Amarik K. Singh, Inspector General

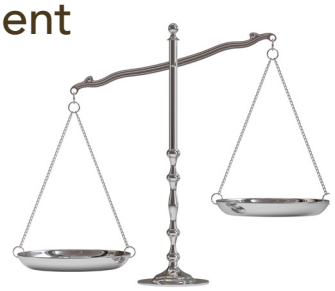
Shaun Spillane, Chief Deputy Inspector General

OIG | OFFICE *of the* INSPECTOR GENERAL

Independent Prison Oversight

November 2026

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



Semiannual Report
January–June 2026

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Amarik K. Singh, Inspector General
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November 2, 2026

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 43rd semiannual report, issued pursuant to California Penal Code section 6126(a) et seq., which summarizes the California Department of Corrections and Rehabilitation's (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, 2026, through June 30, 2026.

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 was 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.

Of the 228 administrative disciplinary and criminal cases we monitored and closed, we rated the department's overall performance *adequate* in 124 cases, *improvement needed* in 48 cases, and *inadequate* in 56 cases. Of the 300 staff misconduct complaint cases we monitored and closed, we rated the department's overall performance *adequate* in 27 cases, *improvement needed* in 15 cases, and *inadequate* in 258 cases.

Hiring authorities' overall performance has improved since the last reporting period; however, like we observed in previous reporting periods, delays in the investigative and disciplinary processes adversely affected hiring authority performance. We also noted a significant disparity in the rate at which we disagreed with hiring authorities' decisions when reviewing administrative disciplinary cases and staff misconduct complaint cases in this reporting period. For the third consecutive report, we provide an update on the Centralized Allegation Resolution Unit, noting that its caseload has increased significantly, while performance has decreased in key areas.

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Although the performance of the Office of Internal Affairs' traditional section remained consistent with the last reporting period, the performance of the Allegation Investigation Unit declined dramatically due to unmanageable workloads and the department's inability to complete investigations in a timely manner. In this reporting period, the department was unable to complete nearly 3,500 investigations before the deadline to take disciplinary action expired. We discuss some measures the department is taking to address this problem, including our assessment of 69 cases the department closed via the special conditions closure process, generally agreeing with the department's use of this new process.

The Employment Advocacy and Prosecution Team's overall performance continued to improve this reporting period due to a high rate of success in litigating disciplinary actions before the State Personnel Board and in providing sound recommendations to hiring authorities during investigative and disciplinary finding conferences and settlement discussions.

Sincerely,



Amarik K. Singh
Office of the Inspector General

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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

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Introduction

California Penal Code sections 6126 and 6133 mandate that the Office of the Inspector General (the OIG) provide contemporaneous public oversight of the California Department of Corrections and Rehabilitation's (the department's) investigations and disciplinary process. Section 6126(h) 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, departmental policy, and best practices."

Our office monitors both criminal and administrative internal affairs investigations as well as any disciplinary processes the department initiates in cases in which misconduct has been 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 in areas such as 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 at the inception of a case, when an investigation is launched, through the disciplinary phase, and 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)(3) 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 staff misconduct monitoring reports twice a year.

In January 2026, in response to new authority and increased staffing granted to implement Senate Bill 1069, the OIG launched a Sexual Misconduct Monitoring and Investigation Team (SMMIT). SMMIT monitors, assesses, and reports on investigations concerning staff sexual misconduct, especially cases involving sexual misconduct directed toward incarcerated people. Like our other teams, SMMIT monitors

cases by reviewing investigative reports, attending interviews, and consulting with department attorneys and hiring authorities. SMMIT will report its findings in an annual report describing its monitoring activities. However, the OIG has monitored cases involving allegations of staff sexual misconduct since 2004, long before SMMIT was launched. Historically, we have reported on all investigations we monitor, including sexual misconduct investigations, in our discipline monitoring semiannual reporting format. Although we have designed and implemented a separate internal database for SMMIT-monitored cases, this and the next semiannual staff misconduct monitoring report will include data from our monitoring of all staff misconduct investigations including those involving sexual misconduct. Then, beginning with the first semiannual staff misconduct monitoring report we issue regarding cases we completed monitoring in 2027, this report will no longer include assessments of cases monitored by SMMIT.

This report covers the OIG's monitoring and assessment of administrative employee disciplinary cases, including those originating from staff misconduct complaints and criminal investigations we assessed from January 1, 2026, through June 30, 2026. We also publish on our website summaries and assessments of each case we monitor. These individual case summaries can be found at ***www.oig.ca.gov*** by accessing the Data Explorer tab.

The Department's Investigative and Disciplinary Process

The California Department of Corrections and Rehabilitation's (the department's) investigative process begins when the department discovers allegations of employee misconduct. The department discovers allegations of misconduct in two main ways. 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 allegation to the Office of Internal Affairs' Field Operations and Special Investigation Unit (referred to as the traditional section of the Office of Internal Affairs throughout this report) 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 use 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 traditional section of the Office of Internal Affairs 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 incarcerated people: 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 serious 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 Office of Internal Affairs' Allegation Investigation Unit (AIU) 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 a formal internal investigation. These cases often involve allegations of dishonesty, excessive or unnecessary force, retaliation, discrimination, harassment, overfamiliarity, introduction of contraband, and sexual misconduct.

The cases the OIG identifies for monitoring from AIU 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 our 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 AIU 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.

When a hiring authority sustains at least one allegation, the hiring authority determines the appropriate discipline by referring to guidelines listed on 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.

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 following:

- 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 by preventing the OIG from attending a critical investigative or disciplinary event, it will receive an *inadequate* rating. Throughout this report, we compare each departmental stakeholder's performance against the last reporting period by examining the combined number of cases we rated *adequate* and *improvement needed* in each reporting period, as this represents the total number of cases in which the departmental stakeholder performed its role without causing a negative outcome.

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 leave 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.

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Summary

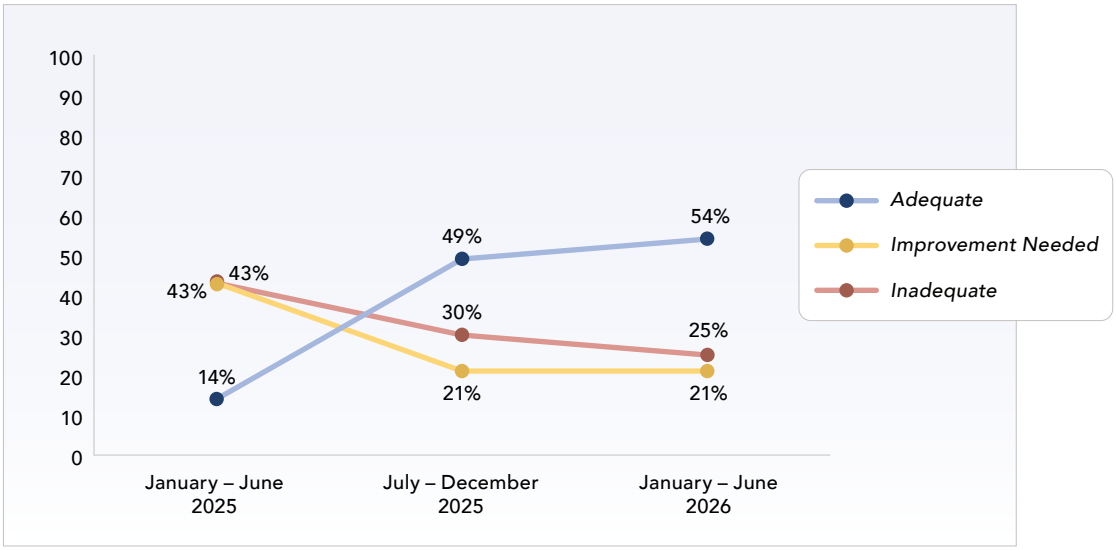
In this reporting period, the OIG monitored and closed 228 administrative disciplinary and criminal cases and 300 staff misconduct complaint cases, for a total of 528 cases. Our overall assessment of these cases is as follows:

Administrative Disciplinary and Criminal Cases

- The department's performance was rated *adequate* in 124 of the 228 cases, or 54 percent.
- The department's performance was rated *improvement needed* in 48 of the 228 cases, or 21 percent.
- The department's performance was rated *inadequate* in 56 of the 228 cases, or 25 percent.

Figure 1 below shows how we have rated hiring authority performance in administrative disciplinary and criminal cases over the last three reporting periods.

Figure 1. The Department's Overall Performance in Administrative Disciplinary and Criminal Cases in the Last Three Reporting Periods



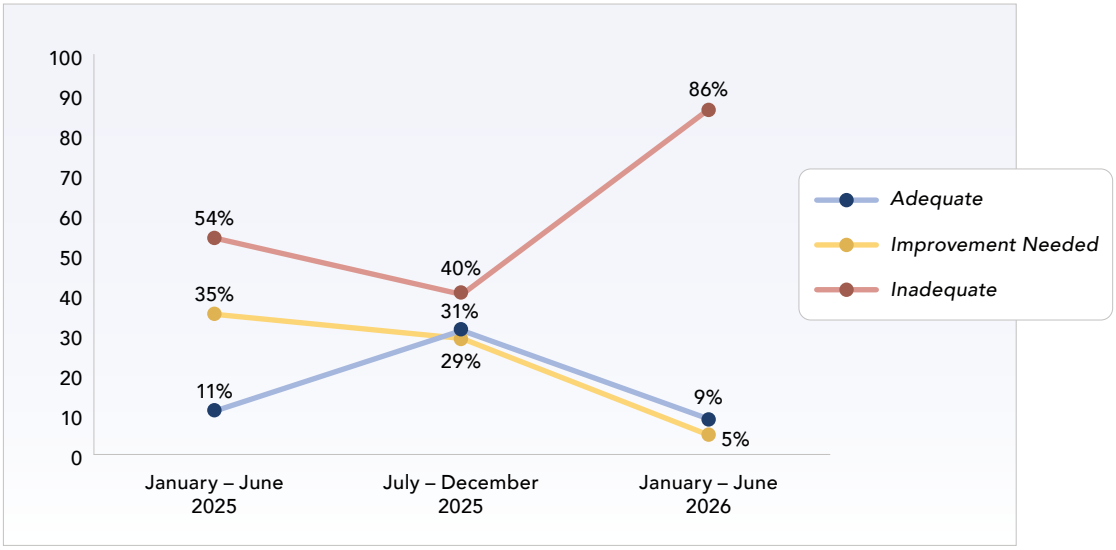
Source: The Office of the Inspector General Tracking and Reporting System.

Staff Misconduct Complaint Cases

- The department's performance was rated *adequate* in 27 of the 300 cases, or 9 percent.
- The department's performance was rated *improvement needed* in 15 of the 300 cases, or 5 percent.
- The department's performance was rated *inadequate* in 258 of the 300 cases, or 86 percent.

Figure 2 below shows how we have rated the department's performance in staff misconduct complaint cases over the last three reporting periods.

Figure 2. The Department's Overall Performance in Staff Misconduct Complaint Cases in the Last Three Reporting Periods



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, 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—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 or a chief deputy 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.

