent allegedly failed to take action after receiving notification that the parolee's global positioning system had a low battery and allegedly failed to notify his supervisor and document his actions regarding the low battery alert.

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.

NORTH REGION

Assessment Questions

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

The department learned of the misconduct on August 5, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 28, 2013, 84 days 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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the parole agent with a 5 percent salary reduction for 12 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the parole agent wherein the penalty was reduced to a 5 percent salary reduction for eight months, a cause of action for inefficiency was removed from the disciplinary action, and the parole agent could request that the disciplinary action be removed from his official personnel file 18 months after the effective date. In exchange, the parole agent withdrew the appeal. The OIG did not concur because there were no changed circumstances to warrant settlement; however, the OIG did not seek a higher level of review because the terms of the settlement were within the department's disciplinary guidelines for the misconduct.

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
2012-10-10	12-2671-IR	<ol style="list-style-type: none"> Insubordination Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 10, 2012, a lieutenant allegedly failed to complete incident reports regarding a use-of-force incident in a timely manner, failed to ensure that all reports were properly completed, and failed to use the proper forms after having received disciplinary action for similar past misconduct.

Predisciplinary Assessment

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

The hiring authority failed to comply with policies and procedures. The hiring authority failed to conduct the findings conference in a timely manner.

Assessment Questions

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

The case was returned to the hiring authority on November 26, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings did not occur until June 25, 2013, 211 days after receipt of the case.

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

The hiring authority delayed conducting the consultation regarding the sufficiency of the investigation and investigative findings.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for four months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Due to procedural deficiencies discovered with the service of the disciplinary action, expiration of the deadline to take disciplinary action, and a delay in serving the action, the department entered into a settlement agreement with the lieutenant. The department agreed to settle this case as well as another case for a 5 percent salary reduction for four months and the lieutenant agreed to withdraw his appeal. The OIG concurred with the settlement because of the procedural deficiencies.

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 conduct the penalty conference in a timely manner and failed to properly and timely serve the disciplinary action. In addition, the department attorney failed to provide the OIG with a draft pre-hearing settlement conference statement.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on November 26, 2012; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until June 25, 2013, 211 days after receipt of the case.
- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?
The department attempted to serve the disciplinary action at an incorrect address. By the time the error was discovered, the deadline to take disciplinary action had expired.
- 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 hiring authority failed to conduct the penalty conference in a timely manner. The department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action, in violation of departmental policy. The penalty conference was held on June 25, 2013; however, service of the disciplinary action was not attempted until October 9, 2013, 106 calendar days later. Additionally, the department attempted to serve the disciplinary action at an incorrect address. By the time the error was discovered, the deadline to take disciplinary action had expired.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-18	14-0482-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Reprimand	No Change

Case Type: **Administrative Investigation**

Incident Summary

Between October 18, 2012, and May 21, 2013, a chief deputy warden, an associate warden, and a captain allegedly failed to take appropriate action when they were made aware of possible equal employment opportunity violations. On December 30, 2013, the associate warden allegedly was dishonest during his investigative interview.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures governing the predisciplinary phase.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain one of the allegations that the chief deputy warden failed to timely pursue the claim of equal employment opportunity violations and determined a letter of reprimand was the appropriate penalty. The hiring authority determined there was insufficient evidence to sustain the other two allegations of the same nature. The chief deputy warden retired before the letter of reprimand was issued. However, a letter indicating the chief deputy warden retired pending disciplinary action was placed in his official personnel file. The hiring authority sustained the allegations against the captain and issued a letter of instruction and additional training on equal employment opportunity and misconduct allegations. The hiring authority determined there was insufficient evidence to sustain the allegations against the associate warden. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-21	13-0396-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Unfounded 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On October 21, 2012, a registered nurse allegedly failed to provide emergency medical care for an unresponsive inmate who ultimately died and failed to document her actions and observations concerning the 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 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.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 21, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until January 9, 2013, 80 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 January 28, 2013, but did not take action until March 6, 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 the request for investigation.

Disposition

The hiring authority determined that the investigation conclusively proved that the alleged misconduct regarding failure to document did not occur and that there was insufficient evidence to sustain the allegation that the registered nurse neglected to provide emergency care for an unresponsive inmate. 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.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-02	13-0281-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Failure to Report Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On November 2, 2012, an officer used physical force on an inmate who reportedly broke free from another officer's grasp during an escort. The officer allegedly failed to complete a report documenting his use of force. The second escort officer allegedly failed to prepare a report documenting the use of force she observed during the incident.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

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

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 7, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until January 14, 2013, more than two months after the date of discovery.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on February 6, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not take place until July 23, 2013, 167 days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs nor did the hiring authority timely consult with the OIG regarding the sufficiency of the investigation and the investigative findings.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer who used force and determined that a 5 percent salary reduction for six months was the appropriate penalty. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for three months. The department also agreed to strike inefficiency and willful disobedience from the disciplinary action. The OIG concurred because the officer accepted responsibility for his actions and withdrew his appeal. The hiring authority also sustained the allegations against the second officer and determined that a 10 percent salary reduction for six months was the appropriate penalty. The OIG concurred. However, the officer retired 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 her official personnel file.

Disciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary determinations. The disciplinary officer failed to make an entry into CMS prior to the findings conference accurately confirming the relevant dates and failed to provide the OIG with a draft pre-hearing settlement conference statement prior to it being filed.

NORTH REGION

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?

The employee relations officer did not make any entries into CMS confirming relevant dates.

- 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 6, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not take place until July 23, 2013, 167 days after the date of discovery.

- 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 with the State Personnel Board on December 26, 2013, but no draft was provided to the OIG for review.

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

The hiring authority failed to timely conduct the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-01	13-2136-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty 4. Over-Familiarity 5. Dishonesty 6. Other Failure of Good Behavior 7. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 	Dismissal	No Change

Case Type: Administrative Investigation

Incident Summary

From December 2012 through August 2013, a youth counselor was allegedly engaged in an overly-familiar relationship with a ward, including alleged sexual activity, providing gifts to the ward, sharing a residence with him after his release from custody, allowing him to drive her automobile, visiting him while he was incarcerated in the county jail, and posting his bail. On July 6, 2013, the youth counselor, who was then working as an officer, was allegedly dishonest when she helped the ward deceive a probation officer by allowing the ward to use her residences as his official addresses while knowing that the ward was not living at those residences. On September 15, 2013, the youth counselor was allegedly overly familiar with another individual who was a parolee when she visited him in county jail. During the investigation, allegations were added alleging that from December 2012 through January 2014, the youth counselor was engaged in an overly-familiar relationship with two other wards, that she was dishonest during her investigative interviews, that she failed to promptly report any changes of address to the institution, and allegedly failed to comply with the terms of a notice of administrative time off by engaging in personal activities during her stated work hours.

Predisciplinary Assessment

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

The Office of Internal Affairs failed to comply with policies and procedures governing the predisciplinary process. The special agent failed to adequately cooperate with the OIG and department attorney.

Assessment Questions

- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the predisciplinary phase?

During April and May 2014, the special agent engaged in further investigation, including witness interviews, without informing the department attorney or the OIG, both of whom discovered the additional investigation when they received the supplemental investigative report.

NORTH REGION

Disposition

The hiring authority sustained some allegations of neglect of duty, insubordination, other failure of good behavior, dishonesty, and over familiarity and served the youth counselor with a notice of dismissal. The hiring authority determined there was insufficient evidence to sustain remaining allegations of over familiarity, other failure of good behavior, and the allegation that she was dishonest in her investigative interview. The OIG concurred with the hiring authority's determinations. The youth counselor resigned before the disciplinary action took effect. A letter indicating the youth counselor resigned pending disciplinary action 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
2012-12-02	13-0163-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Driving Under the Influence 3. Misuse of Authority 4. Neglect of Duty 5. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	Suspension

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On December 2, 2012, an officer was allegedly driving under the influence of alcohol with an expired driver's license when he crashed into a fence and fled the scene. The officer also allegedly delayed outside law enforcement in conducting their investigation by repeatedly providing them with false information and misused his authority when he told outside law enforcement that they should believe his story because he is an officer for the department. The officer also allegedly failed to notify the hiring authority of the expired driver's license.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures. OIA Central Intake failed to process the case in a timely manner and the hiring authority delayed consulting with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on December 12, 2012, but did not take action until January 16, 2013, 35 days after receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on January 16, 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 22, 2013, ten months after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake did not process the case in a timely manner and the hiring authority delayed conducting the consultation regarding the sufficiency of the investigation and the investigative findings.

NORTH REGION

Disposition

The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Due to evidentiary problems that developed after service of the disciplinary action, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a one-year suspension and the officer agreed to withdraw the appeal. The written reports of the outside law enforcement officers were inconsistent with the recordings of the incident, the officer accepted responsibility and pled guilty in court, and had also attended programs to stop drinking to help ensure the behavior would not be repeated. Additionally, the administrative law judge indicated that there was no intent to deceive because the officer's story to outside law enforcement was so outlandish as to be incredulous. The OIG concurred with the settlement based on these factors.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the penalty conference in a timely manner.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on January 16, 2013; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until November 22, 2013, ten 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 hiring authority failed to conduct the penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-19	13-0399-IR	1. Failure to Report	1. Sustained	Suspension	Modified Suspension

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On December 19, 2012, an officer allegedly failed to report to the hiring authority that a restraining order which prohibited the officer from possessing a firearm had been issued against her.

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 consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on March 11, 2013; however, the consultation with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until May 14, 2013, 64 days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority's consultation with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until 64 days after receipt of the case.

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Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a five-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a two-working-day suspension. In return, the officer agreed to withdraw her 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 still within an acceptable range for the misconduct. The department also served the officer with a non-punitive dismissal from state service based on her inability to possess a firearm due to the restraining order. The officer subsequently provided information that the restraining order was modified to permit her to possess weapons while on duty. Based on this new information, the hiring authority reinstated the officer. The OIG concurred with the hiring authority's determination to reinstate the officer based on the modified restraining order.

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 disciplinary determinations and failed to timely serve the disciplinary action and non-punitive termination. The employee relations officer failed to properly complete the form documenting the penalty determinations. The department attorney failed to provide to the hiring authority and the OIG written confirmation of penalty discussions and failed to complete documentation regarding the basis for the settlement.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on March 11, 2013; however, the consultation with the OIG and the department attorney regarding the disciplinary determinations did not occur until May 14, 2013, 64 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 and the OIG written confirmation of penalty discussions.
- Was the CDCR Form 403 documenting the penalty properly completed?
The form did not include the type of discipline to be imposed and failed to include all of the disciplinary factors considered in imposing discipline.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The department attorney did not complete the CDC Form 3021.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
There were no changed circumstances or facts to justify modifying the penalty.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely consult with the OIG and department attorney regarding the disciplinary determinations. In addition, the decision to take disciplinary action was made on May 14, 2013; however, the disciplinary action was not served until January 13, 2014, 244 calendar days later. In addition, the non-punitive termination was not served until May 22, 2014, 373 calendar days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	13-2639-IR	1. Contraband 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

Between January 2013 and December 2013, an officer allegedly opened cell doors to allow inmates to fight or to be assaulted by other inmates and also allegedly provided mobile phones to inmates.

NORTH 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 take action on the hiring authority's request to open an investigation until 36 days after receipt of the request. The special agent completed and submitted the investigative report to the hiring authority with only 18 days left before the deadline to take disciplinary action. As a result of the delay, the officer was able to transfer to another institution where he allegedly engaged in other misconduct.</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 November 6, 2013, but did not take action until December 12, 2013, 36 days after receipt of the request.</i> Was the investigation or subject-only 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 report was completed and submitted to the hiring authority with only 18 days left before the deadline to take disciplinary action.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The Office of Internal Affairs failed to timely take action on the request for investigation and the investigative report was not timely completed.</i> 		
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
2013-03-03	13-1266-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Not Sustained 	Letter of Reprimand	No Penalty Imposed

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On March 3, 2013, an officer allegedly used unreasonable force when he sprayed an inmate with pepper spray after the inmate turned off his cell lights and refused to remove a blanket from his head. A second officer allegedly used unreasonable force when he also sprayed the inmate with pepper spray after the inmate attempted to use his mattress as a barricade against the officers.

Predisciplinary Assessment		Procedural Rating: Insufficient
		Substantive Rating: Sufficient
<p>The department failed to sufficiently 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.</p>		

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Assessment Questions

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

The department learned of the misconduct on March 3, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 13, 2013, 102 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 13, 2013, but did not take action until July 17, 2013, 34 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 request for investigation.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the officer who used pepper spray on the inmate after the inmate placed a blanket over his head and issued an official letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the discipline. The administrative law judge determined that a departmental policy in effect at the time of the incident was confusing and the officer believed he was acting within policy when he used force because he believed the inmate was preparing for a cell extraction. The hiring authority determined there was insufficient evidence to sustain the allegation against the second officer and 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
2013-03-16	13-1440-IR	<ol style="list-style-type: none"> Discharge of Lethal Weapon Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On March 16, 2013, an off-duty officer and other guests were allegedly intoxicated at the officer's home. The officer and his guests allegedly fired a shotgun into the ground in a residential area with no safe backdrop. The officer was arrested for willful discharge of a firearm in a negligent manner and disorderly conduct.

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 analyze relevant dates and failed to provide timely feedback regarding the investigative report.

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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 June 6, 2013, but did not take action until July 31, 2013, 55 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.

- 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 October 29, 2013; however, the department attorney did not document in CMS that the report was reviewed and did not provide appropriate substantive feedback addressing the thoroughness and clarity of the report until November 20, 2013, 22 days after the department attorney received the report.

