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# OIG | OFFICE *of the* INSPECTOR GENERAL

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Independent Prison Oversight

December 2025

Monitoring Internal Investigations, Staff  
Misconduct Complaint Investigations,  
and the Employee Disciplinary Process  
of the California Department  
of Corrections and  
Rehabilitation

*Semiannual Report  
January–June 2025*



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December 3, 2025

The Governor of California  
President pro Tempore of the Senate  
Speaker of the Assembly  
State Capitol  
Sacramento, California

Dear Governor and Legislative Leaders:

Enclosed find the Office of the Inspector General's report titled *Monitoring Internal Investigations, Staff Misconduct Complaint Investigations, and the Employee Disciplinary Process of the California Department of Corrections and Rehabilitation*. This is our 41st semiannual report, issued pursuant to California Penal Code section 6126 (a) et seq., which summarizes the department's performance in conducting internal investigations into allegations of staff misconduct and handling the employee disciplinary process in cases that we monitored and closed from January 1, 2025, through June 30, 2025.

We assessed the overall performance of the three entities within the department responsible for conducting internal investigations and managing the employee disciplinary process: hiring authorities (such as prison wardens), the Office of Internal Affairs, and department attorneys. We used three performance indicators, one for each entity, to determine the department's overall performance rating for each case. The OIG's assessment is based on the department's adherence to laws, its own policies, and the OIG's opinion of what constituted sound investigative practice and appropriate disciplinary processes and outcomes.

We introduced a new ratings system during this reporting period. Instead of rating each entity's performance as *sufficient*, *sufficient with recommendations*, or *insufficient*, we rated each entity as *adequate*, *improvement needed*, or *inadequate*.

We have also internally merged our team that monitors cases referred by hiring authorities to the traditional section of the Office of Internal Affairs, with our team that monitors cases involving allegations of staff misconduct raised by incarcerated people that are routed by the Centralized Screening Team to the Allegation Investigation Unit. Our combined team consists of skilled attorneys with a broad range of experience in a variety of legal disciplines including employment law, criminal law, administrative law, and civil law. Starting with this report, we will summarize our monitoring activities for administrative disciplinary cases, criminal cases, and investigations that originated with a complaint against staff in a single report.



Of the 199 administrative disciplinary and criminal cases we monitored and closed, we rated the department's overall performance *adequate* in 28 cases, *improvement needed* in 85 cases, and *inadequate* in 86 cases.

Of the 89 staff misconduct complaint cases we monitored and closed, we rated the department's overall performance *adequate* in 10 cases, *improvement needed* in 31 cases, and *inadequate* in 48 cases. The OIG found the performance of hiring authorities *inadequate* in 32 of 88 cases, or 36 percent (one of the 89 cases was concluded without being submitted to the hiring authority for a decision).

This report also discusses the risks the department faces with its volume of cases currently pending with the Allegation Investigation Unit. As of June 30, 2025, this unit had more than 10,000 open investigations and was opening new investigations at a much faster rate than it was completing investigations. This disparity created a backlog of investigations that the department could not complete within the one-year statute of limitations for the department to take disciplinary action against peace officers who engaged in misconduct. The problem is exacerbated by the department's practice of performing duplicative investigations when more than one person reports or complains about the same misconduct.

To its credit, the department has been transparent about its backlog of investigations and appears to be taking the matter very seriously. This report describes several processes and proposed fixes the department is in the process of testing and implementing to both reduce the backlog of open investigations and expedite its investigative process.

Finally, the report also presents some preliminary data regarding the department's Centralized Allegation Resolution Unit—a new unit staffed with independent hiring authorities responsible for reviewing investigative reports from the Allegation Investigation Unit and making disciplinary findings. Early data regarding this new unit's performance appears to show improvements in the thoroughness and timeliness with which hiring authorities are reviewing investigative reports and making disciplinary decisions, as well as an increase of allegations of misconduct being sustained.

We encourage feedback from our readers and strive to publish reports that not only meet our statutory mandates but also offer concerned parties a tool for improvement. For more information about the Office of the Inspector General, including all our published reports, please visit our website at [www.oig.ca.gov](http://www.oig.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Amarik K. Singh".

Amarik K. Singh  
Inspector General

# Contents

<b>Illustrations</b>	<b>v</b>
<b>Introduction</b>	<b>1</b>
<b>The Department’s Investigative and Disciplinary Process</b>	<b>3</b>
<b>Assessing Departmental Stakeholders</b>	<b>7</b>
<b>Summary</b>	<b>9</b>
<b>The Hiring Authority</b>	<b>11</b>
Hiring Authorities Delayed the Investigative and Disciplinary Process in Most Cases	13
Hiring Authorities Made Poor Decisions Regarding Investigative and Disciplinary Findings	16
The OIG Invoked Executive Review in Nine Cases This Reporting Period	21
<b>The Office of Internal Affairs</b>	<b>27</b>
Delays During the Investigative Process Contributed to Negative Assessments of the Office of Internal Affairs	29
The Office of Internal Affairs Could Improve the Thoroughness of Their Investigations by Properly Consulting With Stakeholders During the Investigative Process	31
The Allegation Investigation Unit Unnecessarily Increased Investigators’ Caseloads by Creating Additional and Duplicative Investigations and Splitting Related Allegations into Separate Investigations	34
<b>The Employment Advocacy and Prosecution Team</b>	<b>41</b>
Vertical Advocates Frequently Delayed the Disciplinary Process	43
We Frequently Disagreed With the Recommendations the Department Attorneys Provided to Hiring Authorities	45
Vertical Advocates Prosecuted More Disciplinary Cases Than in the Last Reporting Period, but Demonstrated Some Room for Improvement	47
<b>Initial Data Shows Regional Hiring Authorities Within the Department’s New Centralized Allegation Resolution Unit Are Reviewing Investigations In a More Thorough and Timely Manner</b>	<b>49</b>

<b>During This Reporting Period, the OIG Monitored Investigations Opened in Response to a Lawsuit Filed by Formerly Incarcerated People Alleging Sexual Assault, Harassment, and Misconduct at Women’s Prisons</b>	<b>53</b>
The OIG Found the Office of Legal Affairs Significantly Delayed Referring Matters to the Office of Internal Affairs for Investigation	54
<b>Conclusion</b>	<b>57</b>

# Illustrations

## **Figures**

1. Descriptions of Possible Disciplinary Findings	5
2. Types of Cases the OIG Monitored and Closed From January 2025 Through June 2025	10
3. Time Line of CARU Proliferation at Prisons	50
4. Investigations Received and Returned	51
5. Allegations Addressed	51

## **Tables**

1. Overall Performance Ratings by Case Type	10
2. Hiring Authority Performance Ratings	12
3. Office of Internal Affairs Performance Ratings	28
4. Department Attorney Performance Ratings	42

## **Graphics**

The OIG's Mandates	vi
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LADY JUSTICE

## The Inspector General

shall be responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of the Department of Corrections and Rehabilitation, pursuant to Section 6133 under policies to be developed by the **Inspector General**.

*(California Penal Code section 6126(a))*

The **Office of the Inspector General** shall be responsible for contemporaneous public oversight of the Department of Corrections and Rehabilitation investigations conducted by the Department of Corrections and Rehabilitation's Office of Internal Affairs. . . . The **Office of the Inspector General** shall also be responsible for advising the public regarding the adequacy of each investigation, and whether discipline of the subject of the investigation is warranted.

*(California Penal Code section 6133(a))*

The **Office of the Inspector General** shall also issue regular reports, no less than semiannually, summarizing its oversight of Office of Internal Affairs investigations pursuant to subdivision (a).

*(California Penal Code section 6133(b)(1))*

— State of California  
Excerpted from Penal Code sections



## Introduction

California Penal Code sections 6126 and 6133 mandate that the Office of the Inspector General (the OIG) provide oversight of the California Department of Corrections and Rehabilitation's (the department's) investigations. Section 6126 (i) also directs that we “provide contemporaneous oversight of grievances that fall within the department's process for reviewing and investigating inmate allegations of staff misconduct and other specialty grievances, examining compliance with regulations, department policy, and best practices.”

Our office monitors internal affairs investigations, both criminal and administrative, as well as any disciplinary processes the department initiates in cases where misconduct is found to have occurred. The department also has a process by which an incarcerated person, a parolee, or any third party can submit an allegation of staff misconduct to the department for review and handling. Experienced OIG attorneys with diverse legal backgrounds, such as in administrative law, criminal prosecution and defense, and civil litigation, monitor all these processes. In doing so, our attorneys assess the performance of three entities (the hiring authority, the Office of Internal Affairs, and the department attorney) involved in the inception of a case, when an investigation is launched, and in the disciplinary phase, when a case is concluded.

Providing valuable, real-time feedback and recommendations to the department, OIG attorneys evaluate whether investigators conduct thorough and timely investigations, whether department attorneys provide appropriate advice to investigators and hiring authorities and effectively litigate disciplinary actions, and whether hiring authorities make reasonable decisions about investigative findings, choose appropriate penalties, and reach appropriate settlement agreements.

California Penal Code section 6133 (a) requires that our office advise the public about the adequacy of the department's internal affairs investigations we monitor and whether discipline in those cases was warranted. The mandate requires that we issue regular reports, no less than semiannually, summarizing our oversight of the department's Office of Internal Affairs' investigations. We satisfy these statutory requirements by publishing our discipline monitoring reports twice a year.

This report covers the OIG's monitoring and assessment of its administrative employee disciplinary cases, including those originating from staff misconduct complaints and criminal investigations we assessed between January 1, 2025, and June 30, 2025. In addition, each month we publish our findings on our website as they pertain to individual cases. These findings and assessments can be found at [www.oig.ca.gov](http://www.oig.ca.gov) by accessing the **Data Explorer** tab, followed by **Case Summaries**.

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## The Department's Investigative and Disciplinary Process

The department's investigative process begins when the department discovers allegations of employee misconduct. There are two main ways in which the department discovers allegations of misconduct. First, the hiring authority can discover potential misconduct after reviewing incidents that occur at their facility or in the field, from other staff who report misconduct, or from contact with outside law enforcement. If a hiring authority discovers an allegation of employee misconduct and determines there is a reasonable belief that misconduct occurred, the hiring authority must refer the allegations to the traditional section of the Office of Internal Affairs for review. Second, any individual can make an allegation of staff misconduct and submit a complaint to the department. Incarcerated people and supervised people generally utilize the department's grievance and appeal process, while third-party individuals and groups can submit complaints through the citizen complaint process or by directly contacting a hiring authority or the Office of Internal Affairs. These complaints are routed to the department's Centralized Screening Team for review.

After proceeding through various routing mechanisms, all allegations of staff misconduct—acts that violate a law, regulation, departmental policy, or ethical or professional standard—are routed for investigation by different entities within the department.

The Office of Internal Affairs Field Operations/Special Investigation Unit (referred to as the traditional section of the Office of Internal Affairs throughout this report) generally investigates allegations of staff misconduct that are not directed toward an incarcerated or supervised person, allegations of criminal misconduct, and four of the most serious types of allegations that are directed toward an incarcerated person: sexual violence; involvement in a coordinated effort to prohibit the reporting of misconduct; intimidating, dissuading, or threatening witnesses; and misconduct resulting in significant injury or death. The OIG monitors the investigative and disciplinary process for the most egregious allegations of misconduct investigated by the Office of Internal Affairs. The cases the OIG identifies for monitoring from the traditional section of the Office of Internal Affairs are referred to as **administrative disciplinary** and **criminal cases** throughout this report.

The Allegation Investigation Unit generally investigates the remainder of the most serious allegations of staff misconduct directed toward incarcerated and supervised people that do not rise to the level of criminal misconduct, but still require formal internal investigation. These cases often involve allegations of dishonesty, excessive or unnecessary force, retaliation, discrimination, harassment, over-familiarity, introduction of contraband, and sexual misconduct.

The cases the OIG identifies for monitoring from the Allegation Investigation Unit are referred to as **staff misconduct complaint cases** throughout this report.

Less serious allegations of staff misconduct are referred for a routine review by local prison staff. The OIG monitors a sample of these routine reviews and reports on them through a separate annual report and individual case summaries published quarterly on the OIG’s website.

Regardless of the process by which allegations of employee misconduct are identified and opened for investigation, all cases referred to the traditional section of the Office of Internal Affairs, and the Allegation Investigation Unit are assigned to an investigator who conducts interviews and gathers evidence. The investigator consults with an OIG attorney on cases the OIG monitors, and consults with a department attorney on cases the Employment Advocacy and Prosecution Team designates for assignment. Once the investigation has concluded, the investigator completes a report and forwards it to the hiring authority for review. The hiring authority meets with both the OIG attorney and the department attorney to discuss disciplinary findings. The hiring authority makes a finding of sustained, not sustained, exonerated, no finding, or unfounded for each allegation. A description of each finding is listed in Figure 1 on the next page.