Hiring Authorities' Overall Performance Has Improved Slightly Since the Last Reporting Period

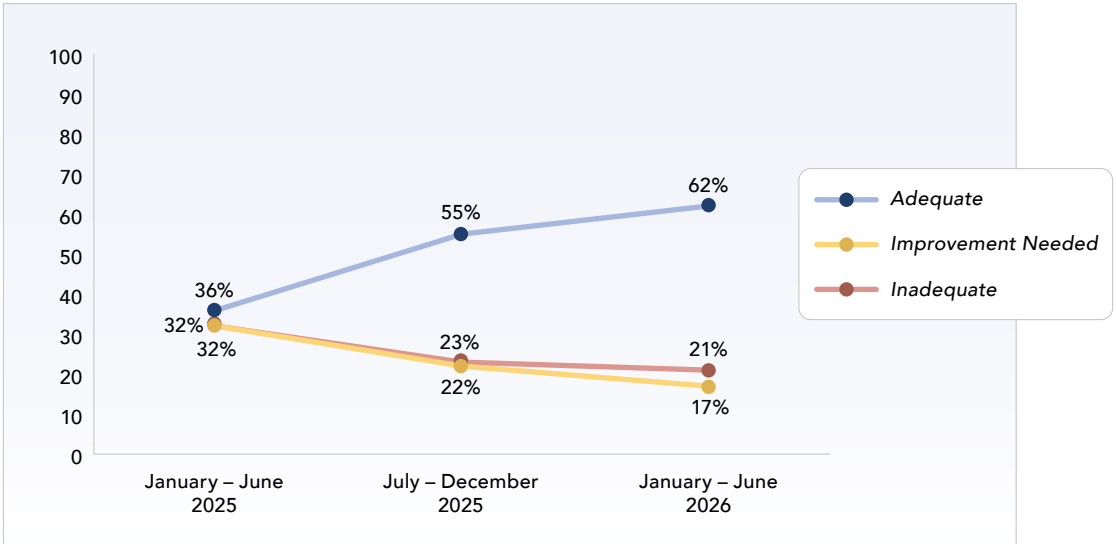
During this reporting period, the OIG monitored 228 administrative disciplinary and criminal cases. We rated hiring authorities' performance in 227 cases (one of the 228 cases was an investigation that had no hiring authority involvement). We rated hiring authorities' performance as *adequate* in 134 cases, *improvement needed* in 44 cases, and *inadequate* in 49 cases. Therefore, we rated hiring authorities' performance as either *adequate* or *improvement needed* in 178 cases or 78 percent. In the last reporting period, we rated hiring authorities' performance as either *adequate* or *improvement needed* in 77 percent of administrative disciplinary and criminal cases.

For the 300 staff misconduct complaint cases we monitored during this reporting period, we rated the hiring authorities' performance in 239 cases (a hiring authority was not involved in the other 61 cases because the Office of Internal Affairs did not submit a report). We rated hiring authorities' performance as *adequate* in 155 cases, *improvement needed* in 34 cases, and *inadequate* in 50 cases. Therefore, we rated hiring authorities' performance as either *adequate* or *improvement needed* in 189 cases or 79 percent. In the last reporting period, we rated hiring authorities' performance as either *adequate* or *improvement needed* in 78 percent of staff misconduct complaint cases.

Therefore, of a combined 466 administrative disciplinary, criminal, and staff misconduct complaint cases, we rated hiring authorities' performance as *adequate* in 62 percent of cases, *improvement needed* in 17 percent of cases, and *inadequate* in 21 percent of cases.

Figure 3 on the next page shows how we have rated hiring authorities' overall performance in the last three reporting periods.

Figure 3. Hiring Authorities' Overall Performance in the Last Three Reporting Periods



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

Hiring Authorities' Delays During the Investigative and Disciplinary Process Frequently Contributed to *Inadequate* Ratings

One of our most common criticisms of hiring authority performance is the frequency in which they delayed addressing allegations of staff misconduct. Departmental policy sets forth three critical time frames within which hiring authorities must take action in this area. Hiring authorities must:

- 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.

As we have discussed in previous reports, one of the most frequent delays we observed this reporting period was hiring authorities' failure to conduct the investigative and disciplinary findings conference within 14 days of the Office of Internal Affairs transmitting the investigative report and supporting materials to the hiring authority upon the completion of the investigation. The investigative and disciplinary findings conference is the meeting at which the hiring authority assesses the sufficiency of the investigation, makes findings on the allegations, and determines the appropriate penalty for any sustained allegations of misconduct.

Department Operations Manual section 33030.13 states, in part: "As soon as operationally possible, but no more than fourteen (14) calendar days following receipt of the final investigative report, the Hiring Authority shall review the investigative report and supporting documentation. The Hiring Authority shall consult with the Vertical Advocate, for all designated cases, and the SAIG, for all cases monitored by the [OIG] when reviewing the investigation and making investigative findings."

The OIG and the department have a difference of opinion regarding the interpretation of this policy. The OIG's position is that the hiring authority is to hold the investigative and disciplinary findings conference and to make findings within 14 days of receipt of the Office of Internal Affairs' investigative report. The department interprets the policy to require only that the hiring authority review the investigative report and does not require a hiring authority to hold a conference and make findings within 14 days of receipt of the Office of Internal Affairs' investigative report.

Although the department's policy leaves room for ambiguity, the OIG maintains that the most reasonable interpretation of the policy is that it requires a hiring authority to conduct an investigative and disciplinary findings conference to determine a finding for each completed investigation it receives from the Office of Internal Affairs within 14 days. The requirement to review the completed investigation is meaningless without the concomitant requirement to take action based on the completed investigation. Timely decisions regarding allegations of staff misconduct benefit the department, the employees accused of misconduct, and the State as a whole. When misconduct has occurred, the department must address the behavior as soon as possible to prevent its recurrence. When misconduct has not occurred, the employee should be informed that the allegations have not been sustained or that they have been otherwise cleared of the allegations as soon as possible. Moreover, when dismissal or monetary penalties are imposed, these penalties must be imposed swiftly to prevent the waste of public funds, particularly because many employees choose to resign soon after being notified of these significant penalties. The OIG continues to recommend that the department clarify its policy and impose a concrete deadline for hiring authorities to conduct investigative and disciplinary findings conferences.

In this reporting period, hiring authorities unnecessarily delayed the investigative and disciplinary process in 84 of 177 administrative disciplinary cases, or 47 percent of the cases we monitored. This was an improvement from the previous reporting period, when we found that hiring authorities failed to timely conduct the investigative and disciplinary findings conference in 56 percent of cases.

In 52 of 239 monitored staff misconduct complaint cases involving an investigative and disciplinary findings conference, or 22 percent, the hiring authority did not consult with the department attorney and the OIG regarding investigative and disciplinary findings within 14 calendar days of receiving the final investigative report. This was a slight improvement from the previous reporting period, when we found that hiring authorities failed to timely conduct the investigative and disciplinary findings conference in 25 percent of cases.

The following examples of cases we rated *inadequate* demonstrate the potential harm caused when hiring authorities delay the investigative and disciplinary process.

OIG Case No. 25-0125960-DM

Over a period of six months, an officer allegedly improperly accessed the department's confidential database to search for a civilian's information. While off duty, the officer allegedly conspired with his spouse to lure the civilian to their home where the officer allegedly restrained the civilian and held him against his will for more than one hour while he punched

and kicked him. The officer allegedly failed to notify the hiring authority that he was arrested after the incident. The officer also allegedly lied to the Office of Internal Affairs when he denied that he had lured the civilian to his home.

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 February 4, 2026, 57 days after the investigator completed the investigation and 43 days after policy required. The officer received full pay and benefits during that time.

OIG Case No. 24-0089621-INV

A sergeant allegedly failed to initiate the proper use-of-force protocol when an incarcerated person did not obey commands. The sergeant and an officer allegedly threw the incarcerated person to the ground. The sergeant then allegedly punched the incarcerated person while a second officer allegedly struck the incarcerated person with a baton, and a third officer allegedly held the incarcerated person's legs down. After the incarcerated person was placed in a holding cell, the sergeant allegedly antagonized the incarcerated person, and the sergeant allegedly failed to accurately describe the incident in his report. The hiring authority sustained the allegations that the sergeant had failed to initiate the proper use-of-force protocol, and that he had used unnecessary force when he threw the incarcerated person to the ground. The hiring authority issued the sergeant a salary reduction of 5 percent for seven months.

Although the hiring authority received the disciplinary action from the department attorney well before the deadline to impose discipline, the hiring authority delayed service of the disciplinary action until five days after the deadline to impose discipline. Therefore, the sergeant could not be disciplined for the sustained allegations.

Recommendation

The department should amend its policy to set a clear deadline for hiring authorities to conduct and complete investigative and disciplinary findings conferences. We recommend the department set the deadline as no later than 14 days after receiving a completed investigation from the Office of Internal Affairs.

The OIG Frequently Agreed with Hiring Authorities' Findings and Penalty Decisions in Administrative Disciplinary Cases, but Frequently Disagreed with Findings and Penalty Decisions in Staff Misconduct Complaint Cases

The hiring authority, after consultation with the department attorney and the OIG, is responsible for deciding whether to sustain allegations of misconduct, what level of discipline to impose, and whether to settle the matter in exchange for the disciplined employee withdrawing their appeal. In a simple case, a hiring authority may need to make a decision about just one allegation against a single employee. However, in more complex investigations, a hiring authority may be faced with multiple allegations made against several employees. For each employee, if the hiring authority sustains an allegation and imposes a penalty, the hiring authority might enter into a settlement agreement at a later juncture.

During this reporting period, we monitored 416 investigations the Office of Internal Affairs closed and sent to hiring authorities for their review and findings. As shown in Table 1, below, those investigations resulted in sustained findings against 242 departmental employees.

Table 1. Employees With Sustained Allegations of Misconduct in OIG-Monitored Cases This Reporting Period

	Administrative Disciplinary Cases	Staff Misconduct Complaint Cases	Totals
Number of Employees Investigated	400	822	1,222
Number of Employees with Sustained Allegations of Misconduct	190 (48%)	52 (6%)	242 (20%)

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

Overall, hiring authorities were far more likely to sustain allegations against staff in administrative disciplinary cases investigated by the traditional section of the Office of Internal Affairs than in staff misconduct complaint cases investigated by AIU. At a rate of 48 percent compared to 6 percent, hiring authorities were eight times more likely to sustain allegations in administrative disciplinary cases.

This vast difference in the rate at which employees are found to have engaged in misconduct is partially attributable to the department's difficulties in completing timely staff misconduct complaint investigations, as is more fully detailed later in this report. However, when examining the rate at which hiring authorities sustained

allegations in administrative disciplinary cases compared to staff misconduct complaint cases, it is less clear why hiring authorities disagreed with our recommendations nearly twice as often in staff misconduct complaint cases. As shown in Table 2 below, across the same 416 investigations, hiring authorities made findings with regard to 2,648 allegations of staff misconduct.

Table 2. Allegations Reviewed by Hiring Authorities in OIG-Monitored Cases This Reporting Period

	Administrative Disciplinary Cases	Staff Misconduct Complaint Cases	Totals
Number of Allegations Reviewed by Hiring Authorities	1,385	1,263	2,648
Number of Allegations the OIG Recommended Sustaining	720	178	898
Number of Allegations Hiring Authorities Sustained	659 (91.5%)	87 (48.9%)	746 (83.1%)

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

Overall, hiring authorities disagreed with our recommendations to sustain allegations at a rate of only 8.5 percent in administrative disciplinary cases investigated by the traditional section of the Office of Internal Affairs, but disagreed at a rate of 51.1 percent of staff misconduct complaint cases investigated by AIU, which was six times more often. The OIG makes its recommendations, and the hiring authorities make their decisions, based on the same standard (i.e., whether the allegations are provable by a preponderance of the evidence), which raises the question of why this discrepancy is so large given that the main difference is (1) the source of the allegations and (2) whether the alleged misconduct was directed at an incarcerated person. Administrative disciplinary cases are generally referred to the Office of Internal Affairs by prison staff and prison management and involve conduct not directed at an incarcerated person, while staff misconduct complaint cases are generally referred to the Office of Internal Affairs by incarcerated people and their advocates and involve conduct directed at an incarcerated person.

As shown in Table 3 on the next page, hiring authorities also imposed corrective action (training, a letter of instruction, or a counseling memorandum) more frequently in staff misconduct complaint cases—29 of 52 cases, or 56 percent—than they did in administrative disciplinary cases—26 of 190 cases, or 14 percent. Although we disagreed with decisions to impose corrective action more frequently in staff misconduct complaint cases, the disparity in the frequency of corrective action is likely attributable to the types of allegations sustained.

Table 3. Initial Penalty Determinations in OIG-Monitored Cases This Reporting Period

	Administrative Disciplinary Cases	Staff Misconduct Complaint Cases	Totals
Number of Corrective Actions Imposed	26	29	55
Number of Corrective Actions the OIG Agreed With	26 (100%)	21 (72%)	47 (85%)
Number of Disciplinary Actions Imposed	164	23	187
Number of Additional Employees on Which the OIG Recommended Imposing Discipline	9	42	51
Number of Disciplinary Actions the OIG Agreed With	143 (83%)	14 (22%)	157 (66%)

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

However, we again disagreed with the penalties hiring authorities imposed at a much greater rate in staff misconduct cases than in administrative disciplinary cases, which was nearly four times more often. The most frequent reason for our disagreement with hiring authorities' disciplinary decisions in staff misconduct complaint cases arose from hiring authorities' failure to impose any discipline against 42 employees who we believed engaged in misconduct. We agreed with 14 of the 23 penalties hiring authorities imposed, or 61 percent.