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

OIA Central Intake received the request for investigation on June 6, 2013, but did not take action until July 31, 2013, 55 days after the receipt of the request. Additionally, the department attorney delayed reviewing the draft investigative report.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for nine months in exchange for the officer agreeing to withdraw his appeal. The OIG concurred with the terms of the settlement agreement because the officer displayed unmitigated remorse for his negligence and accepted responsibility for his misconduct.

Disciplinary Assessment

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

The department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide the hiring authority and the OIG with written confirmation of the penalty discussions, failed to provide the OIG with a draft disciplinary action prior to it being served, and failed to provide the OIG with a pre-hearing settlement conference statement prior to it being filed.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide the hiring authority or the OIG with written confirmation of the penalty discussions.

- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney did not provide the OIG with a copy of the draft disciplinary action or consult with the OIG.

- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.

- Did the department attorney or employee relations 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 the hiring authority and the OIG with written confirmation of the penalty discussions, failed to provide the OIG with a draft disciplinary action prior to it being served, and failed to provide the OIG with the pre-hearing settlement conference statement prior to it being filed.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-30	13-0815-IR	<ol style="list-style-type: none"> 1. Driving Under the Influence 2. Weapons - Inappropriate Display 3. Misuse of Authority 4. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Suspension	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 30, 2013, an off-duty officer allegedly drove his vehicle while intoxicated and engaged in a road-rage incident during which he physically assaulted a private citizen and threatened to shoot him. The officer then drove to a different location and allegedly brandished a handgun at private citizens. When arrested by outside law enforcement officers, the officer allegedly misused his authority by telling the officers they are supposed to take care of their own.

Predisciplinary Assessment

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

The department failed to comply with the policies and procedures governing the predisciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the case and the hiring authority failed to timely consult with the OIG regarding the sufficiency of the investigation and investigative findings.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 3, 2013, but did not make a determination regarding the case until June 12, 2013, 40 days after receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on June 12, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and investigative findings did not occur until December 24, 2013, more than six months later.
- Was the predisciplinary/investigative phase conducted with due diligence?
OIA Central Intake failed to make a timely determination regarding the case and the hiring authority failed to timely consult with the OIG regarding the sufficiency of the investigation and investigative findings.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 60-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board; however, he withdrew the appeal after the pre-hearing settlement conference and prior to the hearing.

Disciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations. The employee relations officer failed to make any entries into CMS confirming relevant dates and failed to provide the OIG with a draft pre-hearing settlement conference statement.

NORTH REGION

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?

The employee relations officer did not make any entries into CMS confirming relevant dates.

- 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 December 24, 2013, more than six months later.

- 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 hiring authority failed to timely conduct the penalty conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-02	13-0632-IR	<ol style="list-style-type: none"> 1. Driving Under the Influence 2. Controlled Substances 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Resignation in Lieu of Termination

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 2, 2013, an officer allegedly drove his personal vehicle to the institution under the influence of marijuana and endangered others by doing so. Another officer searched the vehicle and discovered multiple containers of a substance later confirmed to be marijuana.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures. The hiring authority delayed the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Assessment Questions

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

The 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 July 10, 2013, 63 calendar days after receipt of the case.

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

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

Disposition

The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the officer in which he agreed to resign in lieu of dismissal, 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 was still achieved and by resolving the case the department avoided litigation based upon untimely service of the disciplinary action.

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Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The hiring authority and department attorney failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the penalty conference in a timely manner and failed to timely serve the disciplinary action. Also, the department attorney failed to provide the hiring authority and the OIG with written confirmation of penalty discussions.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The 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 July 10, 2013, 63 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 the hiring authority or the OIG with written confirmation of penalty discussions.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the penalty conference in a timely manner. In addition, the department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action. The penalty conference was held on July 10, 2013; however, the disciplinary action was not served until August 29, 2013, 50 calendar days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-22	13-1223-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On April 22, 2013, an off-duty officer allegedly engaged in domestic violence when he used a small baseball bat to choke his wife. Thereafter, on May 10, 2013, the officer allegedly used a hammer to forcibly break down the bedroom door. On May 11, 2013, the officer allegedly violated an emergency protective order by going to his residence in violation of the order.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The hiring authority and OIA Central Intake failed to comply with the department's policies and procedures. The hiring authority did not make a final decision regarding the investigative findings for over eight months. OIA Central Intake unreasonably denied the hiring authority's request for reconsideration.

NORTH REGION

Assessment Questions

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

On behalf of the hiring authority, the department attorney submitted a request for reconsideration to OIA Central Intake. The OIG concurred with the hiring authority's decision to submit the matter for reconsideration. However, OIA Central Intake denied the request.

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

OIA Central Intake referred the matter back to the hiring authority on July 10, 2013; however, the initial consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until October 1, 2013, 83 calendar days after receipt of the case. The hiring authority then submitted a request for reconsideration to OIA Central Intake. OIA Central Intake denied the request on January 21, 2014; however, the next consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until March 13, 2014, 51 calendar days after OIA Central Intake rejected the hiring authority's request for reconsideration and 246 days after the hiring authority first received the case.

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

The hiring authority delayed conducting the investigative findings conference.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 60-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. At a pre-hearing settlement conference, the officer agreed to accept the suspension and withdrew his appeal. In return, the hiring authority agreed to remove the action from his official personnel file after 18 months provided he did not receive disciplinary action during the 18-month period for similar behavior. The OIG concurred with the settlement because the penalty remained unchanged.

Disciplinary Assessment

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

The hiring authority failed to comply with the department's policies and procedures. The hiring authority did not make a final decision regarding the disciplinary determination for eight months.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

OIA Central Intake referred the matter back to the hiring authority on July 10, 2013; however, the initial consultation with the OIG and department attorney regarding the disciplinary determination did not occur until October 1, 2013, 83 calendar days after receipt of the case. The hiring authority then submitted a request for reconsideration to OIA Central Intake. OIA Central Intake denied the request on January 21, 2014; however, the next consultation with the OIG and department attorney regarding the disciplinary determination did not occur until March 13, 2014, 51 calendar days after OIA Central Intake rejected the hiring authority's request for reconsideration and 246 days after the hiring authority first received the case.

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

The hiring authority delayed conducting the penalty conference.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-30	13-0819-IR	<ol style="list-style-type: none"> Discourteous Treatment Dishonesty Failure to Report Use of Force Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	No Change

Case Type: Administrative Investigation

Incident Summary

On April 30, 2013, a youth counselor allegedly slapped a ward on the left side of his face and pulled him over his bunk by his head and upper body. The youth counselor also allegedly failed to report that he slapped the ward, and attempted to coerce another youth counselor who witnessed the slap into not reporting accurately what he observed. On July 18, 2013, the youth counselor was allegedly dishonest in his interview with the Office of Internal Affairs.

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 youth counselor and dismissed him. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board sustained the dismissal. The youth counselor filed a petition for rehearing, which the State Personnel Board denied.

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
2013-06-13	14-0202-IR	<ol style="list-style-type: none"> Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Case Type: Administrative Investigation

Incident Summary

Between June 13, 2013, and October 23, 2013, an officer allegedly violated the department's information technology policy when her computer logon information was used to access adult pornographic imagery on institution workstations.

Predisciplinary Assessment

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

The department's predisciplinary process failed to sufficiently comply with policies and procedures. 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. The Office of Internal Affairs failed to timely conduct the investigation and the investigation was completed only 28 days before the deadline to take disciplinary action. Moreover, due to the impending deadline to take disciplinary action, there was insufficient time to interview other possible subject officers.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 4, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until December 12, 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 December 13, 2013, but did not make a determination regarding the request until January 15, 2014, 33 days after the matter was referred.
- Was the investigation or subject-only 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 August 7, 2014, 28 days before the deadline to take disciplinary action.
- Was the investigation thorough and appropriately conducted?
Due to the impending deadline to take disciplinary action, there was insufficient time to interview other possible subject officers. Therefore, the investigation was not thorough.
- 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. The special agent was assigned on February 11, 2014, but the investigation did not begin until July 10, 2014, five months after the special agent was assigned.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent reduction in salary for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-14	13-1849-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Case Type: **Administrative Investigation**

Incident Summary

On June 14, 2013, a control booth officer in the security housing unit allegedly allowed three inmates access to each other in violation of departmental policy. When one inmate was allowed to return from the exercise yard, the officer opened the wrong cell door and the inmate was allowed into another inmate's cell. The officer then released a third inmate to the exercise yard while the other two inmates fought inside a cell. Later, the officer allowed the third inmate to return from the exercise yard and opened the door to the cell where the first two inmates were located. The first inmate walked out of the cell and fought the third inmate outside of the cell. An alarm was activated and the first inmate went back into the cell he had exited and the officer closed the door behind him. All inmates were eventually restrained.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations 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 with the officer wherein the disciplinary action would be removed from the officer's official personnel file after 18 months in exchange for the officer agreeing to withdraw his appeal. The OIG concurred with the terms of the settlement agreement because the penalty was not changed and the disciplinary action could continue to be used for the purpose of progressive discipline.

NORTH 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
2013-06-26	13-2210-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On June 26, 2013, a control booth officer allegedly opened more than one cell door at a time and allowed inmate movement inside the building. He also allowed only one floor officer to conduct the medication pass when two officers are required. The floor officer allegedly conducted medication pass without having a second officer present.

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 matter in a timely manner and the hiring authority failed to complete the findings conference 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 July 25, 2013, but did not take action until October 9, 2013, 76 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 9, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until May 22, 2014, and May 29, 2014, 225 and 232 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs failed to timely process the case and the hiring authority failed to complete the findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for two months against each officer. The OIG concurred. One officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the department agreed to remove the disciplinary action from the officer's official personnel file after 18 months and the officer withdrew his appeal. The OIG concurred because there was no penalty reduction. The second officer did not file an appeal.

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 make an entry into CMS confirming relevant dates, failed to provide the OIG with a copy of the draft disciplinary action, and failed to consult with the OIG regarding the draft disciplinary action for one of the officers. The hiring authority failed to complete the disciplinary determinations in a timely manner.	

NORTH REGION

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, 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 the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on October 9, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until May 22, 2014, and May 29, 2014, 225 and 232 calendar days after receipt of the case.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The employee relations officer did not provide the OIG with a copy of the draft disciplinary action or consult with the OIG regarding the draft disciplinary action for one of the officers.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to complete the disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-26	13-2259-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. Sustained 	Salary Reduction	Letter of Reprimand

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 26, 2013, a counselor allegedly used unreasonable force by striking an inmate in the chest and face with an open hand after the inmate refused orders to get down on the ground. The counselor also allegedly failed to activate his personal alarm during the incident.

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. OIA Central Intake failed to make a timely determination regarding the case and the hiring authority failed to timely determine the sufficiency of the investigation and the investigative findings.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on August 1, 2013, but did not take action until October 16, 2013, 76 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 16, 2013; however, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until April 29, 2014, more than six months later.
- Was the predisciplinary/investigative phase conducted with due diligence?
The Office of Internal Affairs failed to timely process the case and the hiring authority delayed conducting the consultation regarding the sufficiency of the investigation and the investigative findings.

NORTH REGION

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 counselor filed an appeal with the State Personnel Board. Due to evidentiary problems that developed after service of the disciplinary action regarding providing pre-hearing settlement conference documents to the counselor's attorney, the department entered into a settlement agreement with the counselor. The department agreed to reduce the penalty to a letter of reprimand in exchange for the counselor's acknowledgement that he failed to activate an alarm during the incident and agreeing to withdraw his appeal. The OIG concurred with the terms of the settlement agreement because of the evidentiary problems that developed after disciplinary action was taken.

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 disciplinary determinations. The employee relations officer failed to make an entry in CMS regarding relevant deadlines and failed to provide a draft of the pre-hearing settlement conference statement to the OIG. In addition, the employee relations officer failed to timely provide pre-hearing settlement conference documents to the counselor's attorney, severely compromising the department's ability to present evidence at a State Personnel Board hearing.

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?
The employee relations officer did not make any entries into CMS confirming relevant dates.
- 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 16, 2013; however, the hiring authority did not consult with the OIG regarding disciplinary determinations until April 29, 2014, more than six months later.
- 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 copy of the pre-hearing settlement conference statement prior to it being filed.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The employee relations officer failed to timely provide pre-hearing settlement conference documents to the counselor's attorney, severely compromising the department's ability to present evidence at a State Personnel Board hearing.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-11	13-2288-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Reprimand	No Penalty Imposed

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On July 11, 2013, a lieutenant allegedly deployed pepper spray on an inmate when he refused to exit a holding cell.

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 request for disciplinary action in a timely manner and the hiring authority failed to consult with the OIG regarding the sufficiency of the investigation and the investigative findings in a timely manner.

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 16, 2013, but did not take action until October 23, 2013, 68 days after the receipt of the request.

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

The case was returned to the hiring authority on October 23, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until June 18, 2014, almost eight months after receipt of the case.

- 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 hiring authority failed to conduct the investigative findings in a timely manner.

Disposition

The hiring authority sustained the allegation and served the lieutenant with a letter of reprimand. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. At the *Skelly* hearing, the lieutenant presented evidence of his subjective state of mind at the time of the incident which tended to justify the use of force. In addition, evidentiary concerns developed after service of the disciplinary action. Based on the lieutenant's state of mind, the witnesses would not testify that the lieutenant's actions constituted misconduct but instead would testify the lieutenant acted appropriately. Based on these factors, the hiring authority withdrew the disciplinary action. The OIG concurred because of the new information and evidentiary issues.

Disciplinary Assessment

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

The department failed to determine the penalty and serve the disciplinary action in a timely manner, and the employee relations officer failed to make an entry into CMS regarding relevant dates.