Figure 1.

### Descriptions of Possible Disciplinary Findings

<b>No Finding</b>	The complainant failed to disclose promised information to further the investigation; the investigation revealed that another agency was involved, and the complainant has been referred to that agency; the complainant wishes to withdraw the complaint; the complainant refuses to cooperate with the investigation; or the complainant is no longer available for clarification of facts/issues.
<b>Not Sustained</b>	The investigation failed to disclose a preponderance of evidence to prove or disprove the allegation made in the complaint.
<b>Unfounded</b>	The investigation conclusively proved that the act(s) alleged did not occur, or the act(s) may have, or in fact, occurred but the individual employee(s) named in the complaint(s) was not involved.
<b>Exonerated</b>	The facts, which provided the basis for the complaint or allegation, did in fact occur; however, the investigation revealed that the actions were justified, lawful, and proper.
<b>Sustained</b>	The investigation disclosed a preponderance of evidence to prove the allegation(s) made in the complaint.

Source: Department of Corrections and Rehabilitation's Department Operations Manual, Section 33030.13.1 (Investigative Findings).

When a hiring authority sustains at least one allegation, the hiring authority determines the appropriate discipline by referring to guidelines listed in the department's disciplinary matrix. The department attorney drafts a disciplinary action, and the department serves the disciplinary action on the employee who committed misconduct. The employee can then request a predeprivation hearing, otherwise known as a *Skelly* hearing, which provides the employee with the opportunity to present facts or arguments in favor of reducing or revoking discipline. After the disciplinary action takes effect, the employee can file an appeal with the State Personnel Board, through which an evidentiary hearing is later conducted. At the hearing, the department has the burden of proving the allegations in the disciplinary action by a preponderance of evidence.

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## Assessing Departmental Stakeholders

The OIG assesses the department's performance in investigating and disciplining employees for misconduct. We use standardized assessment questions to assess each of the three departmental stakeholders and summarize our findings holistically. The three entities we assess are

- **The hiring authority:** responsible for making investigative findings and imposing discipline.
- **The Office of Internal Affairs:** responsible for investigating allegations of staff misconduct.
- **The Employee Advocacy and Prosecution Team:** responsible for prosecuting sustained allegations of misconduct and providing legal advice.

At the conclusion of our monitoring of each case, we provide an individual rating of either *adequate*, *improvement needed*, or *inadequate* for each of these three entities. In general, an *adequate* rating means the OIG did not identify any significant deficiencies. An *improvement needed* rating means the OIG found significant deficiencies, but the deficiencies did not appear to cause a negative outcome for the department or for the case. An *inadequate* rating means the OIG found significant deficiencies that caused a negative outcome for either the department or the case. If the department failed to consult with the OIG, for example by not providing the OIG with a critical document or to attend a critical investigative or disciplinary event, it will receive an *inadequate* rating.

The following are examples of negative outcomes that could cause a case to be rated *inadequate*: the department allowed the deadline to take disciplinary action to expire before disciplinary action could be taken; the department failed to dismiss an employee who should have been dismissed; or the department delayed an investigation or service of disciplinary action, thereby causing an employee who had committed serious misconduct to either spend an excessive amount of time on administrative time off or be redirected from a post within the secure perimeter of a prison to the mail room.

After considering the individual ratings for each of the three entities we assess (the hiring authority, the Office of Internal Affairs, and the department attorney), we determine an overall rating for the case. The overall rating of a case is equal to the worst performance indicator. For example, if any of the three performance indicators is rated *inadequate*, we rate the entire case *inadequate*. Likewise, if the lowest rated performance indicator is *improvement needed*, we rate the entire case *improvement needed*.

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## Summary

In this reporting period, the OIG monitored and closed 199 administrative disciplinary cases and criminal cases (not including the 92 cases related to a lawsuit discussed later in this report) and 89 staff misconduct complaint cases, for a total of 288 cases. Our assessment of these cases is as follows:

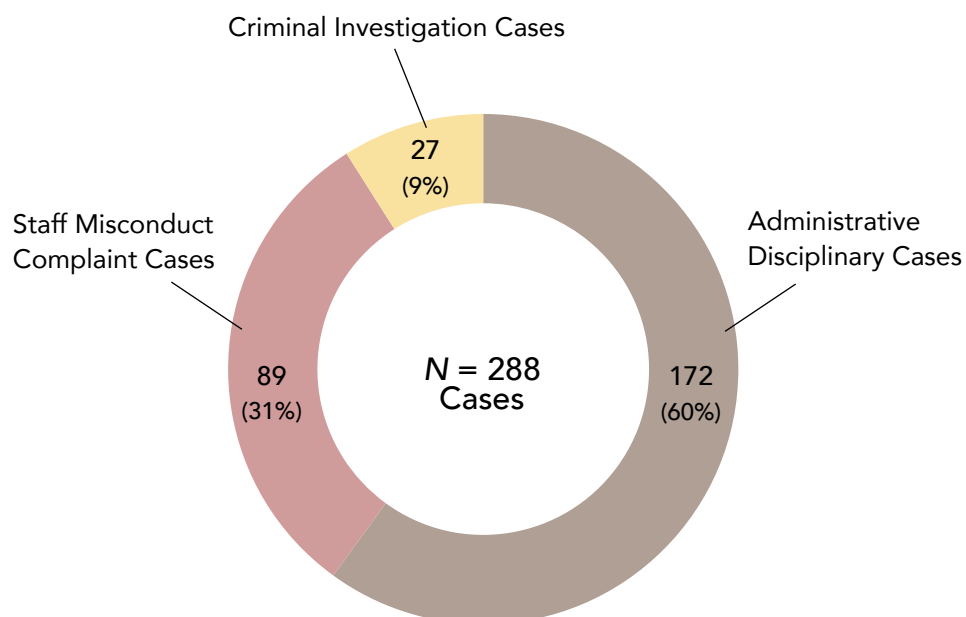
- **Administrative Disciplinary Cases and Criminal Cases**
  - The department's performance was rated *adequate* in 28 of the 199 cases, or 14 percent.
  - The department's performance was rated *improvement needed* in 85 of the 199 cases, or 43 percent.
  - The department's performance was rated *inadequate* in 86 of the 199 cases, or 43 percent.
- **Staff Misconduct Complaint Cases**
  - The department's performance was rated *adequate* in 10 of the 89 cases, or 11 percent.
  - The department's performance was rated *improvement needed* in 31 of the 89 cases, or 35 percent.
  - The department's performance was rated *inadequate* in 48 of the 89 cases, or 54 percent.

Table 1 on the next page shows the department's overall ratings by case type. Figure 2 on the next page shows the number and types of cases we monitored and closed.

**Table 1. Overall Performance Ratings by Case Type**

Case Type	Adequate	Improvement Needed	Inadequate	Total
Administrative Disciplinary	8% (14 cases)	48% (82 cases)	44% (76 cases)	100% (172 cases)
Criminal	52% (14 cases)	11% (3 cases)	37% (10 cases)	100% (27 cases)
Staff Misconduct Complaint	11% (10 cases)	35% (31 cases)	54% (48 cases)	100% (89 cases)
<b>Totals</b>	<b>13% (38 cases)</b>	<b>40% (116 cases)</b>	<b>47% (134 cases)</b>	<b>100% (288 cases)</b>

Source: The Office of the Inspector General Tracking and Reporting System.

**Figure 2. Types of Cases the OIG Monitored and Closed From January 2025 Through June 2025**

Source: The Office of the Inspector General Tracking and Reporting System.

## The Hiring Authority

Hiring authorities are individuals within the department who are authorized to hire, dismiss, and discipline employees. Hiring authorities are responsible for timely referring allegations to the Office of Internal Affairs when they have a reasonable belief misconduct occurred. Hiring authorities are also responsible for reviewing the investigative report and evidence gathered by the Office of Internal Affairs, making findings regarding allegations of misconduct, determining the appropriate level of discipline, and deciding whether to enter into a settlement agreement with the disciplined employee. The OIG assesses the performance of hiring authorities throughout this process.

The OIG monitors the performance of hiring authorities from the time a hiring authority receives a completed investigation from the Office of Internal Affairs through the cessation of any employee discipline-related proceedings. In most cases we monitor, the sole hiring authority is a warden.

After the Office of Internal Affairs completes an administrative investigation or returns a case to the hiring authority to address misconduct allegations without an investigation or interview of the employee, the hiring authority must determine whether the investigation was sufficient, make findings concerning the allegations, identify the appropriate penalty, and serve the disciplinary action if discipline was ordered.

Before holding the investigative and disciplinary findings conference, a hiring authority is required to review available evidence regarding the misconduct allegations. At the conference, the hiring authority consults with the department attorney, if one is assigned, and the OIG attorney. The hiring authority then determines whether there is enough evidence to make decisions regarding the allegations, and if the Office of Internal Affairs submitted a report, whether the report is sufficient or if additional investigation is necessary. If the hiring authority determines there is sufficient evidence and the investigative report is sufficient, the hiring authority makes findings regarding the allegations. If the hiring authority sustains any allegation, the hiring authority determines whether to impose corrective action or discipline, and if so, the specific action to be taken.

During this reporting period, the OIG monitored 199 administrative disciplinary and criminal cases and 89 staff misconduct complaint cases. For administrative disciplinary and criminal cases, we rated the hiring authority's performance as *adequate* in 71 cases, *improvement needed* in 67 cases, and *inadequate* in 61 cases. Hiring authorities' performance was rated as either *adequate* or *improvement needed* in 138 or 69 percent

of cases, which declined since the last reporting period. In the last reporting period, we rated hiring authority performance as *sufficient* or *sufficient with recommendations* in 74 percent of cases.

For staff misconduct complaint cases, we rated the hiring authority's performance as *adequate* in 32 cases, *improvement needed* in 24 cases, and *inadequate* in 32 cases. We did not rate the hiring authority's performance in one of the 89 cases because the hiring authority did not have an opportunity to make a decision. Therefore, we rated the hiring authority's performance as *inadequate* in 36 percent of 88 cases. By way of comparison, in 2024, we found hiring authorities performed poorly in 64 percent of staff misconduct complaint cases we monitored, demonstrating a marked improvement over the last reporting period.

Therefore, of a combined 287 administrative disciplinary, criminal, and staff misconduct complaint cases, we rated hiring authorities' performance as *adequate* in 36 percent of cases, *improvement needed* in 32 percent of cases, and *inadequate* in 32 percent of cases. For a breakdown of hiring authority ratings see Table 2 below (note: percentages may not total 100% due to rounding).

**Table 2. Hiring Authority Performance Ratings**

Case Type	Adequate	Improvement Needed	Inadequate	Total
Administrative Disciplinary and Criminal	36% (71 cases)	34% (67 cases)	31% (61 cases)	100% (199 cases)
Staff Misconduct Complaint	36% (32 cases)	27% (24 cases)	36% (32 cases)	100% (88 cases)
<b>Totals</b>	<b>36% (103 cases)</b>	<b>32% (91 cases)</b>	<b>32% (93 cases)</b>	<b>100% (287 cases)</b>

Source: The Office of the Inspector General Tracking and Reporting System.

## Hiring Authorities Delayed the Investigative and Disciplinary Process in Most Cases

As has been the case in prior reports, one of the most common types of delays we observed was that hiring authorities delayed conducting the investigative and disciplinary findings conference. Departmental policy requires that the hiring authority refer matters of suspected misconduct to the Office of Internal Affairs within 45 days of discovering the alleged misconduct, conduct the investigative and disciplinary findings conference no more than 14 calendar days after receipt of the final investigative report, and serve peace officers with disciplinary actions within 30 days of deciding to impose discipline.

### Administrative Disciplinary Cases

In this reporting period, hiring authorities failed to handle the investigative and disciplinary process without undue delay in 105 of 172 administrative disciplinary cases, or 61 percent of the cases we monitored. The following are examples of *inadequate* cases in which the department delayed the process.

#### OIG Case No. 20-0033815-DM

A parole agent allegedly submitted a report falsely stating that charges against a parolee had been dismissed and lied to a supervisor by falsely stating a person the parolee had battered did not wish to press charges or testify against the parolee. The parole agent also allegedly lied to the investigator during an interview by denying that the battery victim wanted to press charges. The hiring authority sustained the allegations and dismissed the parole agent. The OIG concurred with the hiring authority's decisions. After an evidentiary hearing, the State Personnel Board and superior court upheld the parole agent's dismissal.