After the hiring authority determines the appropriate penalty and a disciplinary action becomes effective, the employee can file an appeal with the hope that the State Personnel Board will reduce or revoke the penalty or that the hiring authority will reduce the penalty via settlement. Because we monitor disciplinary matters until they become final, we can track how often hiring authorities reduce penalties after imposing discipline.

Table 4. Final Resolution of Disciplinary Actions Hiring Authorities Imposed in OIG-Monitored Cases This Reporting Period

	Administrative Disciplinary Cases	Staff Misconduct Complaint Cases	Totals*
Number of Final Penalties that Matched Initial Penalties Imposed	61 out of 126 (48%)	6 out of 20 (30%)	67 out of 146 (46%)
Number of Disciplinary Actions Later Reduced by Hiring Authority	65 out of 126 (52%)	14 out of 20 (70%)	79 out of 146 (54%)
Number of Reductions OIG Agreed With	45 (69%)	1 (7%)	46 (58%)

* The numbers and percentages in this chart do not include employees who either resigned before the investigation was complete, resigned before the disciplinary action became effective, or were dismissed in connection with a separate investigation. Hiring authorities would not have been presented with an appeal or settlement offer in those cases.

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

As shown in Table 4 above, hiring authorities reduced just over half of the disciplinary actions they initially imposed. Again, we noticed hiring authorities reduce penalties more frequently in staff misconduct complaint cases than in administrative disciplinary cases. Although we agreed with more than half of all decisions to reduce penalties, we agreed with only one of the 14 decisions to reduce penalties in staff misconduct complaint cases. In eight of those 14 cases, the hiring authorities either reduced the disciplinary action to corrective action or rescinded the penalty entirely.

Table 5 on the next page sets forth the final disposition of the penalties imposed against the 242 staff who hiring authorities determined committed misconduct across the 416 cases we monitored this reporting period. The data is provided for public transparency into the types of consequences departmental staff face when found to have engaged in misconduct.

Table 5. Final Discipline Imposed in OIG-Monitored Cases This Reporting Period

	Administrative Disciplinary Cases	Staff Misconduct Complaint Cases	Totals
Dismissal	19	1	20
Dismissal In Connection With Another Investigation	7	0	7
Allowed to Resign In Lieu of Dismissal Taking Effect	14	0	14
Resigned Before Investigation Completed or Discipline Became Effective	33	5	38
Suspension (20 day or less)	3	0	3
Demotion (12 months)	1	0	1
Salary Reduction – 5% for 12 months or less	14	0	14
Salary Reduction – 5% for more than 12 months	8	2	10
Salary Reduction – 10% for 12 months or less	12	0	12
Salary Reduction – 10% for more than 12 months	32	5	37
Official Reprimand	18	4	22
Training or Letter of Instruction	29	33	62
Discipline Withdrawn	0	2	2

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

Of particular concern are 19 cases in which the OIG determined the appropriate penalty would have been dismissal, but the hiring authority imposed a less severe penalty. One of those cases involved a hiring authority's decision to reduce the dismissal after the employee's *Skelly* hearing, and another involved a case in which disciplinary action was barred by the statute of limitations. However, in the other 17 cases, the department either took no action or imposed a lesser penalty when the OIG believed that dismissal was the appropriate penalty. Some of those cases are summarized below.

OIG Case No. 25-0101307-INV

A hiring authority did not sustain any allegations against two officers and a sergeant who allegedly used unnecessary or excessive force on an incarcerated person. The first officer allegedly slammed the incarcerated person to the ground and lied to the Office of Internal Affairs about the incident and the perceived imminent threat. The OIG determined there was sufficient evidence to sustain all allegations and that dismissal would have been the appropriate penalty for the first officer.

OIG Case No. 24-0098290-INV

A hiring authority sustained allegations that two officers failed to assist other officers in controlling a resistive incarcerated person. The hiring authority also sustained allegations that the two officers submitted reports about the incident 20 days late but did not sustain allegations that the officers had lied to the Office of Internal Affairs when stating they did not see the officers use force. The hiring authority imposed salary reductions of 10 percent for eight months on each officer. The OIG disagreed with the hiring authority's decision not to sustain dishonesty allegations because video evidence clearly showed the officers were in close proximity to the use-of-force incident, were facing the direction of the incident, and were in a position to hear what was happening. The OIG determined dismissal would have been the appropriate penalty.

OIG Case No. 24-0093541-INV

A hiring authority sustained allegations that an officer used unnecessary and excessive force when he grabbed an incarcerated person, pushed him into a cell, and threw him onto a bed, and that he failed to document the force he used in his official report. The hiring authority also sustained allegations that a second officer and a lieutenant failed to accurately report the unnecessary and excessive force used by the first officer. However, the hiring authority did not consider these failures to accurately report the force used to be dishonest. The hiring authority imposed a 10 percent salary reduction for 12 months on the first officer and the lieutenant, and a 5 percent salary reduction for six months on the second officer. The OIG did not concur with the hiring authority's decision not to sustain allegations of dishonesty and determined dismissal would have been the appropriate penalty for both officers and the lieutenant. The department later entered into settlement agreements with all three staff members, which lowered their penalties even further. The OIG did not concur because we had already disagreed that any salary reductions were appropriate penalties in the first place.

OIG Case No. 24-0091221-DM

A hiring authority sustained allegations that an off-duty correctional counselor drove a vehicle on a freeway while under the influence of alcohol and collided with a vehicle parked on the side of the highway.

The driver of the other vehicle suffered a fractured back and torn meniscus as a result. The correctional counselor had a blood alcohol content of .15 percent, nearly twice the legal limit. Despite all these aggravating factors, the hiring authority only imposed a 10 percent salary reduction for 45 months. The OIG believed the hiring authority should have dismissed the correctional counselor. After the correctional counselor appealed the disciplinary action, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for 31 months and early removal of the disciplinary action from the officer's official personnel file.

OIG Case No. 24-0084203-DM

A hiring authority sustained an allegation against an officer that he had failed to report his arrest for domestic violence and felony assault likely to cause great bodily injury, but not allegations related to committing the assault, engaging in domestic violence, or making false statements to the Office of Internal Affairs about not hitting his wife. The OIG disagreed because there was sufficient evidence to establish that the officer had hit his wife on the head, including evidence that she sustained an injury to her head necessitating 10 staples, and a statement by his wife to outside law enforcement that the officer had hit her in the head. Furthermore, there was evidence that the officer had lied to the Office of Internal Affairs based on the above evidence and inconsistent statements he had made to outside law enforcement on the day of his arrest. The hiring authority issued the officer a letter of reprimand, which is the lowest possible level of discipline. The OIG believes the hiring authority should have dismissed the officer.

OIG Case No. 24-0089621-INV

A hiring authority sustained allegations that a sergeant used unnecessary force on an incarcerated person when he grabbed the incarcerated person without an immediate threat, threw the incarcerated person to the ground, and punched him in the face and chest. The hiring authority issued the sergeant a 5 percent salary reduction for seven months. The OIG did not concur with the hiring authority's decision not to sustain an allegation of dishonesty based on the sergeant's misrepresentations in his official report through which he attempted to justify his use of force. The OIG recommended a penalty of dismissal. The sergeant later appealed the salary reduction to the State Personnel Board, and a new hiring authority withdrew the disciplinary action altogether.

OIG Case No. 24-0100062-INV

A hiring authority sustained allegations that a sergeant inappropriately deactivated his body-worn camera and used unnecessary force on an incarcerated person when he reached inside of a holding cell and punched the incarcerated person. The OIG recommended sustaining

allegations of excessive force and dishonesty in his report and during his interview with the Office of Internal Affairs, but the hiring authority did not sustain these allegations.

The OIG Invoked Executive Review Four Times This Reporting Period, Elevating Our Disagreements With Hiring Authorities' Disciplinary Decisions to the Department's Executive Leadership

Executive review is invoked when either the OIG or the Employment Advocacy and Prosecution Team (EAPT) disagrees with a hiring authority's decision during the disciplinary process and elevates the disagreement to the hiring authority's supervisor for reconsideration. Generally, the OIG will only invoke executive review in the most serious misconduct cases in which there is significant disagreement and the OIG believes the hiring authority has abused its discretion or acted unreasonably. During this reporting period, the OIG invoked executive review in four cases, while EAPT invoked executive review in one case. Below are summaries of the cases in which either the OIG or EAPT invoked executive review.

OIG Case No. 24-0090385-DM

A sergeant used study materials during a test to qualify for a course to become a trainer in use-of-force protocol, in direct violation of an instructor's order not to do so. Before the test, trainers ordered the sergeant and others taking the test to put all papers and materials on the floor. Two supervisors observed the sergeant looking at papers containing answers to the test questions and using his foot to move and flip through the pages. After the sergeant realized he was being watched, he covered the materials with a red folder. The sergeant later lied to a special agent about the events during two Office of Internal Affairs interviews, lied when he said that he did not recall being told it was a "closed book test," and did not accept responsibility for cheating.

The hiring authority sustained the allegation that the sergeant had cheated on the test and had given "misleading and evasive answers" during the Office of Internal Affairs interview, but not the allegation that he had lied during the Office of Internal Affairs interview. The hiring authority decided that a demotion was an appropriate penalty. The department attorney and the OIG disagreed with the decisions not to sustain the dishonesty allegation and not to dismiss the sergeant. The OIG elevated the decisions to the hiring authority's supervisor. The hiring authority's supervisor reviewed the evidence and determined that the sergeant had lied during the interviews and imposed a dismissal. The sergeant appealed the dismissal to the State Personnel Board but later entered into a settlement agreement with the department to resign in lieu of dismissal.

OIG Case No. 24-0074938-DM

A lieutenant failed to timely conduct an inquiry into staff misconduct and lied to a captain when he told him that he only had one interview left to complete when he knew he had 10 more to complete. A week later the lieutenant again lied to the captain about not being able to interview an officer.

The hiring authority sustained the allegations but characterized the dishonesty allegation as a failure to follow policy; therefore, the hiring authority decided a salary reduction of 5 percent for 25 months was the appropriate penalty. The OIG did not concur with the decision and elevated the matter to the hiring authority's supervisor. The supervisor later agreed with the hiring authority's allegation findings but imposed a lesser salary reduction of 5 percent for nine months. The OIG did not concur but did not seek further review. The lieutenant appealed the disciplinary action to the State Personnel Board, which upheld the penalty.

OIG Case No. 24-0095676-DM

At about 9:23 p.m., an off-duty officer caused a head-on collision on a two-lane rural highway while driving under the influence of alcohol on his way to work at a prison. Medical personnel responded to the scene and offered assistance to the officer, but he declined, stating that he felt fine. During the California Highway Patrol's (CHP) investigation of the collision, the officer told the CHP officer that he had not consumed any alcohol. The CHP officer noticed a strong odor of alcohol coming from the off-duty officer, so he asked the officer again if he consumed any alcohol to which he replied that he had consumed "two Bud Light beers" earlier in the day. The officer said that he began drinking at 2:30 p.m. and stopped drinking at about 3:30 p.m., nearly six hours before the collision. The officer failed field sobriety tests, and the CHP officer arrested the off-duty officer for driving under the influence. The officer submitted to a chemical breath test at 11:26 p.m., two hours after the collision, which showed he had a blood alcohol content level of .14 percent, nearly double the legal limit.

The Office of Internal Affairs interviewed the officer about this incident. During the interview, the officer stated again that he had only consumed two 22-ounce Bud Light beers. He said he began drinking at around 3:00 p.m., and, although he did not recall the exact time he had stopped drinking, he claimed he had stopped drinking at around 8:00 p.m., which was when he started getting ready for work. This time estimate was four and a half hours later than the time he had told the CHP officer that he had stopped drinking.