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, 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 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 regarding disciplinary determinations did not occur until June 18, 2014, almost eight months after receipt of the case.

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

The hiring authority delayed conducting the disciplinary determinations. Furthermore, the decision to take disciplinary action was made on June 18, 2014; however, the lieutenant was not served the disciplinary action until July 31, 2014, 43 calendar days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-07	13-2551-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

Case Type: **Administrative Investigation**

Incident Summary

On August 7, 2013, two officers allegedly threw an inmate into a holding cell and punched him several times. The officers also allegedly failed to report their use of force on the inmate and the use of force they each witnessed.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with its policies and procedures governing the predisciplinary process. The special agent did not commence interviews until seven months after being assigned to conduct the investigation and the investigation was completed only nine days before the deadline to take disciplinary action.

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The date of discovery was August 8, 2013; however, the matter was not referred to the Office of Internal Affairs until November 1, 2013, 85 days after the date of discovery.</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 deadline for taking disciplinary action was August 7, 2014. The report was not completed until July 29, 2014, which was insufficient time to review the report before it was forwarded to the hiring authority.</i> 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? <i>The deadline for taking disciplinary action was August 7, 2014. The report was not completed until July 29, 2014, which was insufficient time to review the report before it was forwarded to the hiring authority.</i> Was the investigation or subject-only 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 investigation was completed on July 29, 2014, only nine days before the deadline for taking disciplinary action.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The special agent did not commence interviews until seven months after being assigned to conduct the investigation and the investigation was completed only nine days before the deadline to take disciplinary action.</i>
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<h3>Disposition</h3> <p>The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.</p>
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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
2013-08-12	13-2257-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Dishonesty Improper Transmittal of Confidential Information Over-Familiarity Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained Not Sustained No Finding 	Dismissal	Salary Reduction

Case Type: Administrative Investigation

Incident Summary
 On August 12, 2013, a control booth officer allegedly warned inmates of an upcoming surprise cell search. In addition, the control booth officer was allegedly dishonest to his sergeant. On April 29, 2014, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

NORTH REGION

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 investigation was completed only 22 days before the deadline to take disciplinary action and the special agent conducted a witness interview without consulting with the OIG and department attorney.

Assessment Questions

- Was the investigation or subject-only 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 only 22 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 conducted a witness interview without consulting the OIG. The OIG learned about the interview only after reviewing the draft investigative report.
- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the predisciplinary phase?
The special agent conducted a witness interview without consulting the department attorney. The department attorney learned about the interview only after reviewing the draft investigative report.
- Was the predisciplinary/investigative phase conducted with due diligence?
The investigation was completed only 22 days before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officer left his post to talk with inmates and that the officer was dishonest during the investigation. The hiring authority determined there was insufficient evidence to sustain allegations that the officer improperly transmitted confidential information, was overly familiar with inmates, and was dishonest to a supervisor. The hiring authority dismissed the officer. The OIG concurred with the hiring authority's determinations. At the *Skelly* hearing, the officer admitted he knew a search was to be conducted but stated he did not know when and where. The officer also stated a fan was blowing when he spoke to the sergeant about leaving his post so the sergeant may not have heard his statements clearly. In addition, the *Skelly* officer pointed out a discrepancy between the sergeant's written memorandum and the statements he made during the internal affairs' investigation. After the *Skelly* hearing, the hiring authority entered into a settlement agreement with the officer whereby the penalty was modified to a 10 percent salary reduction for 12 months and the officer agreed not to file an appeal with the State Personnel Board. The OIG did not concur because no change in circumstances was articulated during the *Skelly* hearing. However, the OIG did not seek a higher level of review because of the officer's and sergeant's conflicting statements and the resulting uncertainty regarding their credibility.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-22	13-2045-IR	<ol style="list-style-type: none"> Discourteous Treatment Other Failure of Good Behavior 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On August 22, 2013, an officer allegedly made inappropriate comments of a sexual nature to an inmate during an unclothed body search.

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

NORTH REGION

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
2013-09-05	14-0192-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior 3. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 5, 2013, an officer allegedly participated in the unlawful harvesting of a deer and was allegedly dishonest to an outside law enforcement agent when he denied that he was involved in shooting a deer on private land.

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 conducting the findings conference.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The final disposition in the criminal case was received by the department on April 30, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until July 23, 2014, 84 calendar days after receipt of the final disposition in the criminal case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department failed to conduct the investigative findings in a timely manner.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officer had been initially dishonest to an outside law enforcement agent and that he was cited for trespassing, but not the allegation that he participated in illegal harvesting of a deer. The hiring authority imposed a 10 percent salary reduction for 30 months. The OIG concurred. At the *Skelly* hearing, the officer presented additional information that he understood the serious nature of the misconduct, expressed remorse, and accepted responsibility. Due to this mitigating information, the hiring authority entered into a settlement agreement with the officer and modified the penalty to a 10 percent salary reduction for 25 months. The officer agreed not to file an appeal. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing and that the modification did not represent 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. The hiring authority delayed conducting the penalty conference.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The final disposition in the criminal case was received by the department in April 30, 2014; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until July 23, 2014, 84 calendar days after receipt of the final disposition in the criminal case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-07	14-0703-IR	1. Failure to Report	1. Unfounded	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

Between September 7, 2013, and October 31, 2013, an unknown staff member allegedly interfered with the reporting of misconduct, or attempted to withhold information, related to actions leading up to and following the death of an inmate by removing information in the death review summary that would indicate misconduct by department employees. The unknown staff member allegedly purposely delayed the reporting and referral of information related to the death of the inmate by failing to disclose required information.

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 draft investigative report was not provided to the OIG or the department attorney.

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?
A draft copy of the investigative report was not provided to the OIG. The hiring authority was provided with the final report on the same day the report was provided to the OIG.
- 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 investigative report was not provided to the department attorney for review. The hiring authority was provided with the final report on the same day the report was provided to the department attorney.

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.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-13	14-0972-IR	<ol style="list-style-type: none"> 1. Threats and intimidation 2. Misuse of Authority 3. Neglect of Duty 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Unfounded 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On September 13, 2013, a sergeant allegedly failed to respond to a report of an inmate with medical needs and complaints. The sergeant also allegedly misused his authority when he ordered an officer to not provide any assistance to the inmate and threatened and intimidated the officer in an attempt to prevent the officer from reporting the sergeant's misconduct. A nurse allegedly neglected to provide medical care to the inmate. Another sergeant allegedly neglected his duty when he checked on the inmate and failed to notice that the inmate had earlier urinated in his jumpsuit. An officer allegedly failed to provide the inmate with clean clothing in a timely manner after the inmate had soiled himself.

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 waited over five months before referring the matter to OIA Central Intake for investigation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on September 20, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 13, 2014, more than 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 insufficient evidence to sustain the allegations against the first sergeant and the registered nurse. The hiring authority determined that the investigation conclusively proved the misconduct did not occur as alleged against the second sergeant and the officer. The OIG concurred with the hiring authority's determinations.

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
2013-09-17	13-2637-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On September 17, 2013, a lieutenant allegedly failed to provide an officer her procedural due process rights prior to interviewing her as a subject of an inmate appeal. Additionally, the lieutenant and officer allegedly entered incorrect dates on a form.

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Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
<p>The Office of Internal Affairs failed to comply with the department's policies and procedures governing the predisciplinary process. OIA Central Intake refused to add an allegation that the officer and lieutenant were dishonest by entering an incorrect date on a form, contrary to the OIG's recommendation. The hiring authority failed to consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings in a timely manner.</p>	
Assessment Questions <ul style="list-style-type: none"> Did OIA Central Intake make an appropriate initial determination regarding the case? <i>The OIG recommended that OIA Central Intake add an allegation that the officer and lieutenant were dishonest by entering a false date on the form; however, OIA Central Intake denied the request.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 12, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until September 8, 2014, 27 calendar days after receipt of the case.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The department failed to conduct the investigative findings in a timely manner.</i> 	
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
2013-09-24	13-2502-IR	1. Failure to Report 2. Neglect of Duty	1. Sustained 2. Not Sustained	INITIAL: Training FINAL: No Change

Case Type: **Administrative Investigation**

Incident Summary

On September 24, 2013, a sergeant and two officers allegedly failed to immediately perform life-saving measures on an inmate who had committed suicide. The sergeant later reported that other inmates were throwing small objects towards the officers so he believed it was unsafe to perform life-saving measures until the inmate was moved to an open area. After the inmate was moved, custody staff met medical staff and medical staff initiated life-saving measures. The sergeant and two officers also allegedly failed to initially report the reason life-saving measures were not performed.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department failed to sufficiently comply with policies and procedures governing the predisciplinary process because the investigation was completed only eight days before the deadline to take disciplinary action.</p>	
Assessment Questions <ul style="list-style-type: none"> Was the investigation or subject-only 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 investigation was completed September 15, 2014, only eight days before the deadline to take disciplinary action.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The investigation was completed only eight days before the deadline to take disciplinary action.</i> 	

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Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the sergeant and two officers failed to report the reason they did not immediately initiate life-saving measures. However, the department had no record that the sergeant and two officers had been trained to articulate a reason when live-saving measures are not performed. Moreover, all three denied knowledge of such a requirement. As a result, the hiring authority determined training was necessary and discipline should not be imposed. The OIG concurred. The hiring authority determined there was insufficient evidence to sustain the allegation that the sergeant and two officers neglected their duties when they failed to immediately perform life-saving measures. The OIG concurred.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-30	14-0203-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

Case Type: **Administrative Investigation**

Incident Summary

On September 30, 2013, four officers allegedly punched and kicked an inmate after the inmate was subdued, handcuffed, and on the ground. A fifth officer and a sergeant allegedly failed to report the use of force witnessed.

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. The Office of Internal Affairs waited six months to commence the investigation and completed the investigation only six 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?
The department learned of the misconduct on September 30, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 19, 2013, 80 days from the date of discovery.
- Was the investigation or subject-only 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.
- 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.

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.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-11	13-2636-IR	<ol style="list-style-type: none"> Dishonesty Inappropriate Display of Weapons Gross Negligence in Handling a Duty Weapon Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained 	Dismissal	No Change

Case Type: **Administrative Investigation**

Incident Summary

On October 11, 2013, an officer allegedly pointed his firearm towards the chest of another officer and pulled the trigger four times after the second officer said words to the effect of "I hope that is not loaded." A sergeant allegedly witnessed the first officer's actions and failed to intervene to stop him and allegedly failed to report the misconduct. The first officer was also allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

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

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 retired from state service. A letter indicating the officer retired pending disciplinary action was placed in his official personnel file. The hiring authority determined there was insufficient evidence to sustain the allegations against the sergeant. The OIG concurred.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-16	13-2640-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 16, 2013, a lieutenant allegedly entered an incorrect date on a rules violation report.

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 Office of Internal Affairs failed to add a dishonesty allegation despite the OIG's recommendation and the hiring authority failed to timely conduct the findings conference.

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Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG recommended that OIA Central Intake add an allegation that the lieutenant was dishonest when he entered an incorrect date; however, OIA Central Intake denied the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on December 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 March 20, 2014, 99 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to conduct the investigative findings in a timely manner.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for five months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Due to a delay in serving the disciplinary action, the department entered into a settlement agreement with the lieutenant. The department agreed to settle this case as well as another case for a 5 percent salary reduction for four months and the lieutenant agreed to withdraw his appeal. The OIG concurred with the settlement because of the deficiencies in both cases.

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 penalty conference in a timely manner and failed to timely serve the disciplinary action.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on December 11, 2013; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until March 20, 2014, 99 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 penalty conference and failed to serve the disciplinary action within 30 days of the decision to take disciplinary action, in violation of departmental policy. The penalty conference took place on March 20, 2014, but the disciplinary action was not served until April 24, 2014, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-16	14-1810-IR	<ol style="list-style-type: none"> 1. Driving Under the Influence 2. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 16, 2013, outside law enforcement observed an off-duty officer's vehicle strike a curb and collide with a residential fence causing damage. The officer then allegedly drove away without attempting to contact the owner of the residence. The officer was subsequently detained and tested positive for a blood alcohol level above the legal limit to drive.

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.

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Assessment Questions

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

The department learned of the misconduct on October 18, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 30, 2014, 255 days 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 until 255 days after the date of discovery.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

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
2013-10-22	13-2687-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	Resignation in Lieu of Termination

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 22, 2013, an off-duty officer was arrested for domestic violence after allegedly engaging in a physical altercation with his wife. During the altercation, the officer's wife sustained a laceration to her upper lip and visible injuries to her nose and neck area.

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 consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings.

Assessment Questions

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

The case was returned to the hiring authority on December 18, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 22, 2014, 125 calendar days after receipt of the case.

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

The hiring authority delayed consulting with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined that a 60-working-day suspension was the appropriate penalty. The OIG concurred. However, the matter was combined with a separate disciplinary action and the hiring authority served the officer with a notice of dismissal. 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 officer agreed to withdraw his appeal and the settlement achieved the ultimate goal of terminating the officer's employment with the department.

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Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The hiring authority and the department attorney failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney regarding the disciplinary determinations. The department attorney failed to provide the OIG written confirmation of penalty discussions and a draft copy of the disciplinary action before it was served. The department also failed to properly conduct the *Skelly* hearing because the department attorney failed to adequately cooperate with the officer's attorney regarding scheduling the *Skelly* hearing and then became argumentative with the officer's attorney during the *Skelly* hearing.