Even though the allegations were serious enough to warrant dismissal if sustained, the hiring authority did not conduct the investigative and disciplinary findings conference until 105 days after receiving the investigative report. The investigator referred the matter to the hiring authority on October 22, 2020. However, the hiring authority did not conduct the investigative and disciplinary findings conference until February 4, 2021, 91 days after policy required. The department redirected the parole agent to another position while the investigation was conducted due to the nature of the allegations but paid the parole agent his full salary during the pendency of the investigation. The hiring authority also placed the parole agent on administrative time off after deciding to dismiss the parole agent, and the parole agent remained on administrative time off until his dismissal became effective.

The OIG provides interactive features in this report. Click on the small blue boxes labeled with the **OIG Case No.**, and you can access the complete case summary text on our website. The first occurrence is seen on this page, left.

**OIG Case No. 23-0063228-DM**

An officer was allegedly inattentive while on duty and allegedly made racially offensive and inappropriate statements and hand gestures. The first officer, a third officer, a fourth officer, a fifth officer, and a sixth officer allegedly were present and heard the inappropriate comments made by the second officer but failed to report his misconduct.

The hiring authority sustained the allegations and imposed salary reductions on each of the officers except the fifth officer. The OIG concurred, except regarding the fifth officer. The disciplined officers filed appeals with the State Personnel Board. Before the State Personnel Board proceedings, the department entered into settlement agreements with the officers reducing the amount of their salary reductions.

The hiring authority delayed multiple phases of the investigative and disciplinary process in this case. First, the hiring authority delayed referring the matter to the traditional section of the Office of Internal Affairs for investigation until 111 days after policy required. Then, after receiving the completed investigation, the hiring authority delayed conducting the investigative and disciplinary findings conference until 28 days after policy required. Finally, the department did not serve the disciplinary actions on the officers within 30 days of the decision to take disciplinary action. On March 6, 2024, the hiring authority decided to impose discipline. However, the department did not serve the disciplinary action against the first officer until April 18, 2024, which was after the deadline to impose discipline expired. The department served the disciplinary action against the second officer on May 21, 2024, 76 days after the decision and 46 days after policy required. The department served the disciplinary action against the third officer on May 22, 2024, 77 days after the decision and 47 days after policy required. The department served the disciplinary action against the fourth officer on April 17, 2024, 42 days after the decision and 12 days after policy required. The department served the disciplinary action against the sixth officer on June 11, 2024, 97 days after the decision and 67 days after policy required.

**Staff Misconduct Complaint Cases**

In 40 of 88 staff misconduct complaint cases we monitored, the hiring authority failed to consult with the OIG and the department attorney regarding investigative and disciplinary findings within 14 calendar days after receipt of the final investigative report, which was 45 percent of the time. This was a slight improvement from 2024, when we found that hiring authorities failed to timely conduct the investigative and disciplinary findings conference 50 percent of the time. An example is discussed below.

**OIG Case No. 24-0071585-INV**

An officer allegedly lied in a report about an incident involving an incarcerated person and subsequently lied about it in an interview with an investigator. The hiring authority sustained the allegations and dismissed the officer.

Even though the allegations were serious and would subject an employee to dismissal, the hiring authority significantly delayed making a decision about the case. The hiring authority did not hold the investigative and disciplinary findings conference until five months and 13 days after the investigator completed the investigation.

## Hiring Authorities Made Poor Decisions Regarding Investigative and Disciplinary Findings

During the disciplinary process, the hiring authority's most critical functions are deciding whether to sustain allegations, deciding whether to impose discipline, and deciding the type of discipline to impose. In this reporting period, unreasonable decisions played a significant role in our negative assessments. Of the 61 administrative disciplinary cases in which we rated hiring authority performance as *inadequate*, 19 involved instances in which we found the hiring authorities made unreasonable decisions regarding the allegations and the penalties imposed. Of the 32 staff misconduct complaint cases for which we rated the hiring authority's performance as *inadequate*, 26 involved instances in which we found that hiring authorities did not appropriately determine findings for each allegation or select the appropriate penalty.

### Administrative Disciplinary Cases

Of the 172 administrative disciplinary cases the OIG monitored and closed this reporting period, we found the hiring authority's initial decisions made during the investigative and disciplinary findings conferences regarding allegations and penalties to be unreasonable in 12 cases. We also disagreed with hiring authority penalty modifications and settlements after the initial decision (e.g., before an evidentiary hearing), in 22 cases. Each of the following cases were rated *inadequate*.

#### OIG Case No. 24-0077538-DM

A supervising manager was allegedly rude to subordinate staff, failed to train them, and failed to discuss necessary accommodations for staff to perform their job duties. The supervising manager allegedly failed to report allegations that she had created a hostile work environment and disregarded a medical note that allowed a staff services manager to return to work. The supervising manager allegedly retaliated against staff by denying accommodations and vacation requests and by trying to discipline subordinates after they complained. Moreover, an associate director allegedly failed to investigate the allegations and made disparaging remarks about subordinate employees' job performances, among many other allegations.

The hiring authority sustained the allegation that the supervising manager had disregarded a subordinate manager's medical note. The hiring authority also determined that the supervising manager had failed to report the allegations against the subordinate manager, but that the failure was determined to be justified, lawful, and proper, because the associate director was already aware of the allegations, so the supervising manager did not need to report them. The hiring authority did not sustain the remaining allegations and issued training. The hiring authority found insufficient evidence to sustain the allegations against



the associate director. Although the hiring authority did not sustain any allegations against the associate director, the hiring authority removed the associate director from her position and provided verbal counseling.

The hiring authority determined that the supervising manager's failure to report the allegation that she had created a hostile work environment was appropriate because the associate director was made aware of the allegation at the same time. We did not agree with this determination because every employee is obligated to report allegations directly to their supervisor and the equal employment opportunity officer. The hiring authority also failed to sustain several allegations supported by a preponderance of the evidence including the following: that the supervising manager failed to report a second subordinate's allegation that she created a hostile work environment; denied a subordinate's request to leave work to pick up her minor daughter from school and questioned her need to attend a ceremony for a deceased relative; and told a third subordinate that telework was not for babysitting. The hiring authority also failed to sustain allegations that the associate director made demeaning comments about subordinate staff, contacted a subordinate's former supervisors without a legitimate business need, held a meeting with the supervising manager and a subordinate after the subordinate alleged the supervising manager had been discriminating and retaliating against her, and asked the supervising manager to serve on an interview panel knowing the manager had been redirected from her normal duties.

#### OIG Case No. 23-0052244-DM

Seven officers allegedly failed to ensure an incarcerated person reported to the medication distribution line to receive his diabetic medication. Two nurses allegedly failed to document their efforts to coordinate with the officers to locate the incarcerated person. The first officer and the second officer failed to conduct security checks, and the first officer failed to properly conduct a count of incarcerated people. The first officer, the second officer, and three additional officers failed to initiate life-saving measures after locating the incarcerated person and finding him unresponsive. The fourth officer disobeyed an order to attend an interview with the traditional section of the Office of Internal Affairs.

The hiring authority sustained the allegations against the first officer but did not serve a disciplinary action because the officer had already been dismissed in another matter. The hiring authority sustained allegations against the second officer, the fifth officer, and the sixth officer, and imposed salary reductions. The hiring authority sustained the allegation that the fourth officer had disobeyed an order to attend an investigative interview and imposed a salary reduction of 5 percent for 30 months. The hiring authority also sustained allegations that the eighth officer, the ninth officer, and the tenth officer each had failed to initiate life-saving measures. The hiring authority issued letters of reprimand to each of

them. The OIG concurred with the hiring authority's determinations. However, after a *Skelly* hearing, the hiring authority revoked the letter of reprimand imposed on the ninth officer. The OIG did not concur because there was insufficient justification to revoke the letter of reprimand. The second officer, the fourth officer, and the sixth officer each filed appeals with the State Personnel Board.

The hiring authority entered into settlement agreements with which we did not concur. First, the hiring authority revoked a letter of reprimand issued to an officer without sufficient justification. Although the officer responded to the incident, retrieved medical equipment, and assisted with transporting the unresponsive incarcerated person out of the housing unit, the officer failed to initiate life-saving measures as policy required, which constituted significant neglect of duty.

The hiring authority also entered into a settlement agreement with the fourth officer, dramatically reducing the officer's penalty from a 5 percent salary reduction for 30 months to a 5 percent salary reduction for 12 months without sufficient mitigating factors. The officer's misconduct was serious because he failed to comply with an order to attend an investigative interview. The hiring authority's decision to reduce the penalty did not comply with the department's disciplinary guidelines.

### Staff Misconduct Complaint Cases

Among the 89 staff misconduct complaint cases, we found that hiring authorities did not appropriately determine findings for each allegation in 20 cases. In one of those 89 cases, we did not assess the hiring authority's performance because the Allegation Investigation Unit closed the investigation and returned the matter to the Office of Internal Affairs' Centralized Screening Team for reevaluation before the hiring authority could make a decision ([24-0098992-INV](#)).

However, for those 88 cases in which hiring authorities sustained allegations, we found that the hiring authority did not select the appropriate penalty in seven cases. We found that in seven staff misconduct complaint cases, the hiring authority modified the penalty or entered into a settlement agreement in ways that did not comply with departmental policy. Below are some of the more egregious examples of inappropriate decisions concerning allegation findings, penalties, or settlements.

Six officers and a sergeant allegedly slammed an incarcerated person to the ground and pulled his arms behind his back causing pain. The sergeant, a second sergeant, a seventh officer, and an eighth officer escorted the incarcerated person back to his cell and allegedly attempted to lift him off the ground and force him to his knees to remove leg restraints. The second sergeant allegedly ordered an unnecessary unclothed body search of the incarcerated person. The first sergeant

allegedly falsified both an incident report and a rules violation report by stating the incarcerated person had attempted to kick him. A psychiatric technician allegedly observed the initial six officers slam the incarcerated person into the ground and failed to report what she had witnessed. Furthermore, the first sergeant allegedly made intentionally misleading statements during an Allegation Investigation Unit interview when he stated the incarcerated person had kicked him.

The hiring authority made decisions with which we did not concur. For example, the hiring authority found that four officers' actions were justified, lawful, and proper when they used force on the incarcerated person even though the incarcerated person did not appear to pose an imminent threat. Because there was no imminent threat, policy required the officers to use controlled force instead of immediate, physical force. The hiring authority also found that five officers' actions were justified, lawful, and proper when they made initial contact with the incarcerated person when there was no imminent threat. The hiring authority should have found insufficient evidence to sustain the allegation because although the sergeant's determination not to initiate a controlled use of force limited the five officers' ability to use controlled force, the five officers' disregard of the controlled use-of-force procedure was not justified, lawful, and proper. The hiring authority also inappropriately found that the actions of two officers were justified, lawful, and proper when they used physical strength to secure the incarcerated person against a door. The hiring authority cited what he perceived to be minimal force on the video recordings, but the video recordings did not definitively depict whether the force used was reasonable.

#### OIG Case No. 24-0077051-INV

Without justification, two officers allegedly prevented an incarcerated person from receiving a digital tablet. One of the officers allegedly endangered the incarcerated person by shouting that the incarcerated person did not belong in a general population unit to create the perception that the incarcerated person was an informant. The officer allegedly falsified a rules violation report by writing that the incarcerated person had threatened the officer. Both officers allegedly confiscated the incarcerated person's property as a form of retaliation against the incarcerated person for filing a grievance against the second officer. A third officer allegedly observed the first officer yelling at the incarcerated person to return to his cell and refused to unlock the incarcerated person's cell door, thereby preventing the incarcerated person from following orders.

The hiring authority found that the officer's statement was discourteous. The hiring authority added and sustained an allegation that the officer had delayed drafting the rules violation report and drafted a poor report that contained errors. The hiring authority issued the officer a

letter of reprimand and did not sustain the remaining allegations. The OIG agreed with the hiring authority's findings on the allegations but disagreed with the penalty decision. The hiring authority retired after serving the officer the letter of reprimand. A second hiring authority reviewed the matter, withdrew the disciplinary action, and imposed corrective action against the officer instead.

The hiring authority's decision to issue the officer a letter of reprimand was inconsistent with the department's disciplinary guidelines. The second hiring authority stated the officer's conduct did not warrant disciplinary action because the officer did not use profanity towards the incarcerated person or otherwise act in a sufficiently egregious manner. The OIG did not concur with the reduction in the original penalty of a letter of reprimand, which was too low to begin with.