The hiring authority and the department attorney both found that there was insufficient evidence to sustain any allegation of dishonesty and that dismissal was not the appropriate penalty despite overwhelming evidence

that the officer had been drinking prior to his shift at the prison, drove to the prison under the influence of alcohol, caused a serious collision that could have injured himself and others, had a .14 percent blood alcohol content level two hours after the collision, lied to the CHP officer during the investigation, and gave inconsistent statements to CHP and the Office of Internal Affairs throughout this process. Instead, the hiring authority decided to impose a 10 percent salary reduction for 36 months. The OIG disagreed and elevated the matter five times because each succeeding departmental executive found that there was insufficient evidence to sustain any allegation of dishonesty and that dismissal was too severe a penalty for the officer's conduct. During this review process, the OIG recommended the department consult a toxicology expert regarding blood alcohol content because the department attorneys based their erroneous findings, in part, on internet research that the officer's .14 percent blood alcohol content was consistent with only having consumed two 22-ounce beers nearly four hours earlier. The department attorney declined to consult an expert to verify the accuracy of his internet research. Ultimately, the department imposed a 10 percent salary reduction for 36 months, which the officer did not appeal.

OIG Case No. 25-0106762-DM

Five officers lied when they submitted written reports falsely accusing a lieutenant of pushing two officers. One of the officers lied to the Office of Internal Affairs when he told the special agent that the lieutenant had shoved him. One of the other officers lied to Office of Internal Affairs when he accused the lieutenant of pushing the first officer. Surveillance video clearly established that the lieutenant did not shove any of the officers.

The hiring authority sustained the allegations against the five officers and determined dismissal was the appropriate penalty; the OIG agreed with the hiring authority's decisions. However, the department attorney disagreed and elevated the matter to the hiring authority's supervisor, who rescinded the hiring authority's findings after determining there was insufficient evidence to sustain any of the allegations. The OIG did not concur but did not seek a higher level of review.

OIG Case No. 24-0090691-INV

An officer approached an incarcerated person from behind, and without sufficient threat, wrapped his arms around the incarcerated person's waist, lifted him off the ground, and slammed the incarcerated person over the officer's shoulder and to the ground, causing the incarcerated person's head and neck area to impact the ground first. The incarcerated person alleged that he had suffered a broken shoulder and loss of consciousness as a result. The hiring authority decided not to sustain any allegations of misconduct. The department attorney and the OIG disagreed, and the OIG elevated the matter to the hiring authority's

supervisor. The hiring authority's supervisor sustained the allegation of excessive force, but not the allegation of unnecessary force. The hiring authority's supervisor imposed a 5 percent salary reduction for three months because medical records showed the incarcerated person did not suffer a broken shoulder. During the discussion with the hiring authority's supervisor, the department attorney recommended against sustaining any of the allegations. The officer appealed the disciplinary action to the State Personnel Board, and, prior to an evidentiary hearing, the department entered into a settlement agreement with the officer agreeing to withdraw the disciplinary action. Instead, the department issued the officer a letter of instruction and training. The OIG did not concur.

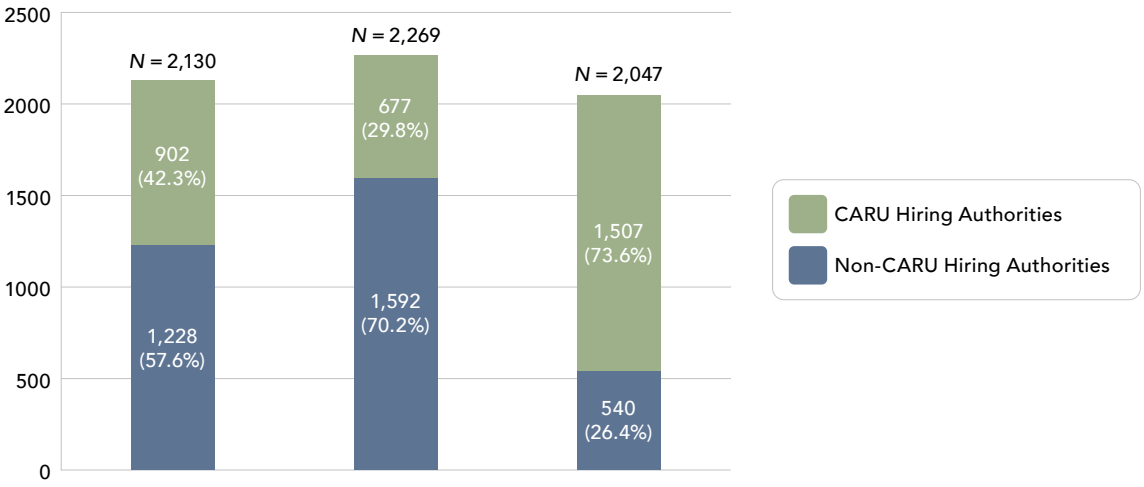
Centralized Allegation Resolution Unit (CARU) Update

In our two previous reports, we discussed data regarding the first year of performance of the department's Centralized Allegation Resolution Unit (CARU). In this section, we continue our reporting and reflect upon CARU's performance as it entered its second year of operation. The data and information discussed in this section only relate to investigations submitted to hiring authorities by the Office of Internal Affairs' AIU. Investigations handled by the traditional section of the Office of Internal Affairs are not submitted to CARU hiring authorities; therefore, the data related to such investigations and their dispositions are excluded from this section of the report for the purpose of making more accurate comparisons between CARU hiring authorities and their institution-based counterparts (i.e., non-CARU hiring authorities). The data discussed below was requested from CDCR's Office of Research and covers the time period from January 1, 2026, through June 30, 2026, which mirrors the reporting period addressed by this report.

CARU is the unit within the department tasked with reviewing investigative reports submitted by AIU originating from designated prisons. AIU investigates the most serious allegations of staff misconduct directed towards incarcerated people. After completion of an investigation, AIU submits the investigative report to a hiring authority for review. Usually, the hiring authority is the warden at the prison where the allegation originated. However, beginning in January 2025, CARU started to review investigative reports that originated from designated prisons involving allegations of nonmedical staff misconduct. One of the six chief deputy wardens assigned to CARU is designated as the hiring authority for each investigation referred to CARU upon completion. The CARU hiring authority then conducts the investigative and disciplinary findings conferences for those investigations. During such conferences, the sufficiency of the investigation and the allegations against departmental staff are addressed, and any necessary penalties are imposed. A more detailed history and description of CARU can be found in our previous staff misconduct monitoring report published on December 3, 2025. Since that report, the department added one additional prison to the CARU program—Central California Women's Facility.

This reporting period continued to reflect the increased responsibility of CARU hiring authorities versus non-CARU hiring authorities in addressing investigations handled by AIU. As shown in Figure 4 on the next page, departmental data reflects that AIU submitted 1,507 investigations to CARU hiring authorities during this period and only 540 investigations, or 26 percent, to non-CARU hiring authorities. Similarly, the OIG completed its monitoring of 238 cases that AIU submitted to hiring authorities for disposition. Of those cases, only 79, or 33 percent, were submitted to non-CARU hiring authorities.

Figure 4. Investigations Received by CARU and Non-CARU Hiring Authorities



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

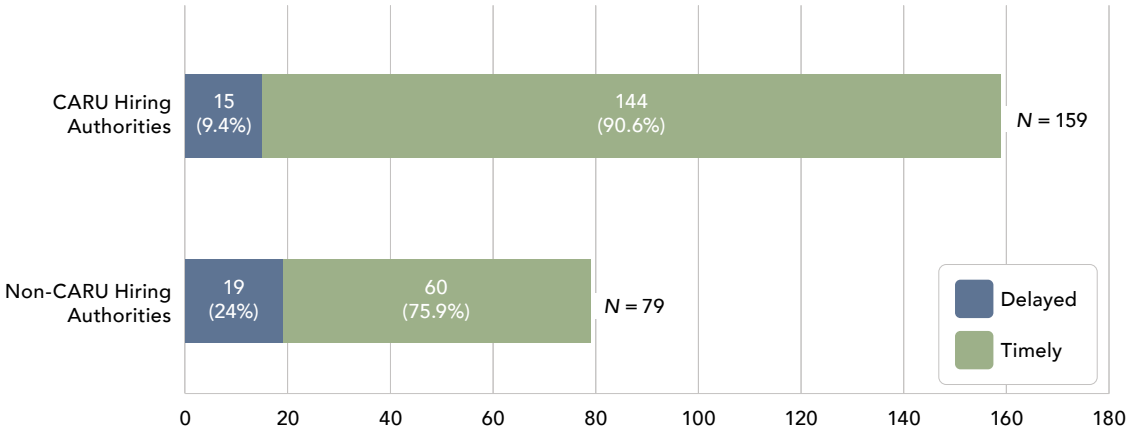
One of the driving forces behind the department's creation of CARU was to reduce the burden on the state's wardens and chief deputy wardens, who were faced with an insurmountable number of investigative reports to review after AIU began completing investigations. As the number of allegations being investigated grew, the number of investigative reports and the time spent reviewing those reports and issuing findings increased significantly, creating a backlog of investigative reports that hiring authorities struggled to review in a timely manner. As the data shows, CARU hiring authorities are now reviewing a significantly increased volume of investigative reports—an increase of 123 percent from the last reporting period. Likewise, the number of AIU investigative reports non-CARU hiring authorities reviewed this reporting period dropped to just 34 percent of its volume from the prior six-month period.

CARU Hiring Authorities Continue to Timely Review Investigative Reports and Conduct Investigative and Disciplinary Findings Conferences at a Significantly Higher Rate Than Non-CARU Hiring Authorities

In our previous report, we noted that CARU hiring authorities conducted timely investigative and disciplinary findings conferences at a greater rate than their non-CARU counterparts. As shown in Figure 5 and Figure 6 on the next page, data from the current period continues to reflect that trend.

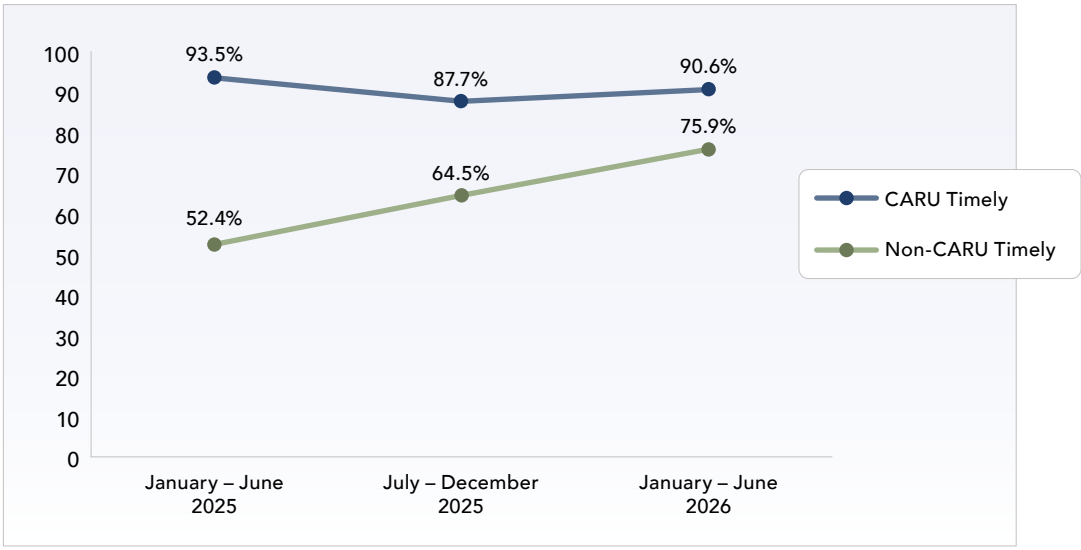
The data also demonstrates that as CARU has taken on a greater workload, the rate at which non-CARU hiring authorities have been able to timely review investigative reports has increased, up 14.4 percent from the previous six-month period, and up 23.5 percent from one year ago.