<p>Assessment Questions</p> <ul style="list-style-type: none"> Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The case was returned to the hiring authority on December 18, 2013; however, the hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until April 22, 2014, 125 days after receipt of the case.</i> Did the department attorney provide to the HA and OIG written confirmation of penalty discussions? <i>The department attorney did not provide written confirmation of penalty discussions to the OIG.</i> Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG? <i>The department attorney did not provide a final copy of the draft disciplinary action that reflected that two disciplinary actions were combined. The department attorney only provided a copy of the draft disciplinary action for the OIG-monitored case that reflected the suspension.</i> If there was a <i>Skelly</i> hearing, was it conducted pursuant to DOM? <i>The department attorney argued with the officer's attorney during the <i>Skelly</i> hearing when the officer's attorney implied that the department attorney insisted on a specific date for the <i>Skelly</i> hearing which in effect only afforded the officer and his attorney one day to prepare for the hearing.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the disciplinary determinations in a timely manner.</i>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-22	14-0126-IR	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	No Change

Case Type: Administrative Investigation

Incident Summary

On October 22, 2013, an officer observed an inmate spraying an unknown substance through the side of the door, striking the officer with the substance. The officer allegedly opened the food port without having a second officer present, allowing the inmate to spray more of the substance at the officer. In addition, the officer allegedly sprayed the inmate with pepper spray through the food port when he could simply have closed the food port. The officer also allegedly tried to return to the cell after being ordered not to do so and had to be physically restrained.

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

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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 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.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-28	13-2633-IR	<ol style="list-style-type: none"> 1. Contraband 2. Dishonesty 3. Insubordination 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 28, 2013, an officer allegedly brought a can of chewing tobacco into the institution for personal use. When confronted by a captain who observed the officer act suspiciously, the officer admitted that he possessed tobacco. However, the officer subsequently failed to report to a lieutenant as ordered by the captain and instead went through the employee search area, denied that he had contraband, and failed to relinquish the tobacco.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the predisciplinary process. The department attorney did not consult with the hiring authority and the OIG until 105 days after the case was returned to the hiring authority and 91 days after the department attorney was assigned to the case.

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 12, 2013. The department attorney was assigned on December 26, 2013; however, the department attorney was not prepared to consult with the hiring authority and the OIG until March 27, 2014, 105 days after the case was returned to the hiring authority and 91 days after the department attorney was assigned to the case.

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

The department failed to conduct the investigative findings in a timely manner

Disposition

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

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with the department's policies and procedures governing the disciplinary process. The department failed to timely conduct the disciplinary determinations.

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Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on December 12, 2013. The department attorney was assigned to the case on December 26, 2013, but the department attorney was not prepared to consult with the hiring authority and the OIG regarding the disciplinary determinations until March 27, 2014, 105 days after the case was returned to the hiring authority and 91 days after the department attorney was assigned to 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 disciplinary determinations in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-31	14-0248-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Demotion

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On October 31, 2013, a sergeant allegedly falsified his timesheet by writing the wrong day of overtime he had worked. He also allegedly asked an officer to write the wrong day of overtime worked on her timesheet. The officer allegedly agreed to the sergeant's request and wrote the wrong day of overtime on her timesheet.

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 and dismissed the sergeant and imposed a 5 percent salary reduction for three months on the officer. The OIG concurred. At the *Skelly* hearing for the sergeant, he expressed remorse for his actions and presented additional information which mitigated his misconduct. After the *Skelly* hearing, the department offered to enter into a settlement agreement wherein the penalty would be reduced to a demotion to an officer based on the sergeant's statements at the *Skelly* hearing. The sergeant rejected the settlement offer and filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the sergeant accepted the settlement for a demotion and agreed to withdraw his appeal. The OIG concurred based on the information learned at the *Skelly* hearing. The officer did not file an appeal.

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
2013-10-31	14-0337-IR	<ol style="list-style-type: none"> 1. Dishonesty 	<ol style="list-style-type: none"> 1. Not Sustained 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On October 31, 2013, an officer was allegedly dishonest when she told her supervisor that she had a personal medical emergency and needed to go home after being informed she was being held for overtime.

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the department attorney and the OIG regarding the sufficiency of the investigation and investigative findings.</p>	
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The date of discovery was October 31, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until January 8, 2014, 69 days after the date of discovery.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 19, 2014. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 24, 2014, 35 calendar days after receipt of the case.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings.</i> 	
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
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-04	14-0129-IR	1. Unauthorized Absence 2. Other Failure of Good Behavior 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On November 4, 2013, an officer allegedly failed to report to work for five days and claimed he had approved vacation. A supervisor had previously informed him that he did not have available leave time. The officer also allegedly failed to update his contact information with the institution.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
<p>Overall, the department's predisciplinary process sufficiently complied with policies and procedures.</p>	
Disposition The hiring authority sustained the allegations, except for dishonesty, and imposed a 10 percent salary reduction for 20 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Before the hearing, the hiring authority reached a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 13 months. The hiring authority found that the settlement was consistent with the principle of progressive discipline and would bring finality to the case. The officer agreed to withdraw his appeal. The OIG did not concur as there was no change in circumstances to justify the settlement; however, the OIG did not seek a higher level of review because the reduced penalty remained within the original penalty range.	

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Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to timely consult with the OIG regarding the disciplinary determinations, failed to consult with the OIG regarding the drafting of the disciplinary action, and failed to notify the OIG of the *Skelly* hearing. In addition, the department entered into a settlement agreement without sufficient justification and the employee relations officer failed to enter the relevant dates into CMS.

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time? <i>The employee relations officer did not make an entry into CMS confirming the date of the incident and the deadline for taking disciplinary action.</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 January 8, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until January 31, 2014, 23 calendar days after receipt of the case.</i> Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG? <i>The employee relations officer failed to provide the OIG with a draft copy of the disciplinary action.</i> If there was a Skelly hearing, was it conducted pursuant to DOM? <i>The OIG was not notified of the Skelly hearing and, therefore, could not attend.</i> If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement as there was no change in circumstances to justify the settlement.</i> Did the department attorney or employee relations 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 the OIG with a draft of the disciplinary action and failed to notify the OIG when the Skelly hearing was scheduled to occur.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The hiring authority failed to consult with the OIG regarding the disciplinary determination in a timely manner.</i>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-18	14-0258-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Controlled Substances 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary
On November 18, 2013, an off-duty officer allegedly drove under the influence of a controlled substance and, when arrested by outside law enforcement, she was allegedly in possession of a controlled substance without a prescription.

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

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Disposition

The hiring authority found sufficient evidence to sustain the allegation that the officer drove under the influence of a controlled substance and imposed a salary reduction of 5 percent for 24 months. That penalty was combined with a penalty for separate misconduct for a total salary reduction of 10 percent for 24 months. The hiring authority did not sustain the allegation that the officer possessed controlled substances without a prescription. The OIG concurred with the hiring authority's determinations. The department entered into a settlement agreement with the officer whereby she agreed to accept a salary reduction of 25 percent for six months and further agreed to participate in a drug rehabilitation program and frequent, unannounced drug testing by the department for one year. The OIG concurred with the terms of the settlement because the officer was remorseful and sought treatment. In addition, the provision for drug testing provided protection to the department that could not have been imposed without the officer's agreement.

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
2013-11-25	14-0254-IR	<ol style="list-style-type: none"> Contraband Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained 	Suspension	Modified Suspension

Case Type: **Administrative Investigation**

Incident Summary

On November 25, 2013, an office technician observed a lieutenant in possession of what appeared to be tobacco within the secure perimeter of an institution. When confronted by the office technician about the contraband, the lieutenant was allegedly dishonest when he indicated he had already reported his misconduct to an associate warden.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to make a correct decision by returning the case to the hiring authority without an investigation and the initial hiring authority failed to determine that an investigation was needed.

Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
OIA Central Intake initially returned the case to the hiring authority to take action based on the information available rather than opening an investigation.
- Did the HA properly determine whether additional investigation was necessary?
The initial hiring authority failed to properly determine that additional investigation was necessary.

Disposition

The initial hiring authority determined there was sufficient evidence to sustain the allegations and the OIG concurred. However, despite the department attorney and the OIG's recommendations, the initial hiring authority failed to identify the appropriate penalty. The department attorney sought a higher level of review. The OIG concurred with the department attorney's decision to seek a higher level of review. At the higher level of review, the hiring authority's supervisor determined there was new information not available to the initial hiring authority. Consequently, the investigation was deemed insufficient and it was returned to the Office of Internal Affairs for investigation. Upon completion of the investigation, the hiring authority sustained the allegations and determined that the lieutenant had prevented or interfered with the reporting of misconduct but did not find that he made false or intentionally misleading statements to a supervisor and imposed a 60-working-day suspension. The OIG concurred. During a *Skelly* hearing, the lieutenant disclosed that while he was prepared to accept the financial impact of the penalty, the loss of medical benefits would impose an undue hardship on his family. The department entered into a settlement agreement with the lieutenant in which the 60-working-day suspension was modified to allow him to work 11 days per month and serve the remaining working days on suspension until he served the equivalent of a 60-working-day suspension. Given the financial effect remained essentially the same, the OIG concurred.

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Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The initial hiring authority failed to identify an appropriate penalty that was commensurate with the magnitude of the allegations.

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline? <i>Although the initial hiring authority sustained the dishonesty allegation, he failed to apply the appropriate disciplinary matrix section addressing independent acts that prevent or interfere with the reporting of misconduct and making false or misleading statements to a supervisor.</i> Did the HA who participated in the disciplinary conference select the appropriate penalty? <i>The initial hiring authority failed to identify an appropriate penalty that was commensurate with the magnitude of the allegations and determined that only a 10 percent salary reduction for 13 months was appropriate.</i> Was an executive review invoked to raise an issue to a higher level of management in this case? <i>The department attorney sought a higher level of review and the OIG concurred.</i>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-30	14-0977-IR	1. Over-Familiarity	1. Not Sustained	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary
On November 30, 2013, an officer was allegedly overly familiar with the mother of an inmate at a local retail store when the officer identified herself as an officer with the department and discussed the treatment of the inmates at the institution.

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

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Was the matter referred to OIA within 45 calendar days of the date of discovery? <i>The date of discovery was January 13, 2014; however, the hiring authority did not refer the matter to the Office of Internal Affairs until March 21, 2014, 67 days after the date of discovery.</i> Was the predisciplinary/investigative phase conducted with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs.</i>

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.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-08	14-0256-IR	<ol style="list-style-type: none"> Neglect of Duty Over-Familiarity 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On December 8, 2013, an officer allegedly allowed an inmate access to his office and a state computer and allegedly failed to conduct tool inventory at his kitchen post.

Predisciplinary Assessment

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

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

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
2013-12-11	14-1301-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Letter of Instruction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On December 11, 2013, and December 12, 2013, a captain allegedly failed to report a possible inmate homicide to the hiring authority and failed to direct the incident commander or investigative services unit to establish a crime scene. On December 12, 2013, a lieutenant allegedly failed to follow crime scene and evidence collection procedures.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. The hiring authority failed to timely conduct the consultation regarding the sufficiency of the investigation and the investigative findings, failed to properly determine whether to request a full investigation, and failed to add a lieutenant as an additional subject. The department attorney failed to provide appropriate legal advice to the hiring authority regarding whether to request a full investigation or add a lieutenant as an additional subject.

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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 case was returned to the hiring authority on May 14, 2014, but the consultation with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings did not occur until July 11, 2014, 58 calendar days after receipt of the case.
- Did the HA properly determine whether additional investigation was necessary?
The OIG believed a full investigation was needed to properly determine whether an additional lieutenant should be added as a subject and to thoroughly address the allegations. The hiring authority disagreed and did not request a full investigation.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
Despite the OIG's recommendation to request a full investigation, the department attorney disagreed and recommended to the hiring authority that the allegations be addressed based on the available evidence.
- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?
When the hiring authority initially submitted the matter to OIA Central Intake, the hiring authority identified a second lieutenant as a subject; however, OIA Central Intake removed the lieutenant as a possible subject. During the conference regarding the sufficiency of the investigation and the investigative findings, the OIG recommended that the hiring authority add the second lieutenant as a subject, or at least request a full investigation to determine whether the lieutenant should be added. The hiring authority refused to do either.
- Was the predisiplinary/investigative phase conducted with due diligence?
The hiring authority delayed conducting the consultation regarding the sufficiency of the investigation and the investigative findings.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and issued letters of instruction to both the captain and the lieutenant. The OIG did not concur but did not seek a higher level of review because the crime scene had already been partially cleaned and suspects identified by the time the captain and lieutenant became aware of the incident, there was no evidence the misconduct affected the inmate's condition, and the hiring authority previously provided training.

Disciplinary Assessment

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

The hiring authority and department attorney failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary determinations and identify appropriate discipline. The department attorney failed to provide appropriate legal advice regarding the disciplinary determinations.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on May 14, 2014, but the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until July 11, 2014, 58 calendar days after the case was returned.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney recommended only corrective action for both the captain and the lieutenant. The OIG disagreed and believed that disciplinary action should be imposed.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority decided to issue corrective action to both the captain and the lieutenant. The OIG disagreed and recommended disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the disciplinary determinations in a timely manner.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-29	14-0592-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary

On December 29, 2013, an officer allegedly provided false information in an official report when he stated that an inmate took an aggressive stance while facing him with clenched fists and hit the officer requiring the officer to use force to subdue the inmate. A second officer allegedly observed the first officer's use of force against the inmate but failed to submit a report.