## The OIG Invoked Executive Review in Nine Cases This Reporting Period

Whenever there is a significant disagreement with the hiring authority's findings regarding allegations, penalties, or a proposed settlement, either the OIG or the department's attorney can elevate the hiring authority's decision to the hiring authority's supervisor. Either stakeholder can continue to elevate the matter to an even higher level, if desired. This process is referred to as executive review. If executive review is invoked, the hiring authority's supervisor is asked to review all investigative materials. The stakeholders then meet to discuss the disagreement, and the hiring authority's supervisor makes a determination to uphold or modify the previous hiring authority's finding and penalty determinations. The OIG invoked executive review in nine cases we monitored and closed during this reporting period. The Employment Advocacy and Prosecution Team also invoked executive review in one of the nine cases. Below are summaries of all executive review cases and the issues in dispute with the exception of 23-0058203-DM, which is described in detail in a previously published special report ([Sentinel Case No. 24-01](#)). We invoked executive review in six administrative disciplinary cases and three staff misconduct complaint cases. In five of those nine cases, the OIG successfully convinced the hiring authority's supervisor that an allegation should be sustained, a penalty should be increased, or a proposed settlement should be rejected.

### Administrative Disciplinary Cases

#### OIG Case No. 20-0036946-DM

An off-duty lieutenant allegedly ignited a smoke-generating pyrotechnic device at a park during a gender-reveal photography session, which resulted in a brush fire that became a wildfire. The lieutenant's wife, an off-duty officer, allegedly assisted the lieutenant with the ignition of the pyrotechnic device. As a result of the wildfire, which lasted 71 days, a firefighter died during his attempt to stop the fire, three firefighters were seriously injured fighting the wildfire, five residences were damaged, 15 other buildings were destroyed, and 22,744 acres burned.

The hiring authority sustained the allegations and dismissed the lieutenant and the officer. The OIG concurred. However, the lieutenant resigned before the disciplinary action could be served. The hiring authority placed a letter in the lieutenant's official personnel file indicating he had resigned pending disciplinary action. After the officer filed an appeal with the State Personnel Board, but prior to an evidentiary hearing, the department proposed entering into a settlement agreement to reduce the officer's penalty from a dismissal to a nine-month suspension.

The OIG did not concur with the proposed settlement because the misconduct was serious enough to warrant dismissal and elevated the matter for a higher level of review. At the higher level of review, the hiring authority's supervisor determined that dismissal remained the appropriate penalty and declined to authorize the settlement. Following an evidentiary hearing, the State Personnel Board upheld the officer's dismissal.

#### OIG Case No. 23-0051513-DM

On Thanksgiving Day, two officers allegedly failed to count incarcerated people and conspired to falsify records to make it look like they had completed the count. The first officer allegedly allowed the second officer to falsely enter the count in the department's database by using the first officer's login credentials so that the officers could eat instead of conducting the count.

The hiring authority sustained the allegations and imposed salary reductions against each officer. We agreed that the allegations should be sustained but did not agree with the penalties imposed. Falsifying a count is a dishonest act with potentially serious repercussions. The OIG elevated the matter to the hiring authority's supervisor, who agreed that dismissal was the appropriate penalty. The officers appealed to the State Personnel Board, which upheld the dismissals.

#### OIG Case No. 23-0061250-DM

An officer allegedly failed to ensure that cell windows and doors remained uncovered and failed to call for medical assistance when he saw an incarcerated person hanging from a makeshift noose in a cell. The officer allegedly lied in a report about his observations during the incident. The officer also allegedly failed to carry a radio and wore an unapproved patch on his uniform. On October 3, 2023, the officer allegedly lied to an investigator during an interview.

The hiring authority sustained allegations that the officer negligently wrote an incorrect, but not dishonest, report and delayed summoning medical assistance. The hiring authority imposed a salary reduction of 5 percent for 12 months. The OIG concurred except with the finding that the officer was only negligent and not dishonest.

The OIG recommended the hiring authority add and sustain an allegation that the officer gave misleading answers during an investigative interview and to dismiss the officer. After the hiring authority did not sustain a dishonesty allegation and dismiss the officer, the OIG elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor added and sustained an allegation that the officer lied during the interview but did not sustain the allegation that the officer lied in the report. The

hiring authority's supervisor dismissed the officer. After the department attorney invoked executive review of this revised finding and penalty determination, the deputy director upheld the decision to sustain the dishonesty allegation and dismiss the officer.

#### OIG Case No. 24-0074476-DM

An officer allegedly failed to confirm that an incarcerated person was inside his assigned cell and documented that count information was correct when it was not. The officer failed to personally observe whether the incarcerated person was inside his assigned cell.

The hiring authority sustained the allegations and imposed a salary reduction of 5 percent for 12 months. The OIG concurred with some of the hiring authority's decisions, but recommended the hiring authority add and sustain an allegation of dishonesty for the officer because the officer committed an inherently dishonest act when he documented in the department database that he had counted incarcerated people, when in fact he had simply entered the number from the previous count. The hiring authority did not adopt the OIG's recommendation on the basis that the officer did not intend to deceive, but was merely overworked, and the prison was understaffed.

The OIG elevated the decision not to add and sustain a dishonesty allegation to the hiring authority's supervisor. The hiring authority's supervisor did not add and sustain a dishonesty allegation either. However, the supervisor increased the first officer's penalty to a 10 percent salary reduction for 20 months. The OIG did not concur but did not seek further review because by increasing the penalty, the department acknowledged the officer had jeopardized the prison's safety and security.

#### OIG Case No. 24-0081888-DM

Two officers allegedly failed to conduct a count of incarcerated people in a housing unit, made false statements in a memorandum to a supervisor, and colluded with each other when writing their memoranda. The first officer also falsely entered the count into the confidential records system, knowing the count had not been conducted. The second officer falsely provided a count to the first officer, knowing he did not conduct the count.

The hiring authority sustained the allegations but determined that entering the false count in the confidential records system, and falsely providing a count to another officer, were not acts of dishonesty. Therefore, the hiring authority imposed a 90-working-day suspension for the first officer and a 120-working-day suspension for the second officer. The OIG did not concur and elevated the matter to the hiring authority's supervisor because the misconduct was severe enough to warrant dismissal.

The hiring authority's supervisor determined the allegations regarding entering the false count in the confidential records system and falsely providing a count to another officer were not acts of dishonesty, but the supervisor still dismissed both officers. The OIG concurred with the supervisor's decision to dismiss the officers, but not with the finding that the allegations regarding entering the count in the confidential records system and falsely providing a count to another officer were not acts of dishonesty.

### Staff Misconduct Complaint Cases

#### OIG Case No. 24-0072949-INV

An officer allegedly intentionally deployed pepper spray directly toward an incarcerated person lying on the ground in a fetal position and dishonestly documented his use of force in a report.

The hiring authority found sufficient evidence to sustain the allegation the officer used unreasonable force and imposed a 5 percent salary reduction for five months. The OIG concurred with the finding, but not the penalty. The hiring authority found insufficient evidence to sustain the allegation that the officer dishonestly reported his use of force even though the officer failed to document that he deployed pepper spray toward three incarcerated people and instead documented that he deployed pepper spray toward one incarcerated person. The officer also documented that he inadvertently deployed pepper spray toward an incarcerated person who was lying on the ground in a fetal position after being assaulted by two other incarcerated people despite video footage that showed what appeared to be an intentional act.

The OIG did not concur with the hiring authority's failure to sustain dishonesty allegation and elevated the matter to the hiring authority's supervisor. The hiring authority's supervisor upheld the hiring authority's decision. The officer did not file an appeal with the State Personnel Board. After a *Skelly* hearing, the hiring authority entered into a settlement agreement and reduced the officer's penalty to a 5 percent salary reduction for three months. The OIG did not concur with the decision to reduce the penalty via settlement.

#### OIG Case No. 24-0082537-INV

An officer allegedly threw an incarcerated person on the ground and injured him. The officer allegedly lied in a report by documenting that he had attempted to persuade the incarcerated person to cooperate with an escort before he resorted to using force. A second officer allegedly lied to an investigator during an interview about the incident.

The department attorney advised the hiring authority and the hiring authority's supervisor against sustaining the allegations despite



video-recorded evidence that depicted the first officer throwing the incarcerated person to the ground without apparent justification and despite evidence that supported an inference that the first officer had lied in a report and that both officers had lied during interviews. In accordance with the department attorney's advice, the hiring authority found insufficient evidence to sustain any of the allegations. The OIG did not concur and elevated the decision to the hiring authority's supervisor. After the department attorney provided the same advice during the executive review conference, the hiring authority's supervisor upheld the hiring authority's decision. The OIG did not concur but did not elevate the matter further.

#### OIG Case No. 23-0057930-INV

An officer allegedly placed an incarcerated person in a stranglehold. A second officer also placed the incarcerated person in a stranglehold on a separate occasion, hit the incarcerated person in the head, and repeatedly slammed him to the ground.

The hiring authority found insufficient evidence to sustain any of the allegations against the two officers despite evidence that both officers used a stranglehold in violation of the department's use-of-force policy. The OIG did not concur and sought a higher level of review. The hiring authority's supervisor sustained the allegation that the second officer unreasonably hit the incarcerated person in the head multiple times but did not sustain the remaining allegations. The hiring authority's supervisor imposed a salary reduction of 10 percent for seven months for the second officer.

The OIG concurred with the sustained allegation but not with the remaining findings or the penalty. The OIG sought further review from the deputy director, who made the same findings as the hiring authority's supervisor, but increased the second officer's penalty to a salary reduction of 10 percent for 25 months. The OIG concurred with the sustained allegation but not with the remaining findings or the penalty. The second officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the penalty.

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## The Office of Internal Affairs

The Office of Internal Affairs is a unit within the department responsible for investigating allegations of staff misconduct. As more fully explained on page 1, there are two separate investigative teams within the Office of Internal Affairs: the Field Operations/Special Investigation Units (referred to as the traditional section of the Office of Internal Affairs throughout this report) and the Allegation Investigation Unit. The traditional section of the Office of Internal Affairs, staffed with special agents, generally investigates the most severe cases of misconduct, criminal misconduct, and allegations of misconduct that are not directed toward incarcerated people. The Allegation Investigation Unit generally investigates other serious allegations of staff misconduct that are directed toward incarcerated and supervised people that require formal investigation. The less serious allegations of staff misconduct directed toward incarcerated people are referred back to local prison staff to review. When the traditional section of the Office of Internal Affairs and the Allegation Investigation Unit open an investigation, they assign an investigator to conduct the investigation, gather evidence, preserve video footage, interview witnesses and the employee accused of misconduct, and submit a report to the hiring authority summarizing the evidence and statements gathered during the investigation. The OIG monitors and assesses the performance of both investigative units within the Office of Internal Affairs from the time an investigation is opened until the time the investigation report is finalized and sent to the hiring authority for review. If the hiring authority sends the case back for further investigation, the OIG also monitors and assesses the supplemental investigation performed.

As shown in Table 3 on the next page, during this reporting period, the OIG monitored and closed 199 administrative disciplinary cases and criminal cases. For administrative disciplinary and criminal cases, we rated the traditional section of the Office of Internal Affairs' performance as *adequate* in 125 cases, *improvement needed* in 46 cases, and *inadequate* in 28 cases. We also monitored 89 staff misconduct complaint investigative cases. We rated the Allegation Investigation Unit's performance as *adequate* in 27 cases, *improvement needed* in 29 cases, and *inadequate* in 33 cases.

Some of the more common reasons the Office of Internal Affairs received *inadequate* ratings were delayed investigations, inadequate consultation, and failure to conduct thorough investigations.

**Table 3. Office of Internal Affairs Performance Ratings**

Case Type	Adequate	Improvement Needed	Inadequate	Total
Administrative Disciplinary and Criminal	63% (125 cases)	23% (46 cases)	14% (28 cases)	100% (199 cases)
Staff Misconduct Complaint	30% (27 cases)	33% (29 cases)	37% (33 cases)	100% (89 cases)
<b>Totals</b>	<b>53% (152 cases)</b>	<b>26% (75 cases)</b>	<b>21% (61 cases)</b>	<b>100% (288 cases)</b>

Source: The Office of the Inspector General Tracking and Reporting System.

## Delays During the Investigative Process Contributed to Negative Assessments of the Office of Internal Affairs

Hiring authorities are required to process disciplinary matters without undue delay. No less important is the Office of Internal Affairs' obligation to expeditiously investigate administrative disciplinary and criminal cases. Delayed investigations can create several problems. Examples include undue stress and low morale experienced by officers who are subjects of an investigation and must wait an extensive period of time to learn the outcome of investigations, especially for officers who are wrongly accused; loss of confidence in the system by incarcerated people when officers who have committed misconduct are not held accountable and remain in positions to continue to commit misconduct for extensive periods of time; witnesses becoming unavailable or who are available but no longer remember important details; and the loss of video evidence due to the failure to preserve it within the department's 90-day video retention policy.

The OIG noticed a significant disparity in the frequency with which the traditional section of the Office of Internal Affairs and the Allegation Investigation Unit delayed their investigations. The traditional section of the Office of Internal Affairs delayed 29 out of 199 monitored investigations, or 15 percent. However, the Allegation Investigation Unit delayed 35 out of 89 monitored investigations, or 39 percent. The following are examples of cases we rated *inadequate* in part due to the harm that resulted from delays in conducting and completing investigations.