Figure 5. Delayed Investigative and Disciplinary Findings Conferences in This Reporting Period



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

Figure 6. Progression of Timely Investigative and Disciplinary Findings Conferences

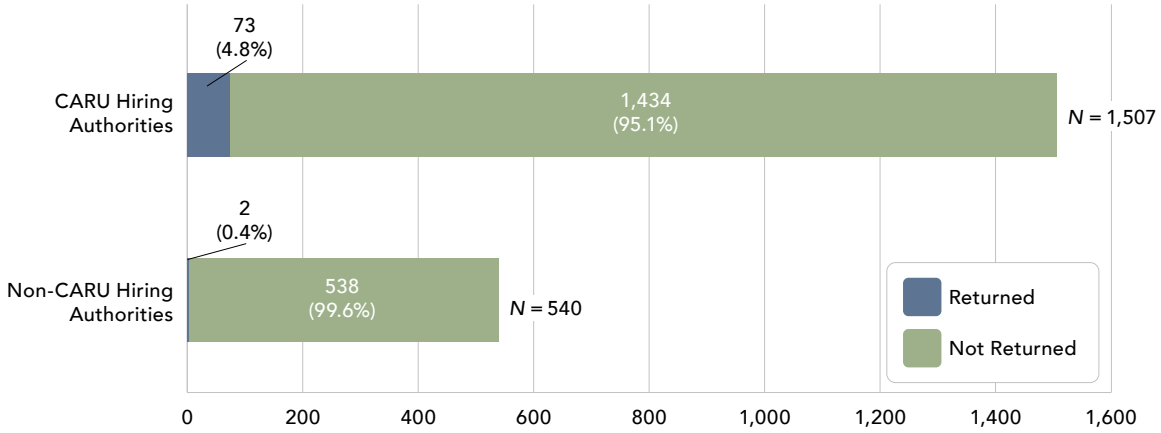


Source: The Office of the Inspector General Tracking and Reporting System.

CARU Hiring Authorities Are Finding Investigations Insufficient and Returning Cases for Further Investigation at a Higher Rate Than Non-CARU Hiring Authorities, but Both Sets of Hiring Authorities Are Finding Investigations Insufficient at a Greatly Reduced Rate

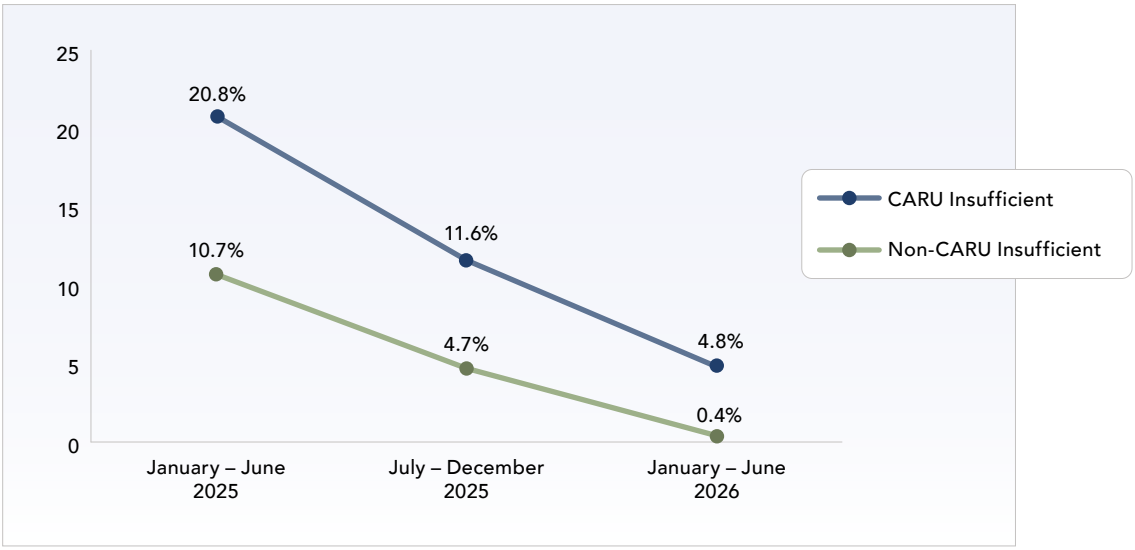
Departmental data from this reporting period continues to reflect that CARU hiring authorities find investigations insufficient and return cases back to AIU for further investigation at a much higher rate than their non-CARU counterparts. However, as shown in Figure 7 below, and Figure 8 on the next page, data shows a marked decrease for both types of hiring authorities in the percentage of investigations returned during this reporting period.

Figure 7. Investigations Received and Returned in This Reporting Period



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

Figure 8. Progression of Insufficient Investigation Determinations

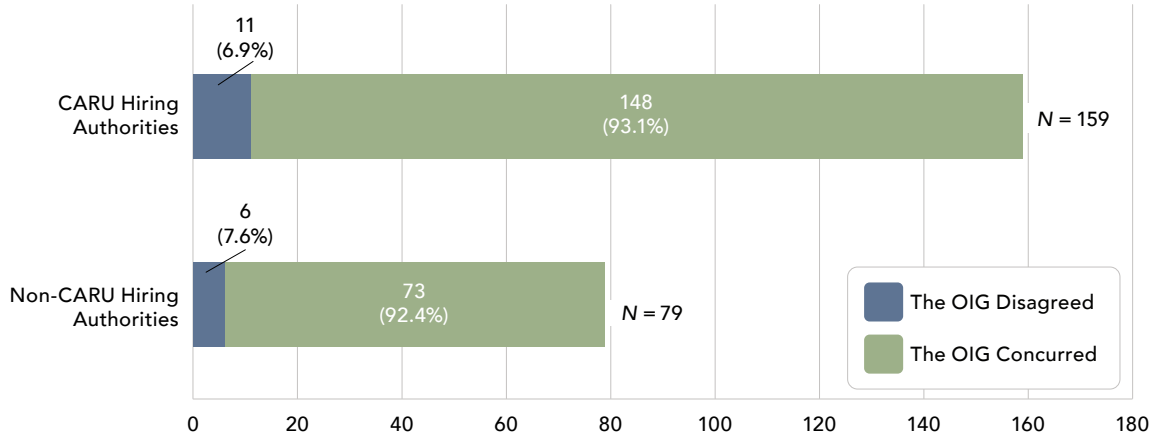


Source: The Office of the Inspector General Tracking and Reporting System.

While still demonstrating that CARU hiring authorities return cases for further investigation at a higher rate, the data also continues to show a downward trend of CARU hiring authorities returning fewer cases than they did during the previous reporting period. CARU hiring authorities returned fewer than half the number of investigations to AIU than they did during the previous six-month period. However, there is no indication that AIU is conducting more thorough investigations than those documented in the previous reporting period. As discussed in greater detail later in this report, AIU is overwhelmed with a significant backlog of cases to the point that it is unable to investigate them all before expiration of the one-year deadline to impose discipline.

Although the dataset of OIG-monitored cases is much smaller than the total number of cases handled by each type of hiring authority, review of the monitored cases revealed that the OIG disagreed with non-CARU hiring authorities concerning the sufficiency of investigations at a slightly higher rate than we disagreed with CARU hiring authorities. As shown in Figure 9 on the next page, during this reporting period, the OIG disagreed with CARU hiring authorities concerning the sufficiency of the investigation in 6.9 percent of cases and disagreed with non-CARU hiring authorities in 7.6 percent of cases. It should be noted, however, that this reflects a positive trend in the rate of disagreement with CARU hiring authorities concerning investigative sufficiency when compared to the previous reporting period. During the last reporting period, we disagreed with CARU hiring authorities in 12 percent of monitored cases and disagreed with non-CARU hiring authorities in 3 percent of monitored cases.

Figure 9. Cases In Which the OIG Disagreed with Investigative Sufficiency in This Reporting Period

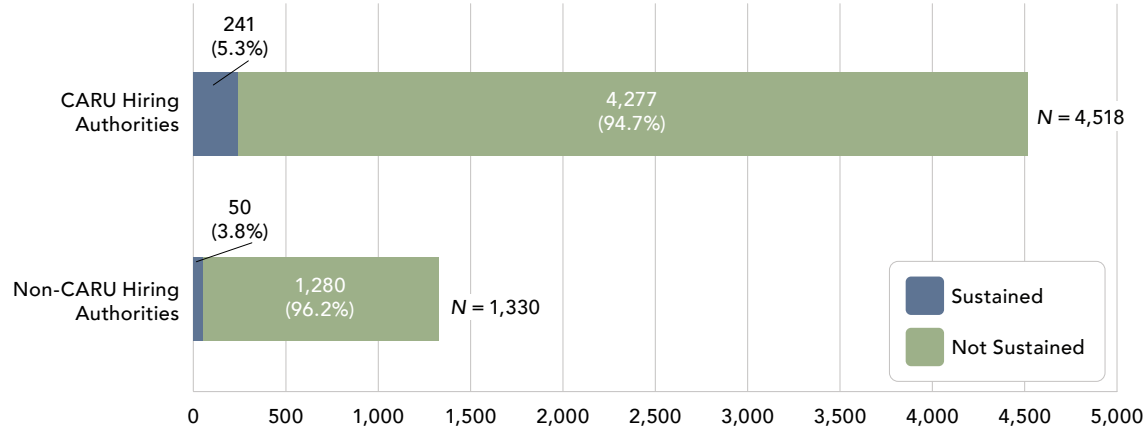


Source: The Office of the Inspector General Tracking and Reporting System.

Although CARU Hiring Authorities Sustain Allegations at a Slightly Higher Rate Than Non-CARU Hiring Authorities, Both Sets of Hiring Authorities Sustained Allegations Far Less Frequently Than in Prior Reporting Periods

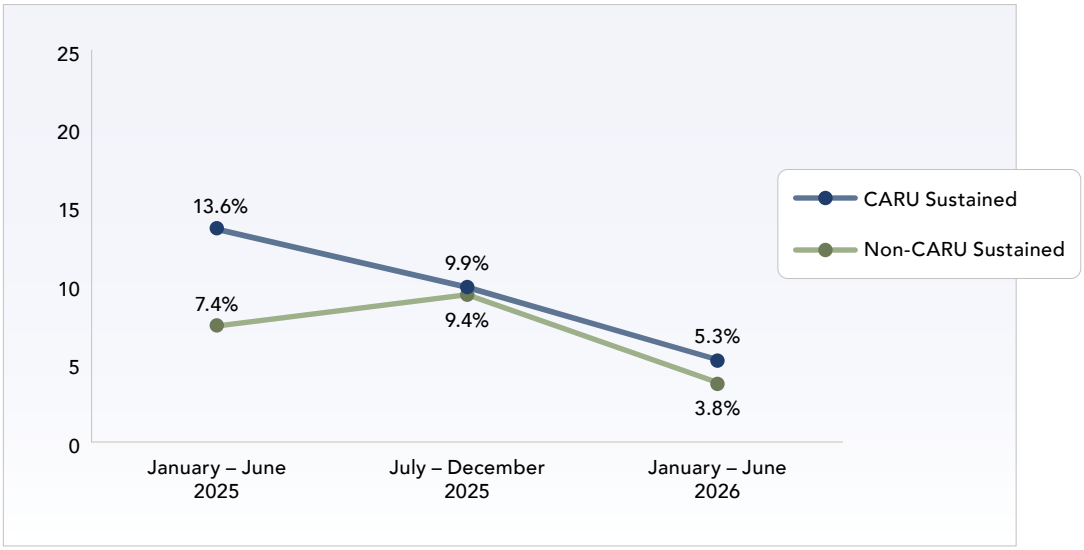
In the last reporting period, departmental data showed that CARU hiring authorities sustained allegations at a slightly higher rate than non-CARU hiring authorities. In this reporting period, as shown in Figure 10 below and Figure 11 on the next page, CARU hiring authorities continue to sustain allegations at a greater rate than their non-CARU counterparts. However, CARU hiring authorities sustained allegations at a much lower rate this reporting period when compared to the last period, at a rate that is only slightly above half of what they had previously sustained.