Predisciplinary Assessment

Procedural Rating: Insufficient

Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the predisciplinary process. The hiring authority failed to make a timely referral to the Office of Internal Affairs and failed to timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings. OIA Central Intake failed to add a dishonesty allegation against the second officer, contrary to the OIG's recommendation.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The date of discovery was December 29, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until February 14, 2014, 47 days after the date of discovery.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG recommended that OIA Central Intake add an allegation of dishonesty against the second officer; however, OIA Central Intake denied the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on August 25, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until October 24, 2014, 60 calendar 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 timely consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against either officer. 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.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-19	14-1451-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Intoxication - Driving Under the Influence 3. Misuse of Authority 4. Dishonesty 5. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 	Dismissal	No Change

Case Type: Administrative Investigation

Incident Summary

On January 19, 2014, an off-duty officer was arrested after allegedly driving his personal vehicle with a suspended license and while under the influence of alcohol. It was further alleged that the officer identified himself as a peace officer in an attempt to gain favor with the outside law enforcement officer. Thereafter, on January 22, 2014, the officer was allegedly dishonest when he reported to the hiring authority that he was never arrested, that he was not charged with driving under the influence of alcohol, and that he had a blood alcohol level lower than what was documented in the arrest report.

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 that the officer drove his personal vehicle while under the influence of alcohol and was dishonest by denying he was arrested and claiming that he had a blood alcohol level lower than what was documented in the arrest report, and served the officer with a notice of dismissal. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations. 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
2014-01-27	14-1149-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 	Suspension	Retirement in Lieu of Termination

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 27, 2014, January 28, 2014, and March 20, 2014, an extradition officer allegedly slept and wore headphones on duty while en route to pick up inmates and while assisting in transporting an inmate on an airplane.

Predisciplinary Assessment

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

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a two-working-day suspension and involuntarily redirected the officer to a post other than transportation. The OIG concurred. The officer filed an appeal with the State Personnel Board. Pursuant to a settlement agreement, the officer agreed to retire and never to return to employment with the department and the department agreed to withdraw the disciplinary action. The OIG concurred because the settlement avoided the costs of retraining the officer to work in an institution and the officer agreed not to work for the department in the future.

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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 penalty conference, failed to notify the OIG of the *Skelly* hearing, and failed to timely serve the disciplinary action. The department attorney failed to properly draft required departmental forms, failed to adequately consult and cooperate with the OIG, and failed to include all mandatory language in the settlement agreement. As a result, the settlement agreement may not provide complete protection to the department in the event of a challenge. In addition, the hiring authority's failure to timely serve the disciplinary action subjects the department to potential further litigation of the issue.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on May 14, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until July 7, 2014, 54 days after receipt of the case.

- Was the CDCR Form 403 documenting the penalty properly completed?

The Form 403 did not reflect that the penalty imposed included an involuntary transfer away from the officer's current assignment.

- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney failed to provide the OIG with a copy of the draft disciplinary action and consult with the OIG.

- If there was a *Skelly* hearing, was it conducted pursuant to DOM?

The Skelly hearing was not conducted pursuant to departmental policy because the OIG was not notified of the Skelly hearing, precluding the OIG from attending.

- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?

The settlement agreement did not include one of the key clauses required by departmental policy.

- Did the department attorney or employee relations 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 the OIG with a draft copy of the disciplinary action and consult with the OIG. Although the disciplinary action was served on the officer on August 18, 2014, the department attorney failed to provide the final disciplinary action to the OIG until August 26, 2014.

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

The hiring authority failed to notify the OIG of the Skelly hearing, thus precluding the OIG from attending.

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

The department failed to conduct the disciplinary determinations in a timely manner and failed to serve the disciplinary action within 30 days of the decision to take disciplinary action, in violation of departmental policy. The findings and penalty conference was held on July 7, 2014; however, the disciplinary action was not served until August 18, 2014, 42 days later.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-02	14-0726-IR	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior 2. Consuming Alcohol While Carrying a Weapon 3. Brandishing a Weapon 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On February 2, 2014, an officer allegedly displayed a firearm several times while dancing on top of a bar at a lounge and consumed alcohol while carrying the firearm.

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 consult with the OIG and department attorney regarding the investigative findings.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on March 26, 2014; however, the initial consultation with the OIG and department attorney did not occur until May 1, 2014, 36 days later. The hiring authority continued the initial consultation to submit a request to OIA Central Intake to reconsider the request to open an investigation. The request was denied and the case was returned to the hiring authority on July 22, 2014. The hiring authority did not make a final decision regarding the sufficiency of the investigation and investigative findings until September 4, 2014, 44 days later and 162 days after the case was initially returned to the hiring authority.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department failed to conduct the investigative findings in a timely manner.

Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation for displaying a weapon in public and imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the remaining allegations. The OIG concurred 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
2014-02-12	14-0650-IR	<ol style="list-style-type: none"> 1. Driving Under the Influence 2. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On February 12, 2014, an officer was allegedly arrested for driving under the influence after outside law enforcement observed the officer crouched behind his parked running vehicle while holding a mobile phone in one hand and a handgun in the other.

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Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures governing the predisciplinary process.	
Disposition	
The hiring authority determined there was sufficient evidence to sustain the allegations and issued a 10 percent salary reduction for 18 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the officer whereby the penalty was reduced to a 10 percent salary reduction for 13 months. The OIG did not concur but did not seek a higher level of review because the penalty imposed remained within a reasonable range for the misconduct and the officer withdrew his appeal thereby eliminating the risk of an adverse decision by the State Personnel Board.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-17	14-0921-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary

On February 17, 2014, a sergeant was allegedly dishonest to a lieutenant when the sergeant denied an inmate's claim that the sergeant used unreasonable force causing him to fall out of his wheelchair. The sergeant allegedly falsely claimed the inmate was already lying on the floor when he arrived. The sergeant subsequently claimed that the lieutenant never interviewed him. The lieutenant was allegedly dishonest by claiming that he interviewed the sergeant.

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 sergeant and lieutenant. 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
2014-03-06	14-0971-IR	1. Under the Influence of a Controlled Substance On Duty 2. Operating State Vehicle Under the Influence 3. Insubordination	1. Sustained 2. Sustained 3. Sustained	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 6, 2014, an officer was allegedly under the influence of a controlled substance while on duty, operated a state vehicle while under the influence of a controlled substance, and was insubordinate when he substituted water for his urine sample on two occasions during ordered drug testing.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the predisciplinary process.	
Disposition	
The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. However, the officer failed to appear at the pre-hearing settlement conference and the appeal was dismissed by the State Personnel Board.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty
2014-03-22	14-1080-IR	1. Neglect of Duty	1. Sustained	INITIAL Salary Reduction FINAL No Change

Case Type: **Administrative Investigation**

Incident Summary

On March 22, 2014, an officer allegedly failed to report that he had a restraining order that included a firearm restriction.

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 and issued 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 sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty
2014-04-04	14-1347-IR	1. Battery	1. Not Sustained	INITIAL No Penalty Imposed FINAL No Change

Case Type: **Administrative Investigation**

Incident Summary

On April 4, 2014, an off-duty officer allegedly picked up a twelve-year-old boy by the head with two hands and pushed him back against a stucco wall causing injuries to the boy's head and right elbow.

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.	

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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
2014-04-07	14-1143-IR	<ol style="list-style-type: none"> Driving Under the Influence with Collision Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary
On April 7, 2014, an off-duty officer allegedly crashed into another vehicle while driving under the influence of alcohol and then fled the scene.

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 and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment	Procedural Rating: 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
2014-04-09	14-1339-IR	<ol style="list-style-type: none"> Controlled Substances-Use or Possession Off Duty 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary
On April 9, 2014, an officer allegedly tested positive for cocaine during a workers' compensation physician visit.

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

Disposition
The hiring authority determined that 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 complied with policies and procedures.	

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-23	14-1452-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary

On April 23, 2014, a sergeant allegedly used unreasonable force when he used pepper spray on an inmate. The sergeant also allegedly failed to accurately report the perceived threat and actions of the inmate that resulted in the use of force, endangered staff when he ordered the inmate's cell door opened, and was dishonest in his report regarding the incident.

Predisciplinary Assessment

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

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

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's disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-26	14-1338-IR	<ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 26, 2014, two officers allegedly used unreasonable force on an inmate while the inmate held open the food port of his cell door and failed to initiate a calculated use of force by contacting their 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 against both officers and imposed a 5 percent salary reduction for two months for both. The OIG concurred. The officers did not file appeals with the State Personnel Board.

Disciplinary Assessment

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

Overall, the hiring authority sufficiently complied with the department's policies and procedures.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-12	14-1631-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Weapons - Off Duty 4. Weapons - Inappropriate Display 5. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On May 12, 2014, an off-duty officer armed with a baton-type weapon allegedly confronted a citizen on the side of the road and pushed the citizen into a ditch resulting in an outside law enforcement response. The officer also allegedly failed to cooperate with outside law enforcement, attempted to use his position in the department to gain favor, and was dishonest when he told outside law enforcement that he was not in possession of a weapon.

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 hiring authority failed to timely conduct the consultation regarding the sufficiency of the investigation and the investigative findings.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The hiring authority received the case on July 10, 2014, but did not consult with the OIG and department attorney until September 22, 2014, 74 days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department failed to conduct the investigative findings in a timely manner.

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: Insufficient
Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary determinations in a timely manner.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on July 10, 2014, but the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until September 22, 2014, 74 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the disciplinary determinations in a timely manner.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-20	14-1311-IR	<ol style="list-style-type: none"> 1. Unauthorized Release of Inmate Medical Information 2. Insubordination 3. Misuse of Authority 4. Misuse of State Equipment or Property 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	No Change

Case Type: Administrative Investigation

Incident Summary

On May 20, 2014, a counselor allegedly accessed, received, and removed various documents containing confidential inmate information from institutional grounds without prior permission, and released the documents to her attorneys and the State Personnel Board without authorization. The counselor also allegedly failed to cooperate during her investigative interview.

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 counselor with a notice of dismissal. The OIG concurred. However, the counselor retired before the disciplinary action took effect. A letter indicating the counselor retired 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
2014-06-13	14-1747-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

Case Type: Direct Action (No Subject Interview)

Incident Summary

On June 13, 2014, an off-duty officer allegedly entered his ex-girlfriend's home and assaulted a man while he slept. The officer was arrested and charged with battery.

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 allegation and issued a 10 percent salary reduction for 18 months. The OIG concurred. After the *Skelly* hearing, the parties entered into a settlement agreement whereby the penalty was reduced to a 5 percent salary reduction for 30 months. The OIG concurred because the officer expressed remorse during the *Skelly* hearing and accepted responsibility for his actions. In addition, the modified penalty is monetarily equivalent to the original penalty.

NORTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2014-07-05	14-2007-IR	1. Misuse of Authority 2. Discourteous Treatment	1. Sustained 2. Not Sustained		

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On July 5, 2014, an off-duty officer was allegedly discourteous and argumentative to an outside law enforcement officer who pulled him over and issued him a traffic citation for speeding. After receiving the citation, the officer allegedly followed the outside law enforcement officer to her office where he argued with her supervising officer about the citation, noting that the officer who issued the citation was also speeding and that because he is also an officer, she should "make it go away."

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 misuse of authority and imposed a 10 percent salary reduction for 18 months. The hiring authority determined there was insufficient evidence to sustained the remaining allegation. The OIG concurred with the hiring authority's decisions. Before requesting a *Skelly* hearing, the officer informed the hiring authority that he accepted responsibility and he expressed remorse. Based on these factors, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 13 months and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred because the officer accepted responsibility, expressed remorse, and the modification 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. The department failed to conduct the disciplinary determinations in a timely manner. In addition, although the department attorney and hiring authority consulted with the OIG regarding potential settlement, the department attorney failed to provide the OIG an opportunity to review the draft settlement agreement or notify the OIG that the department entered into a settlement agreement with the officer.	

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on August 20, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until September 16, 2014, 27 calendar days after receipt of the case.
- Did the department attorney or employee relations 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 the OIG an opportunity to review the draft settlement agreement and inform the OIG that the department entered into a settlement agreement with the officer.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary determinations in a timely manner.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-31	14-2116-IR	1. Over-Familiarity	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On July 31, 2014, an officer allegedly engaged in an overly-familiar relationship with an inmate when he called the inmate from outside the institution and allowed a female to speak with the inmate.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. Despite several requests from the OIG and the hiring authority, OIA Central Intake refused to open an investigation to ascertain the extent of the alleged overfamiliarity and whether the officer was dishonest when he called in sick for his second watch shift at the institution.

Assessment Questions

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

The hiring authority requested an investigation to ascertain the extent of the alleged overfamiliarity. The department attorney also recommended an investigation to ascertain whether the officer was dishonest when he utilized Family Medical Leave Act time during his absence. The OIG agreed with both the hiring authority and the department attorney. Moreover, the OIG recommended an interview of the officer to ascertain whether the officer may have been dishonest when he called in sick for his second watch shift at the institution while working at his secondary employment. OIA Central Intake denied the requests.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and issued a 5 percent salary reduction for 24 months. The OIG concurred. During the *Skelly* hearing, the officer expressed remorse and accepted responsibility for his actions which was new mitigating information not contemplated during the findings and penalty conference. As a result, the department entered into a settlement agreement with the officer whereby the penalty was reduced to a 5 percent salary reduction for 18 months and the officer waived his right to appeal to the State Personnel Board. The OIG concurred because the officer's statements at the *Skelly* hearing constituted a change in circumstances, the penalty was not substantially reduced, and the officer waived his right to appeal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-06	14-2324-IR	1. Controlled Substances	1. Sustained	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On August 6, 2014, an officer allegedly tested positive for marijuana during a random drug test.

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 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.

NORTH 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				
2014-08-14	14-2335-IR	<ol style="list-style-type: none"> Failure to Report Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	<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;">Suspension</td> <td style="text-align: center;">No Change</td> </tr> </table>	INITIAL	FINAL	Suspension	No Change
INITIAL	FINAL							
Suspension	No Change							

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On August 14, 2014, an off-duty officer was allegedly involved in a physical altercation, while heavily intoxicated, with her boyfriend and threatened him with a knife. The officer also allegedly failed to notify the hiring authority of her arrest.