### OIG Case No. 24-0084791-DM

An officer allegedly engaged in acts of sexual misconduct with 12 incarcerated people. The sexual misconduct included forced oral copulation, sexual intercourse, grabbing the breasts of incarcerated women, and exposing his genitals to them. The officer allegedly smuggled chewing gum, a radio, and cannabis products into a prison in exchange for sexual favors. The officer also allegedly divulged confidential information from a case management database to incarcerated people and accessed the database without a valid reason. Moreover, the officer allegedly lied to an investigator when he denied being overfamiliar with incarcerated people and engaging in sexual misconduct with them.

The hiring authority sustained the sexual misconduct allegations involving nine of the 12 incarcerated people. The hiring authority sustained allegations the officer divulged confidential information and accessed the database without a valid reason. The hiring authority also sustained the allegation that the officer had lied to the investigator, but not that he had smuggled contraband into the prison. The OIG

concurred with the hiring authority's findings except for the decision not to sustain three allegations. The hiring authority determined that dismissal was the appropriate penalty. The OIG concurred. The officer retired before he could be served with a dismissal action. Therefore, the hiring authority placed a letter in the officer's official personnel file indicating he had retired under unfavorable circumstances.

The traditional section of the Office of Internal Affairs unnecessarily delayed the completion of the investigation, which prevented the department from imposing discipline for some allegations. Although the investigator completed the investigation before the deadline to impose discipline for some of the allegations, the investigator unnecessarily delayed completing it until 223 days after being assigned to the investigation. The investigator completed the investigation only eight days before the deadline for allegations involving two of the 12 incarcerated people, which did not allow sufficient time for the hiring authority to make penalty decisions for those allegations. Because of the delay in completing the investigation, deadlines for imposing discipline for allegations before the deadline to do so expired.

#### OIG Case No. 24-0078164-INV

Two officers allegedly disregarded an incarcerated person's request to move cells after the incarcerated person was sexually assaulted by a cellmate. A third unknown officer allegedly disregarded the incarcerated person's request to move from the building away from the cellmate that sexually assaulted the incarcerated person. The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

The Allegation Investigation Unit delayed the investigation even after the hiring authority requested additional investigation. The investigator was assigned on April 15, 2024. On May 17, 2024, the investigator conducted the first interview. However, the investigator closed the investigation without conducting any additional interviews and submitted the investigation to the hiring authority on July 24, 2024. On October 10, 2024, the hiring authority returned the investigation to the Allegation Investigation Unit and requested the investigator conduct interviews of the officers who were the subjects of the investigation.

However, the investigator did not conduct the additional interviews until January 13, 2025, three months and three days thereafter. The investigator completed the final interview on January 21, 2025. The investigator conducted a total of three interviews which required only three days to complete but took nine months and six days to complete the investigation.

## The Office of Internal Affairs Could Improve the Thoroughness of Their Investigations by Properly Consulting With Stakeholders During the Investigative Process

We considered whether investigators appropriately conferred with the OIG and with the department attorney throughout the investigation. Most of the time, we found that the Office of Internal Affairs did so, but not consistently. We considered whether the investigator was prepared during case consultations, afforded opportunities for input in scheduling interviews, allowed for discussion regarding recommendations, and gave enough time to review investigative reports and other documentation. We also assessed whether investigators thoroughly addressed all allegations and subjects—not just those identified at the inception of the investigation, but those that were uncovered during the investigation. Below are two examples of cases we rated *inadequate* that illustrate these issues.

### Administrative Disciplinary Cases

In 13 of the 28 administrative disciplinary cases in which the OIG rated the traditional section of the Office of Internal Affairs' performance as *inadequate*, we found that investigators did not adequately consult with the OIG or the department attorney during the investigative process.

#### OIG Case No. 24-0088553-DM

An officer allegedly left his State-issued firearm unattended in a restroom at an outside hospital. The officer also allegedly failed to sign his post orders.

The hiring authority sustained the allegation that the officer had left the firearm unattended, but not the remaining allegation, and imposed a 5 percent salary reduction for 30 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to a hearing, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 24 months.

During the investigation, the investigator failed to notify or consult with the department attorney and the OIG before conducting a site inspection at the hospital and attempting to interview potential witnesses. The OIG recommended that the investigator interview the officer's supervisor about current policies and procedures related to taking breaks, leaving an assigned post, and eating while on duty, but the investigator rejected the OIG's recommendation. Instead, the investigator finalized the report without any further consultation with either the OIG or the department attorney. The investigator also failed to send the notice of interview to the department attorney and the OIG for review prior interviewing the

officer. Had the investigator done so, the OIG would have recommended expanding the scope of the interview to encompass the entirety of the officer's alleged misconduct. As a result, the investigator failed to question the officer about abandoning his post and being distracted from duty, which could have led to additional sustained allegations of misconduct that warranted a higher penalty.

### Staff Misconduct Complaint Cases

In 10 of the 33 staff misconduct complaint cases in which the OIG rated the Allegation Investigation Unit's performance as *inadequate*, we found that investigators did not adequately consult with the OIG or the department attorney during the investigative process.

#### OIG Case No. 24-0085396-INV

A lieutenant, a sergeant, and six officers allegedly failed to take appropriate action after an incarcerated person expressed concerns for his safety. The incarcerated person subsequently attacked a second incarcerated person. One of the six officers struck the first incarcerated person in the back with a baton after the incarcerated person had already disengaged from the fight. The hiring authority found insufficient evidence to sustain any of the allegations. The OIG concurred.

The Allegation Investigation Unit assigned three investigators to the case, one after the other. The first investigator was assigned on July 7, 2024. After being assigned the case, the first investigator interviewed the lieutenant. However, On September 11, 2024, the Allegation Investigation Unit assigned the case to another investigator. The second investigator stated that he intended to close the investigation without any additional interviews, including critical interviews of the first incarcerated person, the officer who allegedly used unnecessary force, or any witnesses. The second investigator opined that the video recording and incident reports constituted sufficient evidence for the hiring authority to make an informed decision. When the department attorney stressed the need to interview witnesses, the second investigator became frustrated, and both the second investigator and his supervisor pushed back against the department attorney's recommendations. After further intervention from the department attorney's supervisor and the department attorney, the second investigator and his supervisor relented and conducted the interviews.

In addition, the second investigator failed to include the OIG in critical communications, including emails to coordinate scheduling of interviews. The department attorney had to forward email communications to the OIG because the second investigator failed to do so.



Finally, both the department attorney and the OIG noted severe deficiencies with the draft investigative report that required significant revisions. The department attorney recommended the revisions on December 20, 2024, and the OIG recommended revisions on December 23, 2024. However, the Allegation Investigation Unit failed to respond to requests for revisions until January 24, 2025, when it assigned the case to a third investigator. The third investigator revised the report, but the delay contributed to the Allegation Investigation Unit returning the investigation back to the hiring authority with only four days remaining before the deadline to take disciplinary action.

## The Allegation Investigation Unit Unnecessarily Increased Investigators' Caseloads by Creating Additional and Duplicative Investigations and Splitting Related Allegations into Separate Investigations

The OIG observed that the Allegation Investigation Unit routinely created duplicative investigations and unnecessarily split related allegations into multiple investigations. This practice caused their estimated case count to exceed the actual number of investigations. The creation of additional and overlapping investigations also created inefficiencies within the staff misconduct complaint investigative process and contributed to the growth of unmanageable caseloads and delays in investigations. The Allegation Investigation Unit opened multiple cases to investigate duplicative and related staff misconduct allegations when a claimant filed more than one written complaint alleging the same or related staff misconduct, when an incarcerated person made a verbal allegation of staff misconduct in addition to filing a written complaint about the same incident, when departmental staff reported allegations of misconduct in addition to an incarcerated person or third-party claimant, and when multiple people filed separate complaints about the same incident. In addition, the Allegation Investigation Unit unnecessarily split related allegations into separate and distinct investigations even when allegations were related in time and scope. The OIG made recommendations to the Allegation Investigation Unit to avoid creating duplicate cases and to combine related investigations. Below are two examples of investigations we monitored that highlight the inefficiencies of this practice.

### OIG Case No. 24-0090689-INV

On August 27, 2024, the Allegation Investigation Unit received an incarcerated person's complaint alleging five officers, a sergeant, and a lieutenant used unreasonable force against him, taunted and threatened him, and falsified a rules violation report on the same date. The Allegation Investigation Unit opened an investigation to address these allegations on September 3, 2024, and assigned an investigator on September 9, 2024. The Allegation Investigation Unit received a written complaint on September 6, 2024, from a second incarcerated person who witnessed the officers allegedly using unreasonable force against the first incarcerated person on August 27, 2024. In addition to making allegations that custody staff used unreasonable force, the second incarcerated person also alleged that one of the officers grabbed the first incarcerated person's genitals during the use-of-force incident in violation of the Prison Rape Elimination Act (PREA). The Allegation Investigation Unit opened a second investigation (C-AIU-SATF-8163-24) on September 12, 2024, and assigned a different investigator solely to investigate the PREA claim. The first investigator interviewed the

incarcerated person involved in the incident and seven subjects of the investigation but did not interview the second incarcerated person who also filed a complaint and who asserted that he had witnessed the incident. The second investigator interviewed the incarcerated person who had witnessed the incident in addition to interviewing the incarcerated person involved in the incident a second time; however, the second investigator did not interview the subject of the investigation or any of the officers involved in the incident. Both investigators reviewed the same video recordings and documentary evidence, including incident report narratives, housing and work assignments, and related complaints. Each investigator produced a separate investigative report despite the substantial amount of overlapping evidence between the two investigations. Although the second investigator's report indicated the unreasonable force allegations were covered in the first investigation, the investigator still spent time reviewing documents, interviewing the incarcerated person who had filed the initial complaint, and drafting an investigative report. Moreover, because of the separate investigations, neither investigative report contained all pertinent information related to all allegations of staff misconduct that occurred within the time and scope of the incident.

#### OIG Case No. 23-0058747-INV

The Allegation Investigation Unit received complaints from two separate department staff members on June 4, 2023, indicating an incarcerated person alleged that officers beat him up, slammed him on the ground, pulled on his restraints, and bent his wrists earlier on the same date. On June 18, 2023, the incarcerated person involved in the incident filed a written complaint alleging five officers used unreasonable force against him and that a sergeant falsified a rules violation report. On June 22, 2023, the Allegation Investigation Unit opened an investigation based on the first staff member's report of misconduct and assigned an investigator to investigate allegations that custody staff used unreasonable force. On June 23, 2023, the Allegation Investigation Unit opened a second investigation based on the incarcerated person's written complaint, designated the case a subsequent source, and never assigned an investigator (N-AIU-SAC-6183-23). The Allegation Investigation Unit created a third investigation on September 18, 2023, based on the second staff member's report of misconduct, and assigned the investigation to the same investigator already investigating the duplicative case (N-AIU-SAC-8583-23).

Instead of combining all allegations of staff misconduct related to the same incident into one investigation, the investigator created two separate investigations under the first and third case numbers created by the Allegation Investigation Unit; one to address allegations that custody staff used unreasonable force and another to address an allegation that a psychiatric technician observed the custody staff use force and failed to report the force observed. Even though the evidence significantly

overlapped and the allegations were all related in time and scope to the same incident, the investigator prepared and submitted a separate investigative report for each investigation. In the first investigative report, submitted to the custody hiring authority on May 3, 2024, the investigator summarized his interview of the incarcerated person who had filed a complaint, the interviews of seven officers and two sergeants, and his review of the video recordings and documentary evidence pertaining to the incident. In the second investigative report, submitted to the medical hiring authority on February 26, 2024, the investigator summarized his interview of the psychiatric technician who was the subject of the investigation, his review of video recordings, and the incarcerated person's written complaint. The investigator did not include a summary of the psychiatric technician's interview and observations in his investigative report for the custody case and did not include information about his interviews with custody staff about the use-of-force incident in his investigative report for the medical case.

In addition to creating additional and unnecessary investigations for duplicative claims, the Allegation Investigation Unit also unnecessarily split related allegations into separate investigations.

#### OIG Case No. 24-0077051-INV

The Allegation Investigation Unit received a written complaint from an incarcerated person on March 15, 2024, alleging in part that two officers retaliated against him on March 13, 2024, because he filed a separate complaint against one of the officers the day before. In his complaint, the incarcerated person also alleged that one of the two officers falsified a rules violation report against him on March 13, 2024. The Allegation Investigation Unit opened two separate investigations on March 22, 2024, one investigation (*N-AIU-SAC-1951-24*) to address the allegations that the two officers had retaliated against the incarcerated person on March 13, 2024, and a second investigation, previously mentioned in this report, to address the allegation that one of the officers had falsified a rules violation report against the incarcerated person on the same date. Moreover, on March 22, 2024, the Allegation Investigation Unit opened a third case (*N-AIU-SAC-1955-24*) based on another written complaint the incarcerated person had filed that alleged the same officer who retaliated and falsified the rules violation report against him had also endangered him on March 13, 2024, by sharing confidential information about him in front of other incarcerated people.