Figure 10. Allegations Addressed in This Reporting Period



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

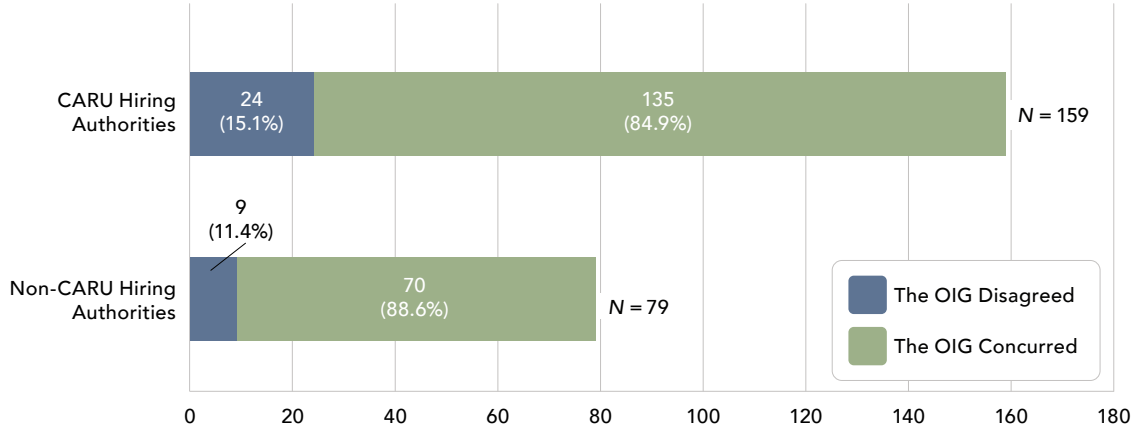
Figure 11. Progression of Sustained Allegations



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

In OIG-monitored cases, we disagreed with both CARU and non-CARU hiring authorities' findings at a higher rate this reporting period than in the past. In the last reporting period, the OIG disagreed with CARU and non-CARU hiring authority decisions concerning allegations at nearly the same rate—24.6 percent of cases with CARU hiring authorities and 23.7 percent of cases with non-CARU hiring authorities. In this reporting period, as shown in Figure 12 below, we disagreed with CARU hiring authorities more often than we disagreed with non-CARU hiring authorities.

Figure 12. Cases in Which the OIG Disagreed with Findings in This Reporting Period



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

The case examples below highlight some of our areas of disagreement with CARU hiring authorities this reporting period.

OIG Case No. 25-0100291-INV

In one case, the CARU hiring authority declined to sustain allegations that officers used excessive and unnecessary force on two incarcerated people despite video footage that showed an officer place an incarcerated person in a stranglehold, which policy prohibits. The footage also showed an officer punch an incarcerated person in the face and other officers drag incarcerated people when there was no imminent threat. The footage even supported allegations that officers had lied in their reports about force used during the incident. Nevertheless, the hiring authority did not sustain any of the allegations.

OIG Case No. 25-0103638-INV

In another case, the CARU hiring authority found two officers' actions to be justified, lawful, and proper when they lifted an incarcerated person from a wheelchair and slammed him onto the floor while a third officer pressed her knee into the incarcerated person's back and legs. Video footage showed that the first two officers used unnecessary and excessive force and that the third officer prematurely called an alarm code, which escalated the situation. The footage did not show any apparent imminent threat that would justify the use of force. There was also a discrepancy between what the third officer had reported and what could be heard in a recording that captured the incarcerated person's statements during the incident.

The data and examples discussed above provide a more complete picture of how CARU functions compared to our last two reports, when CARU was still in its infancy. However, it is important to note that CARU has only been in existence for about a year and a half, and chief deputy wardens' assignments to CARU are not permanent, sometimes because they get promoted or transferred. Therefore, there is periodic turnover of staff who make these disciplinary determinations.

Overall, we saw a 123 percent increase in the number of cases CARU hiring authorities reviewed this reporting period. Although CARU hiring authorities continued to return cases for further investigation and sustain allegations at a higher rate than non-CARU hiring authorities, we saw a decline in other critical measures this reporting period. The rates at which CARU hiring authorities returned cases and sustained allegations both decreased significantly since the last reporting period. On the other hand, in the cases we monitored this reporting period, we agreed with more CARU hiring authorities' findings about the sufficiency of investigations and decisions whether to sustain allegations than we did in the last reporting period.

The Office of Internal Affairs

The Office of Internal Affairs is a unit within the department responsible for investigating allegations of staff misconduct. There are two separate investigative teams within the Office of Internal Affairs: The Field Operations and Special Investigation Unit (referred to as the traditional section of the Office of Internal Affairs) and the Allegation Investigation Unit (AIU). The traditional section of the Office of Internal Affairs, staffed with special agents, generally investigates the most severe cases of staff misconduct, including both criminal misconduct, and allegations of administrative misconduct that are not directed toward incarcerated people. The Office of Internal Affairs' AIU is staffed with sergeants and lieutenants who conduct investigations into allegations of serious staff misconduct directed toward incarcerated people. The Office of Internal Affairs sends less serious allegations of staff misconduct involving incarcerated people back to local prison staff to conduct routine reviews.[1]

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 investigative 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.

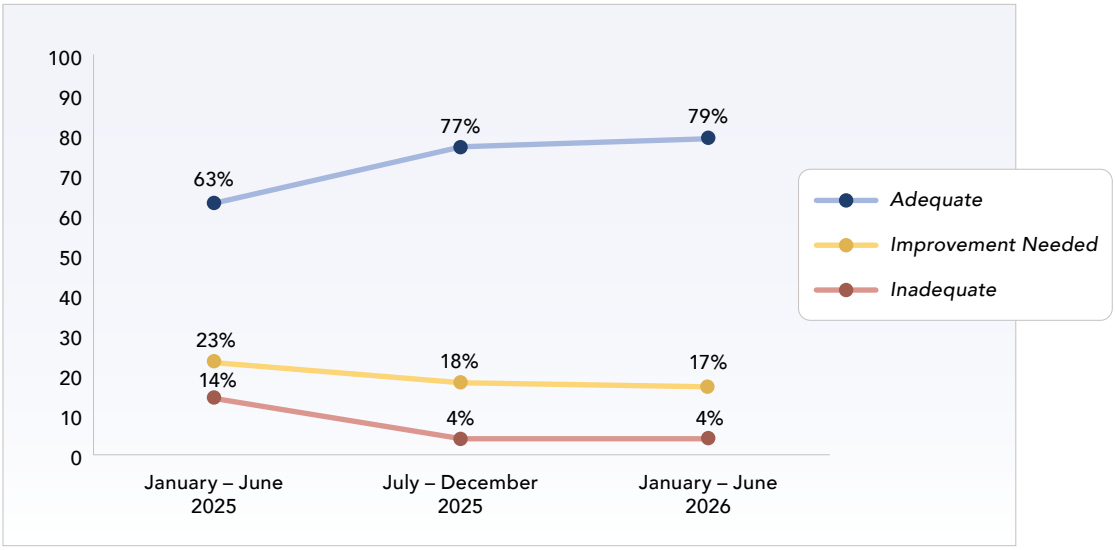
In addition, in certain exigent circumstances, the traditional section of the Office of Internal Affairs responds immediately to the scene of the incident to investigate allegations of both criminal and administrative staff misconduct. The OIG designates one staff member in each of its three regional offices as an administrative officer of the day available to respond at any day or time to monitor the Office of Internal Affairs during its on-scene investigation as well as the subsequent completion of the investigation. Examples of exigent circumstances include investigation of sexual misconduct between staff and incarcerated people, staff bringing contraband into the prison, and uses of deadly force by staff that are investigated by the Office of Internal Affairs' Deadly Force Investigation Team (DFIT).

1. The OIG performs retrospective reviews of cases that are referred to the prison for a routine review. The OIG issues a separate report summarizing its monitoring of this process.

Although the Traditional Section of the Office of Internal Affairs' Performance Remained Consistent, the Allegation Investigation Unit Experienced a Sharp Decline in Performance, Mainly Due to Unmanageable Workloads and the Inability to Complete Investigations in a Timely Manner

During this reporting period the OIG monitored and closed 228 administrative disciplinary and criminal cases. We rated the traditional section of the Office of Internal Affairs' performance as *adequate* in 180 cases, *improvement needed* in 38 cases, and *inadequate* in 10 cases. The traditional section of the Office of Internal Affairs' performance was rated as either *adequate* or *improvement needed* in 218 cases or 96 percent, which is consistent with our assessment of its performance in the last reporting period. Figure 13 below shows the traditional section's performance over the last three reporting periods.

Figure 13. Office of Internal Affairs' Traditional Section's Performance in Administrative Disciplinary and Criminal Cases in the Last Three Reporting Periods

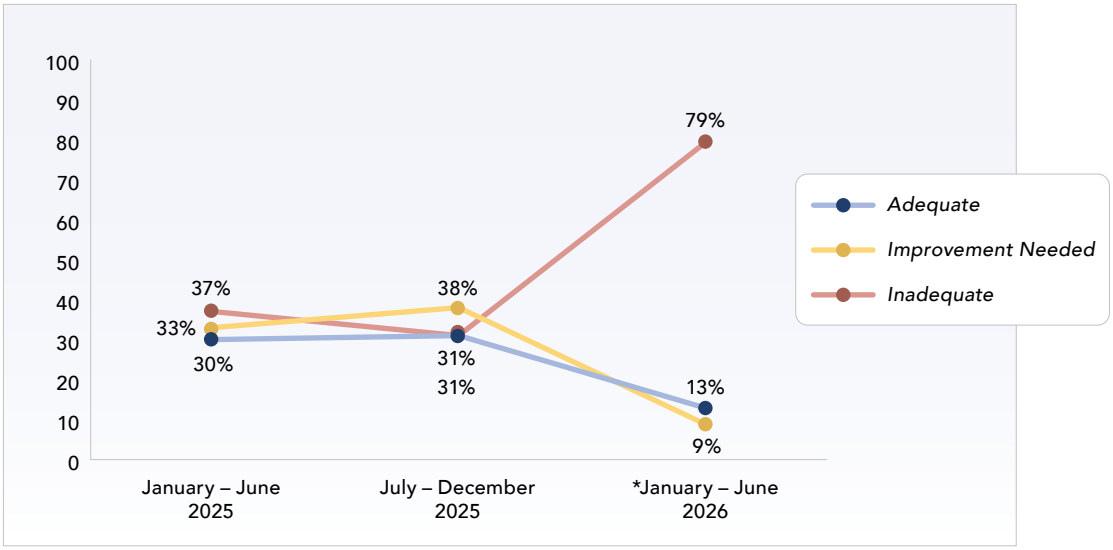


Source: The Office of the Inspector General Tracking and Reporting System.

We also monitored 300 staff misconduct complaint cases the Office of Internal Affairs' AIU investigated. Of these cases, we rated AIU's performance as *adequate* in 38 cases, *improvement needed* in 26 cases, and *inadequate* in 236 cases. AIU's performance was rated as either *adequate* or *improvement needed* in 64 cases, or 21 percent. In the last reporting period, we rated AIU's performance as either *adequate* or *improvement needed* in 69 percent of staff misconduct complaint cases, showing a

48 percent decline this reporting period. Figure 14 below shows AIU's performance over the last three reporting periods.

Figure 14. Office of Internal Affairs Allegation Investigation Unit's Performance in Staff Misconduct Cases in the Last Three Reporting Periods



*Percentages do not equal 100% due to rounding.

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

Lengthy investigative delays—and in some cases, the lack of any investigation at all—are the primary factors driving the decline in the department's performance in investigating staff misconduct complaint cases. As we detailed in our previous semiannual staff misconduct monitoring report, and as shown in Table 6 below, the volume of staff misconduct allegations the department is receiving through the incarcerated person grievance process continues to exceed the department's investigative capacity.

Table 6. Investigations Received and Completed by the Office of Internal Affairs

	Office of Internal Affairs AIU	Office of Internal Affairs Traditional Section
Open Investigations	18,926	1,080
Closed Investigations	2,490	571
Number of Investigator Positions	138*	115
Open Investigations per Investigator Position	137*	9

*At the end of June 2026, 109 of these 138 positions were filled. However, 14 AIU investigators missed significant work time during the reporting period due to extended absences. With these vacancies and absences, AIU investigators carried an average caseload of more than 174 open investigations each during the reporting period.

Source: The California Department of Corrections and Rehabilitation.