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

Disposition
 The hiring authority determined there was sufficient evidence to sustain the allegations and determined a 60-working-day suspension 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 governing the disciplinary process.	

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-05	14-0757-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary

From October 5, 2012, to August 15, 2013, four correctional counselors, two classification services representatives, and a lieutenant allegedly failed to fully review or consider file material noting an inmate was precluded from having a cellmate because he was the victim of a prior attempted murder in his cell and was on a "hit list." A fifth correctional counselor allegedly failed to fully review or consider file material on two separate occasions during that time. On November 9, 2013, the inmate received serious injuries after his cellmate attacked him in the cell.

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 refer the matter to the Office of Internal Affairs for almost four months and the department attorney failed to note relevant dates in CMS.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The misconduct was discovered on November 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 7, 2014, almost four months after the date of discovery.
- 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 documented the deadline for taking disciplinary action, the attorney failed to note the date of the reported incident or the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
There was a substantial delay in referring the matter to the Office of Internal Affairs.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. 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
2013-03-02	14-0424-IR	1. Contraband 2. Driving Under the Influence 3. Drunkenness on Duty 4. Abuse of Sick Leave 5. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On February 3, 2014, an officer allegedly reported to work while under the influence of alcohol. After being arrested for driving onto institutional grounds while under the influence of alcohol, the officer was also allegedly found to be in possession of cigarettes and two lighters. Between March 2, 2013, and January 8, 2014, the officer allegedly abused his sick leave in conjunction with his regular days off.

SOUTH REGION

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 dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board and the appeal was dismissed when the officer failed to appear for the hearing.	
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				
2013-04-01	13-2393-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	<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;">Letter of Instruction</td> <td style="text-align: center;">No Change</td> </tr> </table>	INITIAL	FINAL	Letter of Instruction	No Change
INITIAL	FINAL							
Letter of Instruction	No Change							

Case Type: Administrative Investigation

Incident Summary

On April 1, 2013, an officer allegedly provided inaccurate information on a state employment application and allegedly engaged in secondary employment without prior notification and approval of the hiring authority. A sergeant was allegedly dishonest when he initially stated that he did not sign the application to assist the officer.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department complied with policies and procedures governing the predisciplinary process.	
Disposition	
The hiring authority sustained the allegation against the officer regarding secondary employment but did not sustain the allegations regarding misrepresentation in the employment application. The hiring authority issued a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the allegation against the sergeant. 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				
2013-04-21	14-1620-IR	<ol style="list-style-type: none"> Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained 	<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;">Suspension</td> <td style="text-align: center;">No Penalty Imposed</td> </tr> </table>	INITIAL	FINAL	Suspension	No Penalty Imposed
INITIAL	FINAL							
Suspension	No Penalty Imposed							

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 21, 2013, a lieutenant allegedly placed pictures of partially nude and nude women on a department computer. After a forensic analysis was conducted, it was determined that the pictures were allegedly downloaded by the lieutenant.

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

SOUTH REGION

Disposition

The hiring authority sustained the allegation and imposed a 48-working-day suspension. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. In preparation for the hearing, the department discovered weaknesses in the forensic evidence that made it impossible to prove the allegations; therefore, the hiring authority withdrew the action. The OIG concurred based on the newly discovered weaknesses with the forensic evidence.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-27	13-2106-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Letter of Reprimand	No Change

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On April 27, 2013, an officer allegedly failed to maintain constant, direct observation of an inmate going on contraband surveillance watch and allegedly failed to notice and prevent the inmate from removing several bindles of concealed methamphetamine from his anal cavity and discarding the evidence.

Predisciplinary Assessment

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

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 refer the matter to the Office of Internal Affairs in a timely manner and OIA Central Intake failed to make a timely determination. The hiring authority failed to conduct the investigative findings conference in a timely manner and failed to sustain any allegations, which resulted in the OIG seeking a higher level of review.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on April 27, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 20, 2013, 115 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 20, 2013, but did not take action until September 25, 2013, 36 days after receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 18, 2013. The hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until January 29, 2014, 42 days after receipt of the case.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The initial hiring authority failed to sustain any allegations, which resulted in the OIG seeking a higher level of review.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs, 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 conference in a timely manner.

SOUTH REGION

Disposition

The initial hiring authority did not sustain the allegations against the officer. The OIG disagreed and sought a higher level of review. The new hiring authority agreed with the OIG and sustained the allegation that the officer failed to prevent the inmate from removing the contraband, but not the allegation that the officer failed to maintain constant, direct observation, and imposed a letter of reprimand. The OIG concurred with the new hiring authority's determinations. 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 his appeal and the department agreed to withdraw the action from the official personnel file after 12 months because the disciplinary action would still provide the basis for progressive discipline and there was no modification to the level of penalty. The OIG concurred with the settlement because there was no change in the penalty and the action may still be used as evidence of progressive discipline.

Disciplinary Assessment

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

During the predisciplinary process, the initial hiring authority failed to sustain any allegations, which resulted in the OIG seeking a higher level of review. Once a new hiring authority was appointed, the department's disciplinary process sufficiently complied with policies and procedures.

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?
The employee relations officer did not make any entry into CMS confirming relevant dates.
- Was an executive review invoked to raise an issue to a higher level of management in this case?
The initial hiring authority did not sustain any allegation. The OIG disagreed and sought a higher level of review. The new hiring authority agreed with the OIG and sustained one neglect of duty allegation and imposed a penalty of a letter of reprimand. The OIG concurred with the new hiring authority's determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-02	13-0851-IR	1. Discourteous Treatment 2. Dishonesty 3. Other Failure of Good Behavior 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Resignation in Lieu of Termination

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On May 2, 2013, an off-duty officer was arrested after he was observed by hotel security allegedly kicking a hotel trash can, kicking the inside of an elevator door panel, and throwing items at his girlfriend. The officer also allegedly pushed and punched his girlfriend in the face. The officer was allegedly dishonest to outside law enforcement when he stated that the injuries he received were due to a physical altercation with an unknown group of men outside a casino.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake delayed in taking action on the case, failed to approve a request for investigation into possible dishonesty allegations, and the hiring authority delayed in conducting the findings 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 May 9, 2013, but did not take action until June 19, 2013, 41 days after receipt of the request.

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

OIA Central Intake rejected the hiring authority's request for reconsideration to request an investigation into possible dishonesty. The OIG and the department attorney both agreed with the hiring authority's 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 following a rejection of a request for reconsideration on September 16, 2013. The consultation with the OIG and the department attorney regarding the investigative findings did not occur until December 16, 2013, 91 days after the request for investigation was denied.

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

OIA Central Intake failed to take action on the request for investigation until 41 days after receipt of the case and the hiring authority failed to conduct the investigative findings in a timely manner.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations except the allegation that the officer struck his girlfriend in the face and determined that dismissal was the appropriate penalty. 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 wherein the officer resigned in lieu of termination, agreed to never seek employment with the department again, and withdrew the appeal. The OIG concurred with the settlement as the ultimate goal of separation was achieved.

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 in making the penalty determination and the department attorney failed to provide the hiring authority or the OIG written confirmation of penalty discussions.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority following a rejection of a request for reconsideration on September 16, 2013. The consultation with the OIG and the department attorney regarding the disciplinary determinations did not occur until December 16, 2013, 91 days after the request for investigation was denied.

- 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.

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-13	14-1294-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On July 13, 2013, and September 10, 2013, two parole agents allegedly failed to discover that a parolee should have registered as a sex offender and his supervision transferred to the Sex Offender Unit. Between September 10, 2013, and April 11, 2014, the parole agent's supervisor allegedly failed to properly supervise the parole agents to ensure proper monitoring of the parolee.

Predisciplinary Assessment

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

The department sufficiently complied with predisciplinary policies and procedures.

Disposition

The hiring authority sustained the allegations against one of the parole agents and against the parole agent supervisor. The allegation against the second parole agent was not sustained due to a lack of sufficient evidence. Both the parole agent and parole agent supervisor received salary reductions of 5 percent for six months. The OIG concurred. The parole agent and the parole agent supervisor filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with the parole agent and the parole agent supervisor because both agents were remorseful and took responsibility for their conduct and because conflicting evidence was discovered concerning whether the parolee was subject to global positioning system monitoring. With regard to the parole agent, the department reduced the penalty to a 5 percent salary reduction for three months and the parole agent withdrew his appeal. With regard to the parole agent supervisor, the department reduced the penalty to a 5 percent salary reduction for three months and also agreed to remove the disciplinary action from the parole agent supervisor's official personnel file once the settlement was approved by the State Personnel Board. In exchange, the parole agent supervisor withdrew his appeal. The OIG concurred with the settlements because the agents were remorseful and took responsibility and because of the newly discovered evidence.

Disciplinary Assessment

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

Overall, the disciplinary process sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-16	13-2211-IR	<ol style="list-style-type: none"> Dishonesty Insubordination 	<ol style="list-style-type: none"> Sustained Sustained 	Suspension	No Change

Case Type: Administrative Investigation

Incident Summary

On August 16, 2013, an officer arrived five hours late for his work assignment and was allegedly dishonest when he told his sergeant and lieutenant that his vehicle had sustained two blown-out tires. When ordered to provide a receipt for tire repairs made that day, the officer provided a receipt dated one week prior. Additionally, on July 15, 2014, the same officer was allegedly dishonest during his interview with the Office of Internal Affairs when he denied telling his sergeant and lieutenant that he had two tires blown out.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake delayed in making an initial determination, failed to make an appropriate initial determination regarding the need for an investigation, and rejected the first reconsideration request for an investigation. The Office of Internal Affairs did not complete the investigation until 26 days prior to the deadline for taking disciplinary action and the hiring authority delayed in conducting the initial findings 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 September 6, 2013, but did not take action until October 9, 2013, 33 days after the receipt of the request.
- Did OIA Central Intake make an appropriate initial determination regarding the case?

Despite the OIG's recommendation and significant factual questions regarding the officer's potential dishonesty, OIA Central Intake failed to open the case for a full investigation.
- If the hiring authority submitted a request for reconsideration to OIA Central Intake or to the Chief of OIA, was an appropriate decision made regarding the request?

After the first findings conference, the hiring authority determined more investigation was necessary and requested reconsideration for OIA Central Intake to approve an investigation. OIA Central Intake denied that request. After a second findings conference, the hiring authority found the investigation insufficient and again requested an investigation. With the OIG's intervention, OIA Central Intake finally approved the request for investigation.
- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?

Absent the OIG's recommendation for a full investigation, the second request for reconsideration of this case would not have occurred.
- Was the investigation or subject-only 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 16, 2014. The investigation was completed on July 21, 2014, only 26 days before the deadline to take disciplinary action.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was initially returned to the hiring authority on October 11, 2013, but the initial consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until January 27, 2014, 108 calendar days after receipt of the case.
- Was the predisiplinary/investigative phase conducted with due diligence?

OIA Central Intake delayed in making an initial determination of the case, the hiring authority delayed in making the findings determination, and the Office of Internal Affairs delayed in completing the investigation.

Disposition

The hiring authority sustained the allegations and imposed a 49-working-day-suspension. The OIG did not concur in the penalty determination because dismissal was the appropriate penalty. However, the OIG did not seek a higher level of review because the penalty fell within the department's range of discipline for the findings. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the officer withdrew the appeal in exchange for removal of the disciplinary action from his official personnel file after one year and the ability to immediately bid on new posts. The OIG concurred with the settlement because the penalty was not modified.

Disciplinary Assessment

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

The department's disciplinary process failed to sufficiently comply with policies and procedures. The hiring authority failed to conduct the penalty conference in a timely manner and the employee relations officer failed to make an entry into CMS regarding relevant dates.

SOUTH REGION

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?

The employee relations officer did not make an entry into CMS regarding relevant dates.

- 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 initially returned to the hiring authority on October 11, 2013, but the initial consultation with the OIG regarding the disciplinary determinations did not occur until January 27, 2014, 108 days after receipt of the case.

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

The hiring authority delayed in conducting the initial penalty conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-22	14-0601-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Failure to Report 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

Case Type: **Administrative Investigation**

Incident Summary

On August 22, 2013, an officer allegedly inappropriately touched a ward during a pat-down security search and failed to properly document the force she used as well as the use of force she observed another officer use on the ward. Another officer allegedly observed the inappropriate touching of the ward by the first officer, used force on the ward himself, and failed to report what he witnessed as well as his own use of force.

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.

Assessment Questions

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

The department learned of the misconduct on August 22, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 5, 2014, 167 days after the date of discovery.

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

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

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations. 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
2013-08-24	13-2454-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Use of Controlled Substance 3. Possession of Controlled Substance 4. Sexual Misconduct 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Resignation in Lieu of Termination

Case Type: Administrative Investigation

Incident Summary

On August 24, 2013, an off-duty officer allegedly committed sexual assault, sexual battery, and oral copulation on a private citizen. The officer also allegedly possessed and used methamphetamine. Additionally, the officer was allegedly dishonest to his supervisor and to the Office of Internal Affairs during his investigative interview.

Predisciplinary Assessment

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

The department failed to sufficiently comply with predisciplinary policies and procedures because the hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on August 27, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 31, 2013, 65 days after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer in which the officer agreed to resign in lieu of dismissal, agreed to not seek future employment with the department, and agreed to withdraw the appeal. The OIG concurred because it ensured the officer would no longer work for 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
2013-09-01	13-2656-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 	Salary Reduction	No Penalty Imposed

Case Type: Direct Action (No Subject Interview)

Incident Summary

On September 1, 2013, a sergeant allegedly grabbed an inmate's arm and tightly squeezed it, causing her to fall to the ground, when no imminent threat existed.