The Allegation Investigation Unit assigned all three cases to the same investigator, who produced one investigative report for all three cases. However, this practice still causes inefficiencies due to the clerical and administrative work necessary to open and track administrative investigations. Furthermore, the creation of duplicative cases obscures the actual number of investigations the Allegation Investigation Unit handled.

## **In Response to Our Inquiries, the Department Could Not Identify the Number of Its Duplicative or Subsequent Source Investigations**

Since the department began investigating allegations of staff misconduct against incarcerated people with its new Allegation Investigation Unit in June of 2022, the department has reported a drastic increase in the number of complaints it has been assigned to investigate. However, since the beginning of this new process, the department has not been able to determine how many of the submitted complaints and investigations are duplicative of other complaints and investigations. The OIG has observed examples of duplicative work but has yet to receive a clear answer from the department as to how significant of a problem duplicative complaints and investigations pose.

When the Allegation Investigation Unit receives duplicative complaints of the same staff misconduct, it designates one complaint as a primary source, and additional duplicative complaints as “subsequent sources.” The Allegation Investigation Unit is then supposed to close subsequent sources as duplicative to avoid assigning multiple investigators to investigate the same allegations. According to the department’s Office of Research, a true count of “subsequent sources” cannot be obtained because there is no consistent process for the Allegation Investigation Unit to identify what constitutes a subsequent source. Although it has been three years since the inception of this staff misconduct complaint investigative process, the department appears unable to definitively quantify the number of existing duplicative complaints and investigations.

Of the 89 Allegation Investigation Unit investigations the OIG monitored during this reporting period, 22 of the cases had at least one other related, subsequent source, or duplicative case number associated with it. The OIG has previously recommended, and continues to recommend, that the department create a consistent, statewide system for identifying, tracking, and eliminating duplicative investigative work. As of the date of this report, the department has informed us that it is working on a project within its Enterprise Information Systems branch to enable Allegation Investigation Unit staff to link and flag duplicate allegations to guard against future duplicative investigations of identical allegations and add related allegations to existing cases. We will provide an update on this project in our next discipline monitoring report. In the meantime, Allegation Investigation Unit management has instructed staff to ensure case data, such as the date of incident, identities of involved staff, identities of complainant, institution, and other critical allegation information is entered into its case management system to permit manual checks of its databases to allow greater identification of potential duplication.

### **The Department is Implementing Processes to Address Delays, Wasted Resources, and Duplicative Investigations to Increase its Likelihood of Completing Investigations Prior to Deadlines for Taking Disciplinary Action**

The Allegation Investigation Unit currently faces significant risks due to a higher than anticipated investigative workload, delays in investigations, and the continued use of its limited investigative resources on duplicative investigations. Without immediate intervention, the Allegation Investigation Unit will be unable to complete investigations in time to forward findings to hiring authorities before deadlines for disciplinary action expire. As a result, the department would be unable to hold responsible staff who have engaged in misconduct.

As of June 30, 2025, the Allegation Investigation Unit reported having just over 10,000 open investigations. Of these, 705 were within 60 days of the deadline for imposing discipline. This number is expected to grow each month based on current intake and closure rates. During this reporting period, the Allegation Investigation Unit received an average of 1,084 new investigations per month. With 121 investigators currently assigned, each investigator receives approximately nine new investigations per month on average yet is only able to close 3.6 cases monthly. This has created an average backlog of roughly 650 investigations each month.

The widening gap between incoming and resolved cases contributes to a growing backlog that threatens the Allegation Investigation Unit's ability to meet its investigative obligations. The situation is further exacerbated by a high volume of duplicative investigations as cited in the examples above. These redundancies divert scarce resources from original and unresolved allegations, thereby undermining both efficiency and accountability.

To its credit, the department has been forthright and transparent with our office regarding its backlog of investigations, the volume of open investigations, and the likelihood that it would not be able to complete many investigations within the one-year deadline to take disciplinary action against the accused officers in those cases. The department also invited our office to provide feedback on several proposals it is developing to address these backlogs, including ways to identify and prioritize for immediate investigation allegations that are nearing the one-year deadline that are the most serious or the most likely to result in substantiated misconduct. The department is also developing and testing several processes intended to reduce the expanding backlog of investigations by expediting various phases of the investigative process.

#### **Centralized Intake Triage Team**

The department recently created the Centralized Intake Triage Team, a group of analysts and sergeants tasked with reviewing cases the

Centralized Screening Team refers to the Allegation Investigation Unit for investigation. Once assigned a case, a Centralized Intake Triage Team analyst reviews the complaint and other case documents, determines whether the case was appropriately routed, combines the case with prior similar claims if appropriate, performs initial document gathering, and preserves video evidence. These preliminary evidence gathering steps are work the assigned investigator would eventually have to perform during the investigation. Instead of burdening investigators with this routine work that would normally require them to pause and divert their attention from other investigations they were already performing, the analyst would perform these preparatory steps and ensure these basic materials are preserved, collected, and bundled together for investigators to review when they begin their investigation of the complaint. These steps also are also intended to increase the likelihood that the department preserves any video evidence that may be nearing deletion by operation of its 90-day video retention policy.

After the Centralized Intake Triage Team analyst completes their work on a case, they examine the evidence collected to determine whether the video evidence conclusively proves that the allegations either occurred or did not occur. If the analyst believes a conclusive determination can be made from the materials already collected, after receiving approval from their supervisor, the analyst sends all the evidence they gathered to the hiring authority instead of sending it to the investigator for further investigation. The hiring authority is tasked with reviewing the materials and determining whether there is a need for further investigation. If further investigation is needed, the hiring authority returns the case to the investigator for further investigation; if not, the hiring authority makes findings and penalty determinations for each allegation made in the complaint. We have assigned attorneys to monitor this process and will report our observations in future reports.

### Grievance Resolution Team

The department is also in the process of piloting its Grievance Resolution Team (GRT), a multi-disciplinary team consisting of representatives from the local Office of Grievances, the Office of Appeals, and the Centralized Screening Team. This team is tasked with meeting with the most frequent filers of grievances in the state. The Office of Appeals will identify the 50 claimants who submitted the highest number of claims in each preceding quarter. Once identified, the GRT will meet with each of these claimants at least once per month to discuss and address claims that met criteria for review by the GRT. These criteria include:

1. The claim lacks sufficient detail for a meaningful screening determination, and the claimant refuses to participate in a clarifying interview or participates in a clarifying interview but is still unable to provide sufficient detail to clarify the claim;

2. The claim is factually impossible (meaning the claim defies the laws of physics, biology, or any other discipline);
3. The claim is highly implausible (meaning the claim is factually possible but so improbable that any reasonable person would dismiss the claim as preposterous);
4. The claim closely mirrors three or more previous claims submitted by the same claimant during the most recent calendar quarter and is similar to at least one other claim which was previously denied by a Reviewing Authority or determined to be unfounded, exonerated, or not sustained by a Hiring Authority; and
5. The claim accuses departmental staff of failing to take a specific action, but documentary evidence found in the department's information technology system clearly shows that the action was taken by that same staff.

After discussion with the claimant, if the GRT unanimously agrees that an addressed grievance fits within one of the criteria above, the Office of Grievances may answer the claim without a routine review if it meets criteria (1) through (3), or route the claim for routine review at the prison if it meets criteria (4) or (5). We have begun observing some of these initial pilot sessions at various prisons in the northern region and plan to report our observations of this process in future reports.

### Use-of-Force Expert Consultant

The department has also retained a consultant with expertise in use-of-force policies, who plans to examine the department's use-of-force training, policies, practices, and regulations. Among the areas the consultant is exploring is whether the department should utilize a non-Office of Internal Affairs entity, such as the Institutional Executive Review Committee, sometimes referred to as the "Use-of-Force Committee" at the local prisons, to triage cases before they become full Allegation Investigation Unit investigations. The department has invited us to meet with the consultant to provide our observations about the department's use-of-force practices and the areas most in need of review and modification.

The OIG supports the department's creative efforts to streamline the investigative process and reduce delays. We will continue to monitor these new processes to see how they are implemented and publish our findings in a future report.



## The Employment Advocacy and Prosecution Team

The Employment Advocacy and Prosecution Team (EAPT) is the third stakeholder we assess during our monitoring of the department's investigative and disciplinary processes. EAPT attorneys, known as vertical advocates, provide legal recommendations to investigators and hiring authorities. Generally, the same vertical advocate represents the department throughout the entire investigative and disciplinary process. The OIG monitors the vertical advocate's performance, provides real-time feedback during the investigation and litigation processes, and assesses the vertical advocate's performance.

During this reporting period, we monitored and closed 199 administrative disciplinary and criminal cases and 89 staff misconduct complaint cases. The department assigned an attorney to counsel and represent the department in all 199 administrative disciplinary and criminal cases. However, of the 89 staff misconduct complaint cases the OIG monitored, the department assigned an attorney to counsel and represent the department in 56 cases. In the remaining staff misconduct complaint cases, the department assigned an employee relations officer to handle the cases including drafting the disciplinary action and representing the department. If a department attorney was assigned to a case, we assessed the soundness of the legal advice department attorneys provided to investigators and hiring authorities and how well the attorneys provided legal advice to investigators and hiring authorities. We also assessed how well department attorneys performed when litigating disciplinary actions before the State Personnel Board when the affected employees filed appeals.

For administrative disciplinary and criminal cases, we rated the department attorneys' performance as *adequate* in 92 cases, *improvement needed* in 62 cases, and *inadequate* in 45 cases.

For staff misconduct complaint cases, we rated the department attorneys' performance as *adequate* in 18 cases, *improvement needed* in 9 cases, and *inadequate* in 29 cases.

Our most common criticisms include delaying the investigative or disciplinary process and providing what we considered to be inappropriate advice or recommendations to hiring authorities regarding investigative findings and disciplinary determinations.

For a breakdown of the department attorney ratings see Table 4 on the next page.

**Table 4. Department Attorney Performance Ratings**

Case Type	Adequate	Improvement Needed	Inadequate	Total
Administrative Disciplinary and Criminal	46% (92 cases)	31% (62 cases)	23% (45 cases)	100% (199 cases)
Staff Misconduct Complaint	32% (18 cases)	16% (9 cases)	52% (29 cases)	100% (56 cases)
<b>Totals</b>	<b>43% (110 cases)</b>	<b>28% (71 cases)</b>	<b>29% (74 cases)</b>	<b>100% (255 cases)</b>

Source: The Office of the Inspector General Tracking and Reporting System.

## Vertical Advocates Frequently Delayed the Disciplinary Process

One of the most common reasons we rated department attorneys' performance *inadequate* was their failure to handle the disciplinary process without undue delay. The department attorney's role in the disciplinary process includes consulting at the investigative and disciplinary findings conference, drafting the disciplinary action for service, and attending *Skelly* hearings. Even though it is of utmost importance to complete these steps timely, department attorneys frequently delayed the disciplinary process. When the department assigns an attorney to a case, the hiring authority cannot complete the investigative and disciplinary findings conference without the department attorney's participation. Similarly, when the department attorney delays drafting the notice of disciplinary action, the resulting discipline is also delayed. In 34 of the 74 cases in which we rated department attorneys' performance *inadequate*, the department attorney delayed a critical step of the investigative and disciplinary process.

### Administrative Disciplinary Cases

In 15 of the 45 administrative disciplinary cases in which the OIG rated the department attorney's performance as *inadequate*, we found that department attorneys were responsible for significant delays of the disciplinary process.

#### OIG Case No. 22-0046148-DM

An officer allegedly failed to properly review audio-video surveillance system footage and falsely stated he had reviewed all the footage and did not see that a search of a cell had been conducted even though the footage showed it had been conducted. A sergeant allegedly improperly denied an Allegation Investigation Unit investigator's request for a copy of the footage without personally reviewing it to verify that the request was warranted. A lieutenant allegedly failed to report that the officer misrepresented that the footage did not show that a cell search had been conducted. Furthermore, the officer allegedly lied during an interview with an investigator.

The hiring authority sustained the allegations against the officer and dismissed him. The officer filed an appeal with the State Personnel Board. Following an evidentiary hearing, the State Personnel Board upheld the officer's dismissal. The hiring authority did not sustain the allegation against the sergeant. The hiring authority sustained the allegation against the lieutenant and imposed a letter of reprimand.