Although the department has made significant progress increasing the total number of investigators assigned to AIU, its investigators still carry unmanageable caseloads, averaging more than 135 open investigations at a time. We recognize that this data alone does not tell the full story and that a direct comparison between the respective caseloads of AIU and the traditional section of the Office of Internal Affairs is not appropriate; each investigation has its own unique characteristics that dictate how much time and effort it will require. In fact, AIU closed four times as many investigations as the traditional section of the Office of Internal Affairs over the same period, demonstrating a fundamental distinction between the types of investigations these two units investigate. Nonetheless, we provide this data to show how much larger of a caseload—more than 15 times greater—investigators in AIU carried compared to investigators in the traditional section of the Office of Internal Affairs during this reporting period.

As we discuss later in this section, the overwhelming number of cases assigned to investigators in AIU had direct consequences. In this reporting period, AIU was unable to complete investigations before the deadline to take disciplinary action in 3,428 staff misconduct complaint cases while the traditional section of the Office of Internal Affairs was unable to complete investigations before the deadline to take disciplinary action in 13 administrative disciplinary cases.[2]

This resource imbalance has led the department to develop several new investigative processes and procedures, knowing if it does not make significant changes to its investigative assignment process, the deadline to take disciplinary action will continue to elapse before it is able to complete investigations into a great number of staff misconduct allegations. Of greatest significance, while the department develops more permanent solutions, it has implemented a tiering system to determine which investigations to prioritize. This four-tier model instructs investigators to prioritize investigations primarily based on the nature of the allegations, as follows:

Tier 1—Critical Allegations
Cases that require immediate attention (e.g., use of force resulting in serious or great bodily injury, sexual battery, code of silence, etc.)

Tier 2—Serious Allegations
Serious but less urgent allegations (e.g., use of force without injury or noncontact sexual misconduct)

Tier 3—Low to Moderate Allegations
Minor misconduct (e.g., discourteous treatment, low-level policy violations, and speculative or unsupported code of silence claims)

2. Data provided by the California Department of Corrections and Rehabilitation.

Tier 4—Expired Deadlines to Impose Discipline
Cases (not involving Tier 1 allegations) in which no discipline can be imposed because the statute of limitations has expired[3]

Investigators have been instructed to prioritize completion of investigations designated as Tier 1 before moving on to cases in lower-priority tiers. Investigators are also instructed to elevate cases up to Tier 1 when they make a determination that misconduct is likely to have occurred. Our initial observations of this new tiering system suggest that the department is likely able to investigate all Tier 1 allegations, but allegations in the other tiers are much less likely to be investigated before expiration of the one-year deadline to take disciplinary action for sworn staff. Investigators have been receptive when we recommend elevating cases to Tier 1 based on an initial misclassification or based on our assessment that there are indications from the allegations and the initial evidence gathered that misconduct is likely to have occurred.

To its credit, the department has kept the OIG informed about its growing caseloads, backlogs, and expired deadlines. The department has also asked the OIG for its perspective and feedback regarding measures it can implement to address its investigative backlog. After a series of conversations, the department partially implemented our recommendation to shift assignment of certain allegation types from AIU to the traditional section of the Office of Internal Affairs to alleviate some of the strain on the unit's workload and to ensure these critical allegations are investigated before expiration of the deadline to take disciplinary action. As workload permits, the traditional section of the Office of Internal Affairs has begun accepting the following allegations:

- Gross negligence and/or incompetence resulting in great bodily injury (GBI), serious bodily injury (SBI), or death
- Staff sexual misconduct (with physical contact)
- Use of force (UOF) resulting in GBI, SBI, or death
- Code of silence
- Bringing contraband into a security area for an incarcerated person
- Media/politically sensitive cases

The department has also implemented other procedures to expedite its investigations and subject some allegations to abbreviated investigative processes, which we have touched upon in prior reports. These procedures include using the Centralized Intake Triage Team, which helps investigators perform several initial measures of preserving evidence, and the Grievance Response Team, which attempts to resolve

3. *California Department of Corrections and Rehabilitation Office of Internal Affairs Allegation Investigation Unit Investigation Four Tier Prioritization Guideline dated 07/17/2026.*

the concerns of incarcerated people who file the highest number of grievances. The department has also made greater use of its new special conditions closure process, which we discuss in greater detail later in this section of the report. The department has kept the OIG updated regarding its efforts to work with counsel for plaintiffs in the *Armstrong v. Newsom*[4] class action litigation to identify other ways to streamline its investigative processes and ensure more complaints are investigated before the deadline to impose discipline expires.

Recommendation

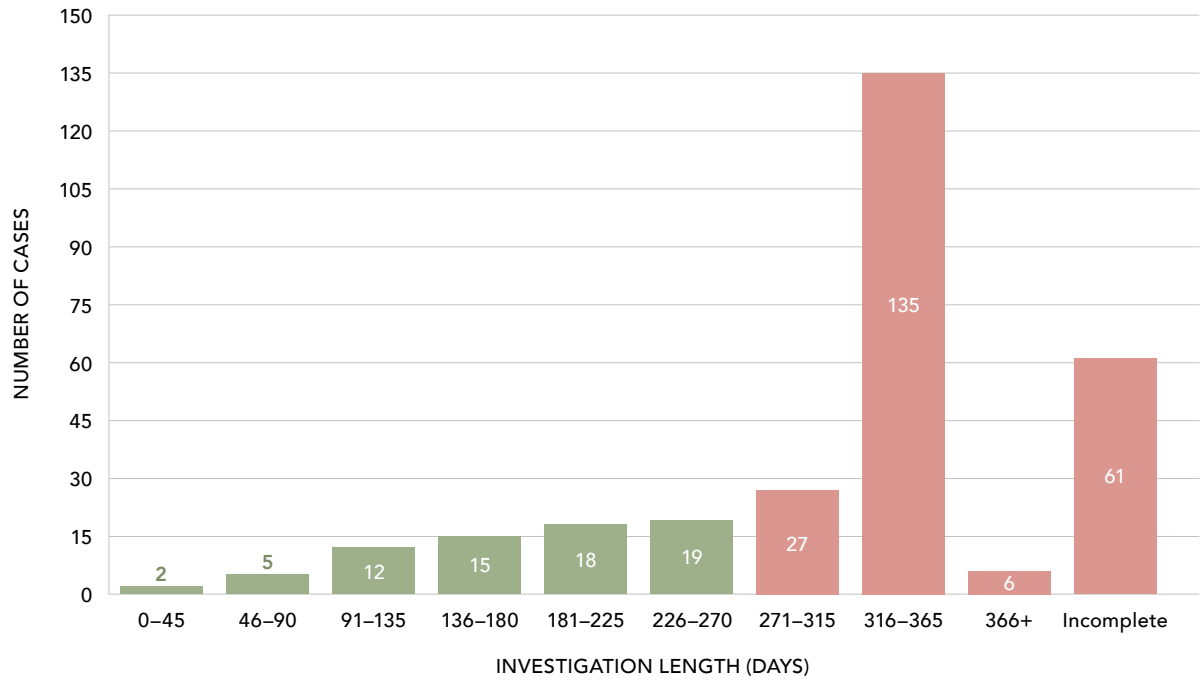
The OIG recommends that the department consider expanding its use of technological advancements to help it more efficiently review, classify, prioritize, and investigate allegations of staff misconduct. For example, the department should expand its use of body-worn cameras to all prisons to maximize the amount of video evidence that is available to either corroborate or disprove allegations of misconduct. Employing appropriate safeguards, the department should also explore the use of technology that would assist investigators with summarizing their interviews so they could draft investigative reports more efficiently.

4. 484 F. Supp. 3d 808 (N.D. Cal. 2020)

The Department Still Struggles to Complete Investigations in a Timely Manner, Which Can Lead to Lost Evidence and Wasted Resources

The Office of Internal Affairs continues to delay completion of many of its investigations well beyond reasonable time frames. The OIG observed delayed investigations in 31 cases, or 14 percent, of the 215 administrative disciplinary and criminal cases we monitored this reporting period that the Office of Internal Affairs investigated. In contrast, the OIG observed delayed investigations in 246 cases, or 82 percent, of the 300 staff misconduct complaint cases it monitored this reporting period. To provide a greater understanding of how long the department takes to complete investigations in staff misconduct complaint cases, Figure 15 below provides a distribution of investigative durations across the 300 staff misconduct cases we monitored in this reporting period.

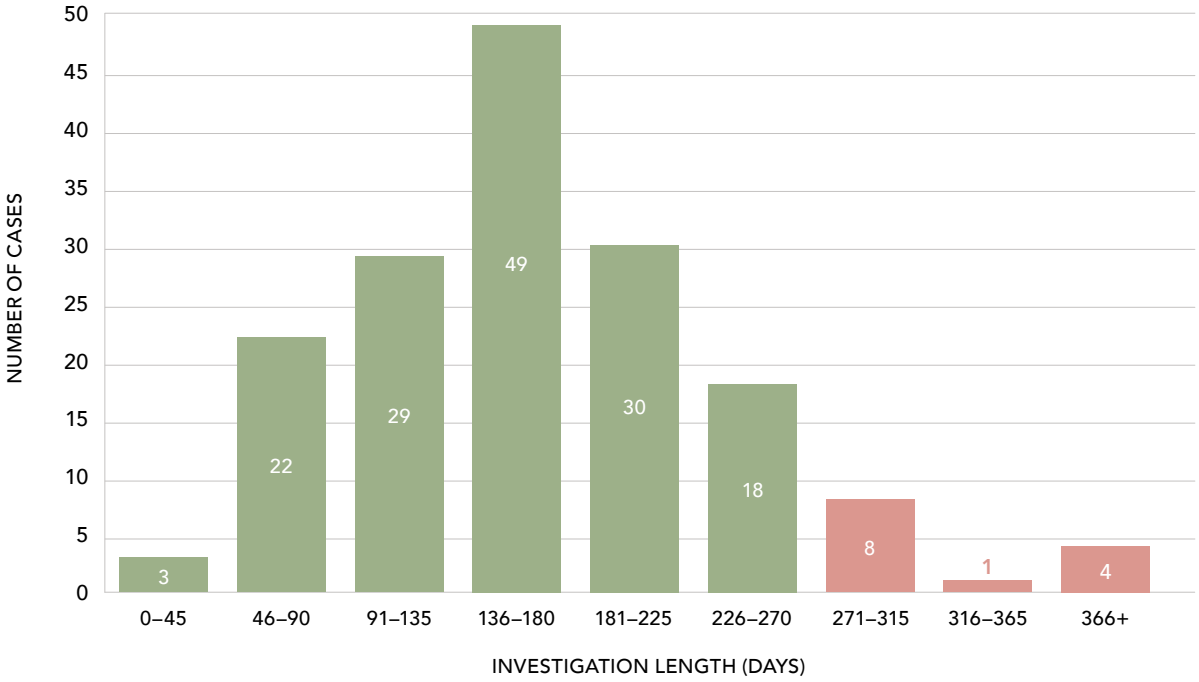
Figure 15. Investigative Durations for Staff Misconduct Cases



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

Figure 16 below provides a distribution of investigative durations across 164 administrative disciplinary cases we monitored this reporting period (excluding direct action and criminal cases).

Figure 16. Investigative Durations for Administrative Disciplinary Cases (Excluding Direct Action and Criminal Cases)



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

Prolonged investigative delays can lead to a loss of witnesses, loss of video evidence, and faded memories, all of which detract from the quality and integrity of an investigation. As these deficiencies recur, incarcerated people and the public lose faith in the department's ability to identify and correct misbehavior. Prolonged investigative delays also cause undue stress on the employees who are subjects of these investigations. When investigations are not completed and delivered to the hiring authority until just days before the deadline for taking disciplinary action, hiring authorities lack sufficient time to prepare for and conduct an investigative and disciplinary findings conference, request additional investigation if needed, and prepare and serve a notice of disciplinary action on the subject of the investigation. These issues are not hypothetical. The OIG observed delayed investigations, which led to loss of video evidence, unavailable witnesses, and faded memories. We also observed delays that allowed staff to continue receiving an officer's salary while working in the mail room as the investigation languished. The example discussed below demonstrates the financial harm delayed investigations impose on the department and the State.