Predisciplinary Assessment

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

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 failed to timely conduct the findings conference. OIA Central Intake failed to open the case for a full investigation.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 2, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 18, 2013, 77 days after the date of discovery.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
The OIG recommended that OIA Central Intake open an investigation given the inconsistencies with the various accounts of the incident and to explore what the sergeant said to the inmate during the incident. OIA Central Intake denied the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on December 12, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until April 16, 2014, 125 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and delayed conducting the findings conference.

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 sergeant filed an appeal with the State Personnel Board. At the hearing, the department's representative failed to establish that the sergeant's act of taking hold of the inmate's arm constituted a use of force. The State Personnel Board revoked the action, finding that the sergeant's conduct did not constitute a use of force and assuming force was used, the sergeant's light grasp on the inmate's arm did not constitute a departmental policy violation.

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 document the assessment of the deadline to take disciplinary action and the hiring authority failed to conduct the penalty conference in a timely manner.

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, 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 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, 2013; however, the consultation with the OIG regarding disciplinary determinations did not occur until April 16, 2014, 125 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed conducting the disciplinary conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
2013-09-04	14-1354-IR	1. Dishonesty	1. Sustained	INITIAL Dismissal	FINAL Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 4, 2013, an officer allegedly submitted false written information to support a claim for three days of bereavement leave in conjunction with his regular days off.

SOUTH REGION

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 because there was an eight month delay in referring the matter to the Office of Internal Affairs.

Assessment Questions

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

The department learned of the misconduct on September 12, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 20, 2014, a delay of eight months.

- 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 sustained the allegation and served the officer with a notice of dismissal. The OIG concurred. The officer presented additional information at a *Skelly* hearing which tended to mitigate the misconduct. At the *Skelly* hearing, the officer submitted proof that he took the leave related to the death of a family member although it was a different family member and location than he initially identified. The department and officer entered into a settlement agreement whereby the penalty was reduced to a salary reduction of 10 percent for 24 months and the officer agreed not to appeal. The OIG agreed because the information confirmed his proper use of bereavement leave and the penalty appropriately addressed the remaining misconduct.

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
2013-09-06	14-0244-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Suspension	Modified Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

On September 6, 2013, a facility was on a modified program requiring all inmate movement to be under escort, in restraints, and separated by race. Two floor officers and one control booth officer allegedly violated the modified program orders by allowing two inmates of different races to be unrestrained and unescorted inside a housing unit. As a result, one of the inmates attacked the other inmate. One of the three officers stopped the attack and allegedly returned the two inmates to their respective cells without activating his alarm or reporting the incident. All of the officers allegedly failed to prepare written reports, failed to report their own misconduct, and failed to report the misconduct of the other officers.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department's predisciplinary process did not sufficiently comply with policies and procedures. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to timely complete the investigation.

SOUTH REGION

Assessment Questions

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

The misconduct was discovered on September 16, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until December 26, 2013, 101 days later.

- Was the investigation or subject-only 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 and submitted to the hiring authority on August 18, 2014; however, the deadline for taking disciplinary action was September 16, 2014, only 29 days later.

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

The hiring authority did not timely refer the matter for investigation and the investigation was not completed timely.

Disposition

The hiring authority sustained all of the allegations against each of the three officers except for the allegation that they failed to write reports. One floor officer received a 60-working-day suspension that took into consideration his prior sustained disciplinary actions. The second floor officer received a salary reduction of 10 percent for 18 months. The control booth officer received a salary reduction of 5 percent for 36 months. The OIG concurred. At the *Skelly* hearing for the three officers, the hiring authority learned that shortly after the incident, the officers were asked by their lieutenant about what had occurred and they were all forthcoming about the incident. The officers were remorseful and took responsibility for their misconduct. Due to this mitigating information, the department entered into settlement agreements with each of the officers. The officers all agreed not to file appeals and in exchange, the department reduced each of the penalties to a salary reduction of 5 percent for 12 months. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-06	14-1063-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Letter of Instruction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 6, 2013, a captain and lieutenant allegedly failed to review records of an inmate's single-cell status before authorizing a cell extraction and use of force, after the inmate refused to accept a cellmate. Allegedly, a review of the records would have avoided the cell extraction and use of force.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the predisciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs.

Assessment Questions

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

The department learned of the misconduct on December 8, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 27, 2014, 109 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.

SOUTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the lieutenant and imposed a 5 percent salary reduction for three months. The hiring authority determined there was insufficient evidence to sustain the allegation against the captain. The OIG concurred with the hiring authority's determinations. At the *Skelly* hearing and later when the case was being prepared for a hearing, it was discovered that the lieutenant was told to proceed with the cell extraction after reviewing information indicating the inmate was on single-cell status. Due to this mitigating information, the hiring authority elected to withdraw the disciplinary action and instead issued a letter of instruction. The OIG concurred with the hiring authority's determination based on the factors learned at and after the *Skelly* hearing. An associate warden was also counseled and received 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
2013-09-27	14-0755-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 27, 2013, a sergeant allegedly failed to notify a watch commander prior to executing a controlled use of force and failed to have the incident videotaped.

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 failed to timely conduct the investigative findings conference. The department attorney failed to make appropriate entries into CMS regarding relevant dates.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 27, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 27, 2014, 153 days after the date of discovery.
- 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 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 March 28, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 29, 2014, 32 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed submitting the case to the Office of Internal Affairs and conducting the investigative findings conference.

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 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 sergeant was allowed the return of his post and bid. In exchange, the sergeant agreed to withdraw his appeal. The OIG concurred because the settlement terms did not alter the penalty.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department's disciplinary process did not sufficiently comply with policies and procedures. The hiring authority failed to timely consult with the OIG and department attorney regarding the disciplinary determinations and the department attorney failed to provide the OIG a draft of the pre-hearing settlement conference statement prior to it being filed.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on March 28, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until April 29, 2014, 32 calendar days 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 department attorney did not provide the OIG with a draft of the pre-hearing settlement conference statement.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely consult with the OIG and department attorney regarding the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-01	14-0596-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

Between October 2013 and November 2013, an officer allegedly failed to complete inmate worker timecards. On November 30, 2013, the officer allegedly falsely told his supervisor that he had taken inmate worker timecards home.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

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 the Office of Internal Affairs failed to allege dishonesty until the OIG intervened.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on November 30, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 18, 2014, 80 days after the date of discovery.
- Did OIA Central Intake make an appropriate initial determination regarding the case?
OIA Central Intake initially failed to include a dishonesty allegation and only added the allegation after the OIG intervened.
- 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 determination.

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
2013-10-19	14-0800-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Suspension	No Penalty Imposed

Case Type: Direct Action (No Subject Interview)

Incident Summary

On October 19, 2013, a lieutenant allegedly failed to talk with an inmate who refused to exit her cell. He also allegedly failed to assemble the appropriate cell extraction team and authorized an emergency cell extraction without assessing whether an emergency existed.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the predisciplinary process. The department failed to timely refer the matter to the Office of Internal Affairs.	

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 17, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 12, 2014, 85 days 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.

Disposition

The hiring authority determined there was sufficient evidence to sustain allegations that the lieutenant failed to talk with the inmate and failed to properly prepare for the controlled cell extraction but did not find that he failed to assess whether there was an emergency. The lieutenant received a three-working-day suspension. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Prior to the hearing date, the department discovered new information that the lieutenant had in fact attempted to talk with the inmate prior to initiating the cell extraction and that the inmate's condition rapidly deteriorated, requiring an emergency cell extraction as the extraction team was being assembled. Based on the newly discovered information, the department withdrew the action. The OIG concurred based upon the new 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	FINAL
2013-11-07	14-0242-IR	1. Sexual Misconduct	1. Unfounded	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary

On November 7, 2013, an officer allegedly asked an inmate to see the inmate's breasts.

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

SOUTH REGION

Disposition

The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred with the hiring authority's determination. Additionally, during the findings conference, the OIG expressed concern that during the investigation, a sergeant may have failed to keep the matter confidential and another sergeant may have failed to take action upon learning the matters were not kept confidential. The hiring authority provided training to both sergeants.

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
2013-11-08	14-0196-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Failure to Report 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Letter of Instruction	No Change

Case Type: **Administrative Investigation**

Incident Summary

On November 8, 2013, three officers allegedly left their assigned posts, sat in a room with the lights off while on duty, and failed to conduct multiple inmate counts. The first officer also allegedly entered unverified counts into the department's computer system for the other two officers and provided his computer password to another officer. The second and third officers allegedly allowed the first officer to enter their unverified counts into the department's computer system. A fourth officer allegedly submitted an unverified count. A sergeant allegedly failed to conduct a tour of units under his supervision and allegedly allowed a fifth officer to conduct those tours for him. The fifth officer allegedly conducted the tours and initialed log books and tool inventories in place of the sergeant. A supervising registered nurse allegedly observed the first and second officers sitting in a room with lights off while the officers were on duty but failed to report their misconduct.

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 OIA Central Intake failed to timely take action on the case.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 9, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 10, 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 December 10, 2013, but did not take action until January 15, 2014, 36 days after the receipt of the request.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs and OIA Central Intake delayed in taking action on the matter.

Disposition

The hiring authority for the officers determined there was insufficient evidence to sustain the allegations against any of the officers. The hiring authority determined there was sufficient evidence to sustain the allegation against the sergeant and issued a letter of instruction. The OIG concurred with the hiring authority's determinations. The hiring authority for the supervising registered nurse determined there was insufficient evidence to sustain the allegations. The OIG concurred.

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-08	14-0916-IR	<ol style="list-style-type: none"> 1. Contraband 2. Discourteous Treatment 3. Over-Familiarity 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

From November 8, 2013, through December 6, 2013, a youth counselor allegedly made sexual comments to a ward. On December 6, 2013, the youth counselor allegedly provided the ward with an unauthorized digital disc and later harassed the ward when he stood outside her cell door and stared at her.

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.

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 24, 2014, 103 days after the date of discovery.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority did not timely refer the case for investigation.

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
2013-12-11	14-0422-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

Case Type: **Administrative Investigation**

Incident Summary

On December 11, 2013, two officers allegedly used unreasonable force when they punched two inmates and took the inmates to the ground. A sergeant and an officer who saw the incident allegedly failed to report the two officers' unreasonable 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 there was insufficient to sustain the allegations. The OIG concurred.

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-01	14-1815-IR	<ol style="list-style-type: none"> Misuse of State Equipment or Property Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

From January 1, 2014, to May 20, 2014, a sergeant allegedly violated the department's computer use agreement by visiting restricted and unauthorized websites during work hours. Additionally, from March 27, 2014, to May 20, 2014, the sergeant allegedly violated the same agreement by possessing and looking at thousands of pornographic photographs during work hours.

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 and imposed a 5 percent salary reduction for ten months. The OIG concurred. The sergeant 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
2014-01-19	14-0751-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Not Sustained 	Counseling	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 19, 2014, an officer was allegedly involved in a physical altercation with his girlfriend. The officer was subsequently arrested for domestic violence and was convicted of disturbing the peace.

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

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations but provided the officer counseling about expectations for interactions with outside law enforcement. The OIG concurred.

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-27	14-0752-IR	1. Neglect of Duty	1. Sustained	Dismissal	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On January 27, 2014, an officer allegedly improperly opened an inmate's cell door and allowed the inmate to run from his cell without being handcuffed or under escort.

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. In a separate case involving the same officer, the hiring authority sustained allegations that the officer reported to work under the influence of alcohol, brought cigarettes and two lighters onto prison grounds, and abused his sick leave over a period of almost a year. The hiring authority combined the disciplinary actions and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board which was dismissed when the officer failed to appear for the hearing.

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
2014-01-28	14-0753-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On January 28, 2014, an officer allegedly placed his right hand on an inmate's arm and grabbed the front of the inmate's jumpsuit when the officer believed the inmate was possibly reaching for a weapon that was hidden in a magazine. However, the magazine was not within the inmate's reach at the time force was used.

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 and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. During the pre-hearing settlement conference, the officer took responsibility for his actions and showed remorse for his actions. Based on these mitigating factors, the hiring authority agreed to reduce the penalty to a 5 percent salary reduction for five months. The OIG concurred because of the new mitigating information and the reduction in penalty was not significant.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to conduct the disciplinary determinations in a timely manner, failed to serve the disciplinary action within 30 days of the decision to take disciplinary action, failed to timely complete or provide the OIG with the CDC Form 3021, and failed to notify the OIG of the *Skelly* hearing.

SOUTH REGION

Assessment Questions

- Did the employee relations officer make an entry into CMS prior to the findings and penalty conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, any exceptions to the deadline known at the time?

The employee relations officer did not make any entries into CMS regarding relevant dates.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on March 19, 2014; however, the consultation with the OIG regarding the disciplinary determinations did not occur until April 28, 2014, 40 days after receipt of the case.
- If there was a Skelly hearing, was it conducted pursuant to DOM?

The department failed to notify the OIG of the Skelly hearing.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?