However, the department attorney unduly delayed the investigative and disciplinary process. The hiring authority completed the investigative and disciplinary findings conference for the officer on July 3, 2023, but

the department attorney did not provide a draft disciplinary action for review until October 12, 2023, 101 days thereafter and 71 days after policy required that the disciplinary action be served. As a result, the officer continued to receive his full salary despite the hiring authority's decision to dismiss him. The hiring authority completed the investigative and disciplinary findings for the lieutenant on May 15, 2023, but the department attorney did not provide a draft disciplinary action for review until October 18, 2023, 156 days later and 126 days after policy required the disciplinary action to be served.

### Staff Misconduct Complaint Cases

In 19 of the 29 staff misconduct complaint cases in which the OIG rated the department attorney's performance as *inadequate*, we found that department attorneys were responsible for significant delays of the disciplinary process.

#### OIG Case No. 24-00084217-INV

An officer allegedly tripped an incarcerated person during an escort, which caused the incarcerated person to fall to the ground and sustain injuries to his face, shoulder, and head. The hiring authority found insufficient evidence to sustain the allegation.

The investigator completed the investigation and referred the matter to the hiring authority on October 3, 2024. The hiring authority initially scheduled the investigative and disciplinary findings conference for November 22, 2024. However, on November 21, 2024, the day before the conference, the department attorney notified the OIG that the Office of Legal Affairs had delayed the conference because the department attorney's supervisor was unavailable to approve the department attorney's investigative and disciplinary findings conference memorandum. The Office of Legal Affairs' delay resulted in the hiring authority not conducting the conference until January 9, 2025, 98 days after the investigator completed the investigation and 84 days after policy required.

## We Frequently Disagreed With the Recommendations the Department Attorneys Provided to Hiring Authorities

In addition to delaying the disciplinary process, we found department attorneys sometimes did not provide appropriate recommendations or legal advice to hiring authorities during investigative and disciplinary findings conferences or when settling cases. Hiring authorities depend on department attorneys for counsel about crucial disciplinary decisions concerning subordinate employees. Nevertheless, we found department attorneys made inappropriate recommendations during investigative and disciplinary findings conferences.

### Administrative Disciplinary Cases

In 18 of the 45 administrative disciplinary cases in which the OIG rated the department attorney's performance as *inadequate*, we found that the department attorney did not provide appropriate advice and recommendations to the hiring authority regarding the investigation, investigative findings, and disciplinary determinations.

#### OIG Case No. 24-0086422-DM

An off-duty officer allegedly drove his vehicle with false registration tags and a tinted license plate cover and was unable to provide proof of insurance during a traffic stop. The officer also attempted to gain preferential treatment and made false statements to outside law enforcement upon his arrest. The officer also lied during his interview with an investigator.

The hiring authority sustained the allegations, except for the allegation that the officer had attempted to gain preferential treatment from outside law enforcement and dismissed the officer. However, the officer resigned before the department could serve the disciplinary action.

The department attorney inappropriately advised the hiring authority against sustaining an allegation that the officer lied to outside law enforcement when the officer claimed he was too busy to remove a tinted cover on his vehicle license plate even though he admitted to outside law enforcement that he had printed and affixed a fraudulent registration sticker on the license plate two days before outside law enforcement detained him. The department attorney also advised the hiring authority against sustaining an allegation that the officer lied to an investigator when the officer claimed he had been paying fines for his lack of current registration and insurance on his personal vehicle from a prior detention, even though court records showed the fines had not been imposed on the officer from the prior detention until four days after his interview with the investigator.

## Staff Misconduct Complaint Cases

In 22 of the 29 staff misconduct complaint cases in which the OIG rated the department attorney's performance as *inadequate*, we found that the department attorney did not provide appropriate advice and recommendations to the hiring authority regarding the investigation, investigative findings, and disciplinary determinations.

### OIG Case No. 24-0086429-INV

A warden, unknown supervisors, and unknown officers allegedly failed to protect a transgender incarcerated person from being stabbed to death by three other incarcerated people. Two additional officers allegedly shared confidential information about the transgender incarcerated person with other incarcerated people and advised them that the officers would not protect the transgender incarcerated person.

The hiring authority found insufficient evidence to sustain the allegations against the two officers and determined that the investigation conclusively proved the alleged misconduct by unknown supervisors and unknown officers did not occur. However, the hiring authority made no finding on the allegation against the warden.

The department attorney inappropriately advised the hiring authority not to include the prison's warden as a subject of the investigation even though the incarcerated person specifically alleged misconduct by the warden. The department attorney based his reasoning on an unwritten rule not to make hiring authorities subjects of investigations unless the allegation included a "basis for knowledge" of the allegation by the complaining incarcerated person. This standard does not exist in regulation or written policy and is not applied to any other departmental staff who are accused of misconduct against an incarcerated person. The department should not apply an unwritten rule to protect hiring authorities from being treated like all other departmental staff. Furthermore, applying this unwritten rule in this case precluded the warden from receiving a memorandum showing the allegation against him was unfounded. When confronted with these arguments, the department attorney responded, "I'd be glad to have OIG negatively assess me on this issue."

## Vertical Advocates Prosecuted More Disciplinary Cases Than in the Last Reporting Period, but Demonstrated Some Room for Improvement

If discipline is imposed, the affected employee has the right to challenge the penalty by filing an appeal with the State Personnel Board. If the affected employee does not withdraw the appeal, or if the State Personnel Board does not dismiss it, and if the case does not settle, it proceeds to hearing. If the department assigns an attorney to the case, the department attorney prosecutes the disciplinary matter before the State Personnel Board. In this reporting period, appeals were filed in 56 administrative disciplinary cases and in eight staff misconduct complaint cases.

In this reporting period, we monitored 21 administrative disciplinary cases that had been submitted to the State Personnel Board for a decision after a full evidentiary hearing had been held, which is 10 more than the number of cases in the last reporting period. Of those 21 cases, the State Personnel Board either modified the penalty or did not uphold all allegations in only seven cases. Department attorneys were able to secure dismissals in 16 of the 18 dismissal cases taken to hearing.

In 2024, we did not monitor any staff misconduct complaint cases litigated by a department attorney. In this reporting period, we monitored two staff misconduct complaint cases department attorneys litigated before the State Personnel Board. In one case, the State Personnel Board reduced a dismissal to a 12-month suspension. In the second case, the State Personnel Board revoked a salary reduction. In that second case, the department attorney failed to call a use-of-force expert despite having listed one on the prehearing witness list. The officer who had appealed called his own expert witness.

Below is an example of an administrative disciplinary case in which we rated the department attorney's performance *inadequate* due to poor legal representation before the State Personnel Board, which did not uphold the allegations and penalty the department imposed.

### OIG Case No. 21-0040521-DM

Two officers allegedly argued with and physically fought a civilian at a restaurant. The first officer allegedly tried to punch the civilian in the face through an open car window as the civilian slowly drove past, and the civilian shot the first officer in the neck. Both officers allegedly lied to the traditional section of the Office of Internal Affairs about the incident and claimed they were trying to de-escalate the situation with the civilian, that it was not safe to leave the restaurant where the fight occurred, and that the second officer did not see the first officer try to punch the civilian.

The hiring authority sustained the allegations and dismissed the officers. At hearing, an expert witness testified for the officers that they did not lie during their interviews but had simply forgotten facts regarding the incident due to feeling threatened. The State Personnel Board upheld the first officer's dismissal but reduced the second officer's penalty from a dismissal to a three-month suspension without pay after agreeing with the officers' expert. Both officers and the department filed petitions for writ of mandamus challenging the State Personnel Board's decisions. The superior court denied the writ petitions.

Prior to the hearing, the officers filed prehearing settlement conference statements identifying an expert witness they would call at hearing in defense to the dishonesty allegations. The expert witness would testify how individuals can suffer from memory loss and memory distortion from an incident when the individual feels under threat. Despite being aware of the officers' defense, the department attorney failed to retain an expert witness to rebut that testimony.

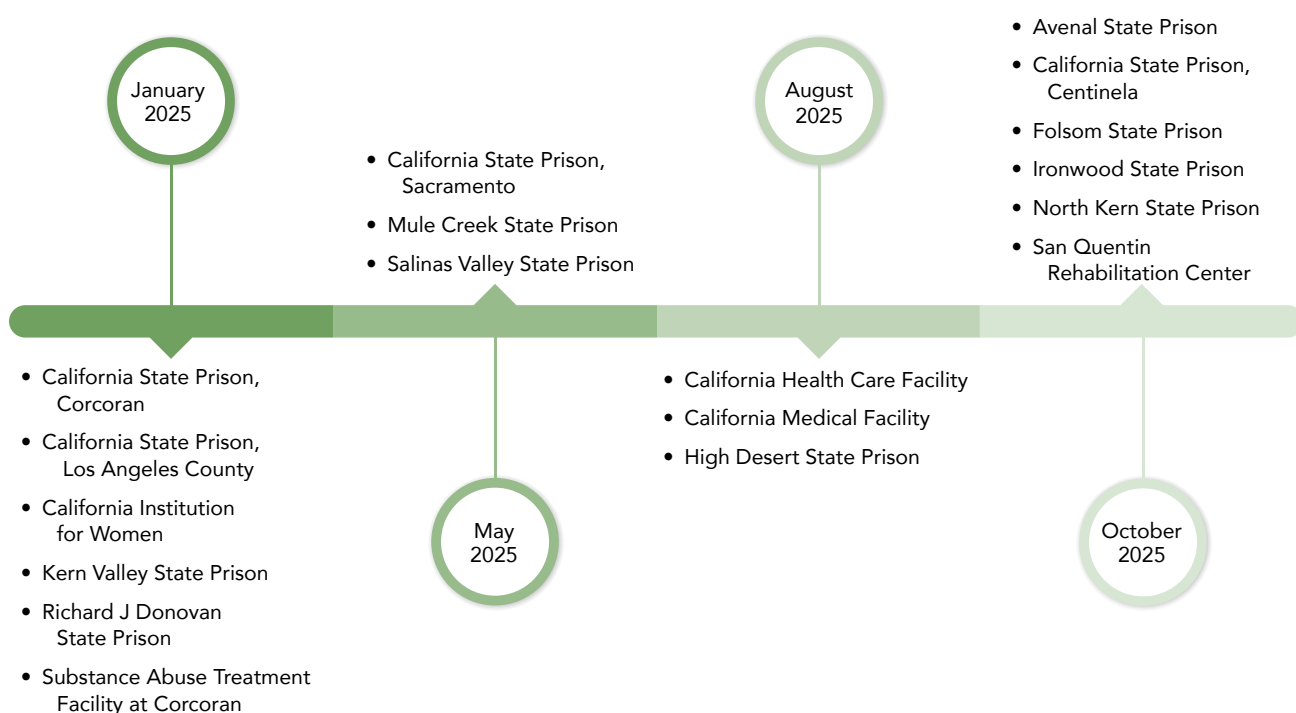


## Initial Data Shows Regional Hiring Authorities Within the Department's New Centralized Allegation Resolution Unit Are Reviewing Investigations In a More Thorough and Timely Manner

The most serious complaints of alleged staff misconduct directed towards incarcerated or supervised people, or allegations that require specialized skills to investigate, are referred to the Allegation Investigation Unit for investigation. After an investigation is completed, an investigative report is submitted to a hiring authority for review. Once the report is received, the hiring authority conducts an investigative and disciplinary findings conference, during which the sufficiency of the investigation is addressed, findings are made for each allegation, and when pertinent, the level of penalty is determined. Historically, hiring authorities who reviewed investigations and made findings regarding the investigation were generally the warden of the prison from which the alleged misconduct arose.

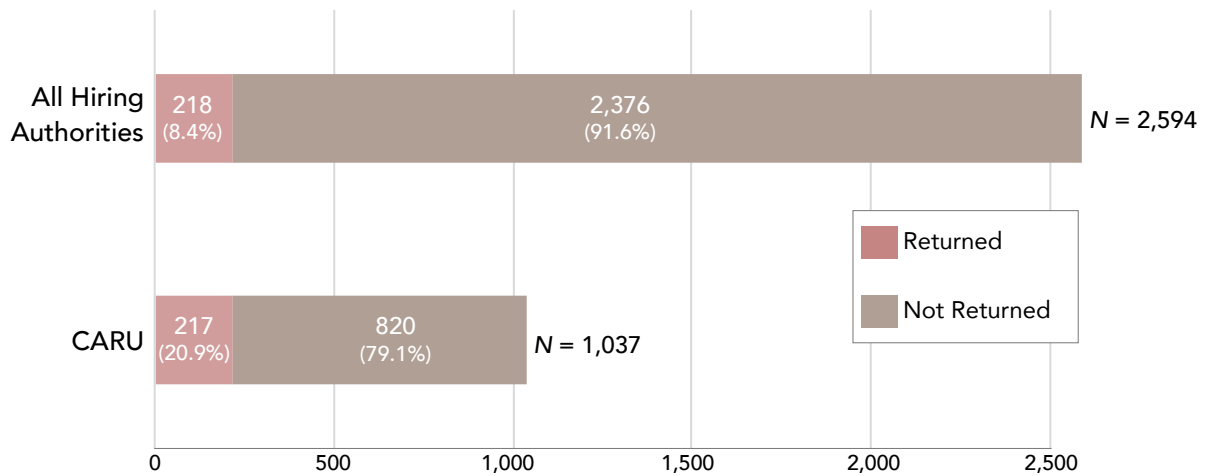
However, effective January 2, 2025, the department instituted a policy directing all Allegation Investigation Unit investigative reports involving allegations of nonmedical staff misconduct arising from six designated prisons be reviewed by a newly formed unit named the Centralized Allegation Resolution Unit (CARU) rather than having the prisons' own hiring authorities review the matter.

CARU is divided into three regional locations—north, central, and south—each operating separately from the prison within those regions. Once CARU receives an investigative report, it is assigned to a hiring authority in one of the regions for an investigative and disciplinary findings conference. In addition to reviewing investigative reports and making findings on the allegations of staff misconduct, CARU also drafts the disciplinary action when no department attorney is assigned. When a department attorney is assigned to the case, CARU facilitates the State Personal Board appeals process. The prison remains responsible for serving the disciplinary action and all other relevant documents on the affected employee. Two chief deputy wardens who are assigned to each of the three regions, individually function as the hiring authority during the investigative and disciplinary findings conference. In addition, each region has four employee relations officers as well as additional support staff to assist in the disciplinary process. As of now, CARU is responsible for handling investigative and disciplinary findings at 18 prisons within the Division of Adult Institutions. See Figure 3 on the next page for a time line of CARU proliferation at prisons.

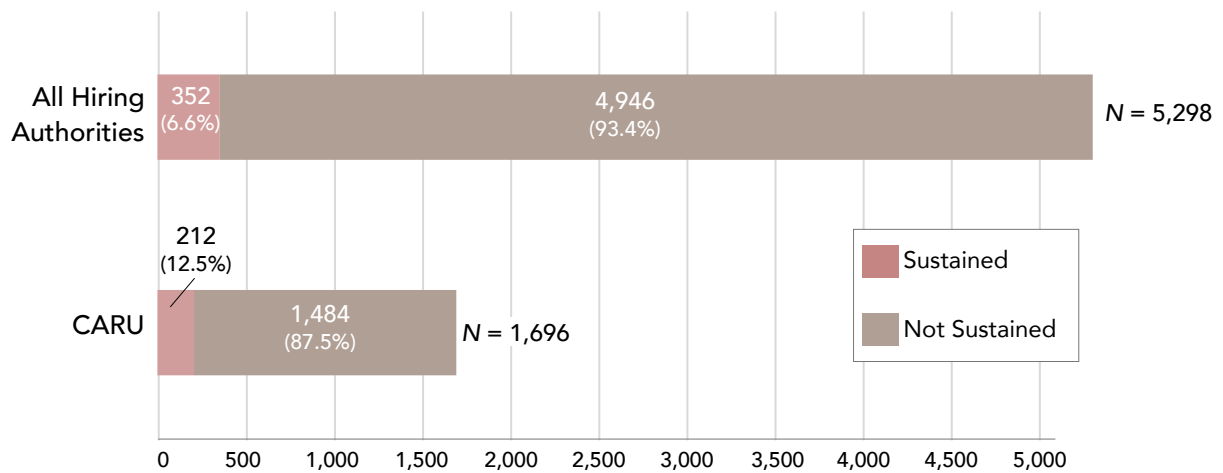
**Figure 3. Time Line of CARU Proliferation at Prisons**

Source: California Department of Corrections and Rehabilitation Memorandum dated September 16, 2025, Re: Subject Expansion of the Centralized Allegation Resolution Unit – October 1, 2025.

As displayed in Figures 4 and 5 on the next page, during this reporting period, CARU received 1,037 Allegation Investigation Unit investigations. Of those investigations, 217 were returned to the Allegation Investigation Unit for further investigation, or 20.9 percent of the investigations routed to CARU. During the same period, hiring authorities at CARU addressed 1,696 individual allegations, of which 212 were sustained, or 12.5 percent of allegations, resulting in 85 subjects receiving adverse action. In contrast, the Allegation Investigation Unit sent a total of 2,594 investigations to all hiring authorities for review during the relevant period. Of those investigations, 218 were returned for further investigation, or 8.4 percent. Hiring authorities addressed 5,298 individual allegations, of which 352 were sustained, or 6.6 percent of allegations, resulting in 116 subjects receiving adverse action. It is also noteworthy that the above totals include all cases routed by the Allegation Investigation Unit to all hiring authorities, including CARU hiring authorities. This means most cases returned to the Allegation Investigation Unit were returned by CARU hiring authorities.

**Figure 4. Investigations Received and Returned**

Source: California Department of Corrections and Rehabilitation's Office of Research requests 2507-013 and 2507-229.

**Figure 5. Allegations Addressed**

Source: California Department of Corrections and Rehabilitation's Office of Research requests 2507-013 and 2507-229.

The aforementioned data demonstrates that during the reporting period, CARU hiring authorities returned investigations to the Allegation Investigation Unit and sustained allegations at a higher rate than traditional hiring authorities. While statistics are preliminary and not directly reflective of improvement over the traditional process on their own, given the concerns discussed in previous OIG reports regarding the sufficiency of investigations and failure to sustain allegations when the evidence supports it, this initial data appears to at least suggest a positive pattern overall in these areas. However, it should be noted that the OIG was unable to monitor most of these cases. Therefore, our presentation of this data does not include an assessment of the soundness of the decisions the CARU hiring authorities made in these cases.

The OIG monitored 31 CARU-conducted investigative and disciplinary findings conferences during this period. So far, we completed monitoring of four cases and are in the process of monitoring more cases that we anticipate discussing in our next report.

Although we published case summaries for four of the 31 cases before the close of this reporting period, the remaining 27 case summaries have not yet been published. Of the 31 cases, the hiring authority failed to timely conduct the conference in only two instances, or 6.5 percent. The most significant delay was 48 days after the report was received by CARU. During the same period, the OIG completed its monitoring of a total of 84 Allegation Investigation Unit cases that ultimately resulted in investigative and disciplinary findings conferences conducted by any hiring authority. Of those, 40 conferences, or 47.6 percent, were not held timely. Moreover, there were multiple examples of the conference being held more than 100 days after the report was received. The initial CARU performance data suggests that the implementation of CARU has resulted in a significant improvement in the department's ability to timely conduct investigative and disciplinary findings conferences after an investigation has been completed.

We note that the current CARU data discussed above is still preliminary. The OIG has not completed its monitoring of most cases handled by CARU hiring authorities because the unit is new and the disciplinary process is often protracted. The OIG intends to revisit CARU's performance in subsequent reports after additional data is collected and a more complete assessment can be formulated.

## **During This Reporting Period, the OIG Monitored Investigations Opened in Response to a Lawsuit Filed by Formerly Incarcerated People Alleging Sexual Assault, Harassment, and Misconduct at Women’s Prisons**

In February of 2024, we became aware of a wave of lawsuits that currently and formerly incarcerated people had begun filing against the department regarding allegations of staff sexual assault, harassment, and misconduct. The lawsuits named the department as a defendant but also accused multiple correctional officers of committing egregious acts of sexual misconduct over a period of several years. At least 279 incarcerated or formerly incarcerated people at Central California Women’s Facility, California Institution for Women, Folsom Women’s Facility, and Valley State Prison, accused at least 83 correctional employees of sexual misconduct alleged to have occurred over several years.

In response to the lawsuit, the Office of Internal Affairs approved multiple criminal and administrative investigations into these allegations of sexual misconduct. The allegations included but were not limited to rape, digital penetration, oral copulation, and sexual battery. The OIG decided to monitor a sample of the cases because it would not have been feasible to monitor all of them due to the sheer number of cases. In response to these lawsuits, the department approved at least 402 investigations, and the OIG monitored and closed 92 of the investigations. Of the 92 investigations, 68 were criminal investigations and 24 were administrative disciplinary investigations.

## The OIG Found the Office of Legal Affairs Significantly Delayed Referring Matters to the Office of Internal Affairs for Investigation

Delayed investigation of sexual assault significantly impairs the integrity and effectiveness of the investigative process. When the Office of Legal Affairs was served with multiple civil lawsuits, the lawsuits did not identify the incarcerated or supervised person (i.e., the complainant) by name but instead identified each complainant using the “Jane Doe” identifier and using two letters followed by numbers (e.g., ML-142). The two letters identified the first and last initials of the complainant and the number reflected the chronological indicator of the number of the complaint. The complaints also contained the complainant’s date of birth and years of incarceration. Therefore, the department should have been able to identify the incarcerated people and refer the matters to the Office of Internal Affairs to investigate the allegations. However, despite the serious nature of the allegations, the Office of Legal Affairs failed to immediately refer the allegations to the Office of Internal Affairs for investigation. In just seven cases, the department assigned an attorney to handle the case; the remaining cases were handled by the employee relations officer.

In 22 of the 68 criminal cases we monitored, we found that the Office of Legal Affairs’ performance was *inadequate* because it delayed referring the matter to the Office of Internal Affairs, on average, for more than nine months. Worse, the allegations were against staff ranging in classification from officer to lieutenant who were still employed by the department at the time the department received the lawsuit and were, therefore, put on notice of the alleged misconduct. In addition, 10 of these cases involved allegations against the same officer.

In all but one case, the hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the findings. However, in one case, the hiring authority sustained an allegation that an officer had written personal letters to an incarcerated person and made no findings on the sexual abuse allegations. The OIG disagreed because this officer had already been dismissed for the same sexual misconduct in 2018. In addition, in all but two cases, the deadline to impose discipline had expired because the misconduct allegedly occurred between the years 2001 and 2022.

Below are examples of some of the criminal investigations we monitored.

### OIG Case No. 24-0076187-CM

Between June 1, 2014, and August 31, 2014, a lieutenant allegedly shoved an incarcerated person into the closet multiple times and forced her to orally copulate him. The incarcerated person filed her complaint in court

alleging sexual abuse, but the Office of Legal Affairs delayed referring the matter to the traditional section of the Office of Internal Affairs for an investigation until 274 days after receiving notice of the complaint. The lieutenant is still an active employee with the department.

#### OIG Case No. 24-0076405-CM

Between January 1, 2012, and December 31, 2013, a sergeant and two officers allegedly touched, fondled, and groped an incarcerated person on her breasts, buttocks, and genitals under her clothes, forced the incarcerated person to perform oral sex on them, and penetrated the incarcerated person's genitals with their fingers. The incarcerated person filed her complaint in court alleging sexual abuse, but the Office of Legal Affairs delayed referring the matter to the traditional section of the Office of Internal Affairs for an investigation until 272 days after receiving notice of the complaint. The sergeant and one officer are still active employees with the department.

#### OIG Case No. 24-0076825-CM

Between January 1, 2019, and December 31, 2019, an officer allegedly demanded an incarcerated person remove her clothes and perform oral copulation. The officer also allegedly penetrated the incarcerated person's anus with his genitalia. The incarcerated person filed her complaint in court alleging sexual abuse, but the Office of Legal Affairs delayed referring the matter to the traditional section of the Office of Internal Affairs for an investigation until 257 days after receiving notice of the complaint. The officer is still an active employee and has been named in several complaints.

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## Conclusion

In monitoring the department's investigative and disciplinary process, we observed areas in which the department's performance improved and areas in which its performance did not improve. For example, as previously mentioned, hiring authority performance in administrative disciplinary cases was rated slightly worse than in the previous reporting period. However, we found that department attorneys prosecuted more cases before the State Personnel Board and generally obtained favorable results when doing so. We also found that the traditional section of the Office of Internal Affairs performed much better when conducting administrative disciplinary and criminal investigations than the Allegation Investigation Unit did conducting staff misconduct complaint investigations. The OIG will continue to monitor and assess the department's performance in handling criminal and administrative disciplinary cases along with staff misconduct cases in a combined report with an eye towards reporting trends in the interest of public transparency.

**Monitoring  
Internal Investigations, Staff Misconduct  
Complaint Investigations, and  
the Employee Disciplinary Process of  
the California Department of  
Corrections and Rehabilitation**

*Semiannual Report  
January–June 2025*

OFFICE *of the* INSPECTOR GENERAL

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Chief Deputy Inspector General

STATE of CALIFORNIA  
December 2025

**OIG**