The employee relations officer did not timely complete or provide the OIG with the CDC Form 3021.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

After the penalty conference, the employee relations officer failed to respond to repeated requests from the OIG about the date of service of the disciplinary action. Additionally, the employee relations officer failed to communicate with the OIG regarding the Skelly hearing.
- 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 timely confirmation of service of the disciplinary action and failed to inform the OIG of the Skelly hearing.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the disciplinary determinations in a timely manner. Additionally, the department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action, in violation of departmental policy. The penalty conference was held on April 28, 2014; however, the disciplinary action was not served until June 5, 2014, 38 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-31	14-1059-IR	<ol style="list-style-type: none"> Intoxication - Driving Under the Influence Misuse of Authority Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 31, 2014, a sergeant was arrested after he allegedly drove while under the influence of alcohol and identified himself as an officer with the department in an attempt to garner favor with outside law enforcement. The sergeant also allegedly failed to report his arrest.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. The sergeant filed an appeal with the State Personnel Board; however, he subsequently withdrew the appeal because he was no longer eligible to continue his employment with the department due to a firearms restriction which rendered him unable to meet the minimum requirements of the job.

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-01	14-1065-IR	<ol style="list-style-type: none"> Threat and Intimidation Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Change

Case Type: Administrative Investigation

Incident Summary

Between February 2014 and March 2014, an officer allegedly failed to provide inmates with access to food, mental health treatment, education services, law library, and the inmate appeals system, and allegedly harassed the inmates and threatened them with reprisals if they reported his misconduct. On February 14, 2014, the officer allegedly used unreasonable force on an inmate when he tackled an inmate to the ground and punched the inmate in the face.

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

Disposition

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-21	14-0750-IR	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Suspension	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary

On February 21, 2014, an officer was arrested after he allegedly discharged eight rounds from his personal firearm into the grass outside his estranged wife's residence. The officer also allegedly failed to report his arrest to the hiring authority.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The hiring authority failed to comply with policies and procedures governing the predisciplinary process. The hiring authority delayed in conducting the findings 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 March 12, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until May 19, 2014, 68 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority failed to conduct the investigative findings in a timely manner.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined that a 48-working-day suspension was the appropriate penalty. The OIG concurred. The department attorney did not agree with the hiring authority's penalty determination and sought a higher level of review. The hiring authority's supervisor determined that the hiring authority's penalty determination was appropriate. 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 in conducting the penalty conference. The department attorney failed to provide appropriate legal consultation to the hiring authority regarding the penalty and failed to provide written confirmation of penalty discussions.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on March 12, 2014; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until May 19, 2014, 68 days after receipt of the case.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney recommended dismissal of the employee, which was not consistent with departmental policy.
- 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 an executive review invoked to raise an issue to a higher level of management in this case?
The department attorney recommended that the officer be dismissed and invoked a higher level of review when the hiring authority elected to impose a 48-working-day suspension. Following the higher level of review, the hiring authority's supervisor determined that dismissal was not the appropriate penalty and returned the case to the hiring authority who imposed the 48-working-day suspension.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-01	14-0915-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On March 1, 2014, an off-duty officer allegedly grabbed, punched, and threw his four-year-old son into the back of the officer's vehicle while yelling at the child. The officer was arrested by outside law enforcement for child endangerment.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. The hiring authority delayed the findings conference to allow the department attorney to contact several percipient witnesses to help assess the merits of the case. The department attorney failed to timely contact the witnesses, thereby delaying the findings conference by 84 days.

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 case on April 15, 2014, but did not make a final decision concerning investigative findings until August 5, 2014, 112 days later. The matter was originally delayed from May 13, 2014, to allow the department attorney to contact percipient witnesses; however, the contact was not timely, resulting in a delay of 84 days.
- Was the predisciplinary/investigative phase conducted with due diligence?
The department failed to conduct the findings conference in a timely manner.

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
2014-03-15	14-1061-IR	1. Intoxication - Driving Under the Influence 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 15, 2014, an officer was arrested by outside law enforcement after she allegedly physically attacked her ex-boyfriend, threw him to the ground, and then drove while under the influence of alcohol.

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 and imposed a 10 percent salary reduction for 24 months. The OIG concurred. At the *Skelly* hearing, the officer expressed remorse for her actions and stated she was taking alcohol rehabilitation courses to help treat her addiction. Due to this mitigating information, the hiring authority sought a settlement of the matter with a reduced penalty. While negotiations for settlement were pending, the officer filed an appeal with the State Personnel Board. Prior to the hearing, the officer and the department entered into a settlement agreement wherein the penalty was reduced to a 10 percent salary reduction for 18 months and the officer agreed to withdraw her appeal. The OIG concurred with the hiring authority's decision based on the factors learned at the *Skelly* hearing.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department's disciplinary process failed to sufficiently comply with policies and procedures. The department attorney failed to provide appropriate legal advice to the hiring authority, failed to provide the hiring authority and the OIG with written confirmation of the penalty discussions, and failed to include all necessary evidence in the draft pre-hearing settlement conference statement. Additionally, the department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action, in violation of departmental policy.

Assessment Questions
<ul style="list-style-type: none"> Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations? <i>The department attorney incorrectly advised the hiring authority that the facts did not constitute domestic violence under the department's policies and procedures because no physical injury occurred.</i> Did the department attorney provide to the HA and OIG written confirmation of penalty discussions? <i>The department attorney did not provide written confirmation of penalty discussions to the OIG or hiring authority.</i> Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues? <i>A draft was provided to the OIG but it failed to include pictures taken by outside law enforcement for its criminal report and investigation. The OIG recommended the department attorney obtain this evidence and include it in the pre-hearing settlement conference statement. The department attorney agreed with the recommendation and included reference to the photographs in the pre-hearing settlement conference statement filed with the State Personnel Board.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The penalty conference was held on June 2, 2014; however, the disciplinary action was not served until August 4, 2014, 63 days later, in violation of departmental policy.</i>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-15	14-1624-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Case Type: Direct Action (No Subject Interview)

Incident Summary
On March 15, 2014, a sergeant allegedly failed to summon medical assistance to initiate life-saving measures for an inmate who appeared to have stopped breathing after being sprayed with pepper spray.

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 make an appropriate initial determination regarding the need for investigation and the hiring authority delayed in conducting the findings conference.

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
Despite the recommendations of the OIG, OIA Central Intake failed to open the case for a full investigation despite significant factual differences in the reports of the involved staff and the potential for dishonesty.
- 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 3, 2014; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until September 2, 2014, 61 calendar days after receipt of the case.
- Was the predisciplinary/investigative phase conducted with due diligence?
The hiring authority delayed in consulting with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

Disposition

The hiring authority determined there was insufficient evidence to sustain the 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
2014-03-17	14-1165-IR	1. Failure to Report Use of Force	1. Sustained	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On March 17, 2014, an officer allegedly failed to report the force he used when he grabbed an inmate's arm to pull her off of another inmate during a fight.

Predisciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to approve a request for a full investigation.

Assessment Questions

- If the hiring authority submitted a request for reconsideration to OIA Central Intake or to the Chief of OIA, was an appropriate decision made regarding the request?
The hiring authority requested reconsideration to open an investigation and the OIG agreed; however, OIA Central Intake did not approve the request.

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. Before discipline could be imposed, the officer retired from the department. A letter was placed in his official personnel file indicating that he retired under adverse circumstances.

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
2014-03-19	14-1458-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. Sustained 2. Not Sustained 	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On March 19, 2014, an officer allegedly pushed a wheelchair-bound inmate who was dragging his feet on the ground in an attempt to resist being pushed and allegedly failed to report the force used in pushing the wheelchair.

Predisciplinary Assessment

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

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

Assessment Questions

- Was the matter referred to OIA within 45 calendar days of the date of discovery?
The hiring authority learned of the misconduct on March 22, 2014, but did not refer the matter to the Office of Internal Affairs until May 30, 2014, 69 days 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.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the officer failed to report his use of force and imposed a 5 percent salary reduction for three months, but found insufficient evidence to sustain the allegation that the officer used unreasonable force. 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
2014-04-09	14-1107-IR	<ol style="list-style-type: none"> 1. Over-Familiarity 	<ol style="list-style-type: none"> 1. Unfounded 	No Penalty Imposed	No Change

Case Type: **Administrative Investigation**

Incident Summary

On April 9, 2014, a parole agent allegedly communicated on a social networking site with a parolee he was supervising and a woman the parolee was harassing.

Predisciplinary Assessment

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

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

Disposition

The hiring authority determined that the investigation conclusively proved the misconduct did not occur because the parole agent was using the social networking site to monitor the actions of the parolee and no departmental policy prohibits parole agents from using social networking as a supervision tool. The OIG concurred.

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-22	14-1417-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Resignation in Lieu of Termination

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 22, 2014, an officer was allegedly dishonest to a sergeant when he denied using pepper spray to stop inmates from fighting. The same officer allegedly failed to report his force until ordered to do so by a supervisor and failed to timely submit his written report.

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations regarding dishonesty and failure to report but found insufficient evidence to sustain the allegation that the officer did not timely write his report. The hiring authority determined that the appropriate penalty was dismissal. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. During the pre-hearing settlement conference, the department entered into a settlement agreement whereby the officer withdrew his appeal and resigned in lieu of termination. The OIG concurred with the settlement as it accomplished the ultimate goal of ending the officer's employment with the department.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-17	14-1625-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

Case Type: Direct Action (No Subject Interview)

Incident Summary

On May 17, 2014, an off-duty sergeant was arrested by outside law enforcement after he allegedly verbally and physically fought with his wife.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the predisciplinary process. OIA Central Intake failed to make an appropriate determination regarding the hiring authority's request for reconsideration and the hiring authority failed to make an appropriate finding regarding the sufficiency of the evidence.	

SOUTH REGION

Assessment Questions

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

The hiring authority requested an investigation in order to obtain information from witnesses concerning the altercation between the sergeant and his wife. However, OIA Central Intake denied the request and directed the hiring authority to conduct additional inquiry utilizing the institution's resources to obtain the information sought.

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

Although there was a lack of evidence concerning whether a physical altercation occurred, there was sufficient evidence that the sergeant was involved in a verbal dispute with his wife that resulted in his arrest.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG did not concur with the hiring authority's determination but did not seek a higher level of review because the OIG agreed in part with the hiring authority's finding and the finding was reasonable.

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
2014-06-13	14-2065-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Insubordination 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Salary Reduction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 13, 2014, a lieutenant responded to the cell of an inmate who was refusing an order to transfer to another institution. The lieutenant entered the cell in an attempt to persuade the inmate to cooperate and the inmate began punching and kicking the lieutenant and other custody staff. The lieutenant allegedly violated policy by entering the cell of an uncooperative inmate rather than initiating a controlled cell extraction. Additionally, the lieutenant allegedly failed to report his use of force as well as the force he observed others use. Finally, the lieutenant allegedly failed to submit a report after the chief deputy warden ordered him to do so.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained all of the allegations and determined a salary reduction of 10 percent for 24 months was the appropriate penalty. The OIG concurred. However, prior to completion of the disciplinary process, the lieutenant retired. Therefore, disciplinary action was not taken. A letter indicating the lieutenant retired under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-23	14-2019-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Letter of Instruction	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 23, 2014, an officer was allegedly negligent in the handling of a .38 revolver when he placed the loaded firearm in a holster in a careless manner which caused the hammer to be pulled back in the ready position. Further, the officer was allegedly negligent when he attempted to reset the hammer and instead discharged the firearm inside the armory.

Predisciplinary Assessment

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

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

Disposition

The hiring authority found sufficient evidence to sustain the allegation that the officer was negligent in the way he holstered the firearm causing the hammer to be pulled back into the ready position and issued a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the remaining allegation. Due to a lack of clear policy concerning gun safety in the armory, the OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-27	14-2162-IR	<ol style="list-style-type: none"> Dishonesty Insubordination Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Suspension	Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 27, 2014, an officer allegedly failed to return to his assigned post as instructed by a supervisor, abandoned his assignment, and departed the institution before his shift ended. In addition, the officer allegedly falsified a Fair Labor Standards Act form by reporting he worked until the end of his shift.

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 imposed a 60-working-day suspension without pay. The OIG concurred. After a *Skelly* hearing, the department entered into a settlement agreement that reduced the penalty to a salary reduction of 10 percent for 24 months and the officer agreed not to file an appeal with the State Personnel Board. The OIG did not concur because there was no change in circumstances justifying the penalty reduction. However, the terms of the settlement did not merit a higher level of review because the penalty remained within the range of the department's disciplinary guidelines.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. There were no changed circumstances, flaws, or risks in the case that would justify the penalty reduction agreed to following the *Skelly* hearing.

SOUTH REGION

Assessment Questions

- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur in the settlement because there were no changed circumstances, flaws, or risks in the case not considered or known at the time the disciplinary action was prepared.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-05	14-2302-IR	<ol style="list-style-type: none"> Code of Silence Contraband Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Case Type: **Administrative Investigation**

Incident Summary

On August 5, 2014, a sergeant allegedly brought an inmate a mobile phone, food, candy, and hygiene products, and gave the inmate a romantic card. The sergeant also allegedly spoke to the inmate on the mobile phone multiple times per day, sent the inmate naked pictures of herself, and engaged in sexual activity with the inmate through a live-streaming video application. Additionally, the sergeant allegedly maintained contact with the inmate's family. When a coworker became aware of the relationship, the sergeant allegedly attempted to prevent the coworker from reporting her misconduct.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the sergeant resigned before disciplinary action could be imposed. A letter indicating the sergeant 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 governing the disciplinary process.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-09-06	14-2380-IR	<ol style="list-style-type: none"> Misuse of State Equipment or Property Over-Familiarity Sexual Misconduct 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 6, 2014, an off-duty parole agent allegedly drove his assigned state vehicle to a parolee's house on a weekend, picked up the parolee, and took the parolee to the parole agent's house. While at the parole agent's house, the parole agent allegedly made sexually suggestive comments to the parolee and touched the parolee's body.

Predisciplinary Assessment

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

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

SOUTH REGION

Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the parole agent retired prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the parole agent retired under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

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

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



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STATE OF CALIFORNIA
March 2015