OIG Case No. 24-0092698-DM

On August 26, 2024, an off-duty sergeant drove a vehicle while under the influence of alcohol and allegedly struck and killed a pedestrian. The sergeant also failed to stop at the scene. A second sergeant who was a passenger in the vehicle failed to report the misconduct, lied in a memorandum about the incident, and had lied to a supervisor about being sick on the day of the incident when, in fact, both sergeants played in a golf tournament.

On August 28, 2024, the first sergeant visited the warden's office and confessed to driving under the influence, identified the second sergeant as his passenger, and said that someone may have lost their life due to his driving under the influence of alcohol. The warden immediately reported the confession and redirected the first sergeant to a position in the mail room. The department redirected the second sergeant to the mail room on September 16, 2024.

The Office of Internal Affairs assigned the case to an investigator on September 26, 2024, but the investigator decided not to conduct any interviews until outside law enforcement finished their investigative report. Almost six months later, on March 20, 2025, the OIG recommended the investigator proceed with interviews, but the Office of Internal Affairs declined to do so despite departmental policy dictating that an "administrative investigation, adverse action, or both, shall not be delayed unless it clearly would jeopardize the criminal prosecution." The Office of Internal Affairs did not offer any reasons why interviewing the two sergeants could possibly jeopardize the criminal prosecution.

The first sergeant eventually retired from state service on July 16, 2025, almost 10 months after confessing to the misconduct. Outside law enforcement eventually released the completed investigation to the department on August 27, 2025. However, the investigator did not interview the second sergeant until October 16, 2025, and did not submit the investigative report to the hiring authority until February 25, 2026, almost 18 months after the incident. The hiring authority eventually sustained the allegations against the second sergeant and served him with a notice of dismissal. The second sergeant resigned on May 14, 2026, the day his dismissal was to take effect, after he had worked more than 20 months in a redirected position while receiving full pay and benefits.

Nearly One Quarter of the Staff Misconduct Complaint Investigations We Monitored Were Not Completed Until After the Deadline for Imposing Disciplinary Action or Were Never Completed

We observed just one case in which the deadline for taking disciplinary action expired among the 228 administrative disciplinary and criminal cases we monitored, which was attributable to the Office of Internal Affairs receiving the matter only 24 days before the deadline. However,

some staff misconduct complaint investigations were delayed so long that hiring authorities were legally barred from instituting discipline, despite having sufficient evidence that misconduct occurred, because investigations were not completed until after the one-year deadline to impose discipline. AIU investigators also discontinued many other investigations once they realized they could not complete the investigations within the one-year deadline. Investigators did not complete a staff misconduct investigation and submit a report to the hiring authority in 60 investigations we monitored. In one other staff misconduct investigation, AIU terminated the administrative investigation and transferred it to the Office of Internal Affairs' traditional section to initiate a criminal investigation. Therefore, the hiring authority did not receive an investigative report. In the example below, before AIU began investigating an incarcerated person's allegation that staff had intentionally put his life in danger, the incarcerated person was murdered.

OIG Case No. 25-0101710-INV

On January 3, 2025, five incarcerated people attacked and stabbed another incarcerated person on a housing facility patio. The attacked incarcerated person filed a grievance alleging that a captain had intentionally jeopardized the incarcerated person's life by assigning him to a facility where a sergeant and four officers allegedly set up the incarcerated person to be attacked. The incarcerated person was killed by other incarcerated people 104 days later. AIU had received the matter, assigned an investigator, and then reassigned the matter to a second investigator. Neither of the first two investigators interviewed the incarcerated person before he was killed. The department then reassigned the matter two additional times to two additional investigators. All four investigators failed to conduct any interviews. Because of the investigative delays, the deadline to take disciplinary action expired before the investigation was completed, and the investigator ceased working on the investigation.

In addition to the case above, the following allegations were among the 61 OIG-monitored cases AIU stopped investigating after concluding they would be unable to complete the investigations before the deadline to impose discipline:

- An officer allegedly left an unresponsive incarcerated person in a cell for approximately 20 minutes after the incarcerated person suffered a medical emergency. The officer and three additional officers allegedly dragged the incarcerated person out of the cell by his feet, pushed him into a holding cell, placed him in a chokehold, and threw him to the ground.
- Officers allegedly attacked an incarcerated person, which caused the incarcerated person to sustain a brain concussion and spinal injuries and remain at an outside hospital for five days.

- An officer allegedly refused to arrange for a sexual assault examination after an incarcerated person made allegations that she had been sexually assaulted.
- Eight officers allegedly retaliated against an incarcerated person for previously attacking an officer by slamming the incarcerated person to the ground, strangling him with a religious medallion that was around his neck, pulling out his dreadlocks, putting their weight on his back and impeding his breathing, and holding his arms while punching and kicking him.
- An officer allegedly failed to properly secure a blind incarcerated person's wheelchair during a vehicle transport. While the van was turning, the wheelchair tipped over, causing injuries to the incarcerated person's head.
- An officer allegedly grabbed an incarcerated person by the hair and slammed the incarcerated person face-first onto the concrete.
- A sergeant allegedly directed a racial slur toward an incarcerated person, punched him, and chained him to a door for 14 hours. The sergeant then allegedly inserted her finger into the incarcerated person's buttocks.
- Seven officers allegedly forced an incarcerated person into handcuffs despite his medical condition requiring waist chains, which resulted in pain to the incarcerated person's shoulder and an injury to his knee.
- A sergeant allegedly deployed two bursts of pepper spray and a pepper spray grenade inside an incarcerated person's cell when the incarcerated person did not pose a threat. An officer allegedly pushed the incarcerated person out of a wheelchair and onto the ground without provocation.
- A sergeant allegedly ignored an incarcerated person's safety concerns and placed him on a yard with his known enemies. An officer allegedly threw the incarcerated person to the floor, punched him in the face six times, slammed his head into the floor, and falsified a rules violation report against him.
- An officer allegedly pulled an incarcerated person who was in handcuffs to the ground by his neck. The officer and three other officers then allegedly hit the incarcerated person while he was on the ground.
- A sergeant allegedly failed to protect an incarcerated person who reported that he did not get along with other incarcerated people who lived in the building. Incarcerated people attacked the incarcerated person on seven different occasions within a three-week period.

Recommendation

The OIG recommends the Office of Internal Affairs retrain its investigators regarding departmental policy so they understand their ability to perform administrative investigations into off-duty criminal misconduct. The Office of Internal Affairs does not need permission from outside prosecution agencies to conduct timely internal investigations and impose swift discipline when appropriate.

We Largely Agreed with Investigators' Application of the Special Conditions Closure Process to Close Investigations Based on Video Evidence, But Often Disagreed with Investigators' Use of the Process When Video Evidence Showed Staff Used Force

In our last semiannual staff misconduct monitoring report, we discussed for the first time the special conditions closure process, which has been in place via emergency regulation since January 2025 and was formally adopted by the department via regulation in January 2026. This process permits AIU to close an investigation into allegations of staff misconduct without further investigative efforts when specific, narrowly defined regulatory criteria are met. The process is designed to allow investigations to be resolved when additional investigative steps are either unnecessary or unavailable.

Under the special condition framework, an investigation may be closed without further investigative efforts when either:

1. A review of all relevant video and audio recordings provides conclusive evidence that the alleged misconduct did not occur;

2. A review of all relevant video and audio recordings conclusively establishes misconduct did occur and the involved employees were provided with an opportunity to respond and offer mitigating information for the hiring authority's consideration;

3. No reasonable investigative steps remain because the allegation lacks sufficient detail and the incarcerated person refuses to participate in an interview, is unable to provide adequate detail despite participation, or cannot participate due to long-term unavailability; or

4. For an allegation that staff failed to take a specific action, documentary evidence within the department's information technology systems clearly demonstrates that the staff action at issue was, in fact, taken.

When an investigation is immediately closed pursuant to the special conditions closure process, the matter is referred to the hiring authority for review and disposition.

The OIG observed that AIU investigators most frequently closed cases pursuant to the first of the special conditions categories: when video evidence conclusively established that the alleged misconduct did not occur. The second most common basis for closure involved matters in

which no reasonable investigative steps remained because sufficient information could not be obtained to further investigate the allegation. For example, if an incarcerated person makes an allegation of staff misconduct but does not or refuses to provide sufficient foundational information such as the date of the alleged incident or identification of involved staff, AIU investigators would close the case.

During the period of January 2026 through June 2026, AIU closed 472 cases pursuant to the special conditions closure regulations. The Office of Internal Affairs notified the OIG every time it closed an investigation under the special conditions closure process and referred the investigative report to the hiring authority for review. In some of these investigations, an OIG monitor had already been monitoring the case from the beginning and continued to monitor the case while the hiring authority determined whether the investigation met the special conditions closure criteria, whether the case needed additional investigation, whether to sustain any allegations of misconduct, and what level of discipline was warranted. Because the special conditions closure process is rarely invoked in cases the OIG monitors from the outset, we also assigned attorneys to monitor cases for the first time once we were notified that the Office of Internal Affairs proposed closing an investigation under this process. The OIG selected a sampling of these referrals and immediately assigned an attorney to review the truncated investigative report and the evidence gathered during the investigation and to attend the investigative and disciplinary findings conference.

In this reporting period, the OIG monitored 69 cases that AIU closed using the special conditions closure process. We agreed with AIU investigators' decisions to invoke the special conditions closure process in 55 cases, or 80 percent, and disagreed with investigators' decisions in 14 cases, or 20 percent. In three of those 14 cases, the hiring authority returned the matter for additional investigation. In each case, either additional interviews or review of additional video-recorded footage, or both were required before the hiring authority could make a fully informed determination. In the remaining 11 cases, we disagreed with the hiring authority's decision to close the matter via the special conditions closure process and recommended additional interviews or evidence gathering. Below is an example of a case in which we disagreed with the investigator's use of the special conditions closure process.

OIG Case No. 25-0102445-INV

An officer allegedly forced a transgender incarcerated person to walk from the shower to her cell in front of male incarcerated people without any covering below her waist. The investigator interviewed the incarcerated person who could only describe the officer as male and according to his physical appearance. The incarcerated person also stated that a nurse and a female officer were present. The investigator closed the matter pursuant to the special conditions closure process based on

the incarcerated person's inability to provide additional details related to the allegation and the identity of the officer. The OIG disagreed and recommended the investigator either conduct additional interviews of identified staff in that housing unit or compile a photo lineup of housing unit staff who matched the description and were working at the time of the alleged incident and present it to the incarcerated person for identification. However, the Office of Internal Affairs declined to do so, and instead ended the investigation, claiming that the lapse of time was too great and the incarcerated person would refuse to cooperate, despite a lack of evidence to support those claims.

We Disagreed with Allegation Investigation Unit Investigators' Application of the Special Conditions Closure Regulations to Close Some Use-of-Force Cases in Which Video Footage Confirmed Force Had Been Used

As noted in the first special condition outlined above, an investigator may close an investigation when a review of all relevant audio and video recordings reveals conclusive evidence that the alleged misconduct did not occur. The OIG observed misapplication of this special condition in some cases, primarily when an incarcerated person made an allegation of unnecessary or excessive use of force. Under this special condition, the case would properly qualify for special conditions closure if, after review of the audio and video recordings from the pertinent date and time of the alleged incident, it was determined the incident never occurred.

Take, for example, an incarcerated person's allegation that they were subjected to an unnecessary use of force when an officer took them to the ground for no legitimate reason. If after a review of the relevant audio and video, the video demonstrates the officer never took the incarcerated person to the ground, it would be proper to refer the investigation for closure under this special condition. On the other hand, if the video confirms the officer took the incarcerated person to the ground, it would not be proper to close the investigation on the basis that a review of all relevant audio and video recordings provides conclusive evidence that the alleged misconduct did not occur.

If the investigator believes that the audio and video recordings provide sufficient evidence for the hiring authority to make a finding without additional interviews of staff or incarcerated person witnesses, the investigator need not invoke the special conditions closure process to close a case without further investigation; the investigator can close the investigation and refer it to the hiring authority as a standard investigation. This distinction, although nuanced, is important because departmental policy does not allow an investigator to stand in the shoes of the hiring authority and determine whether a particular use of force complies with policy. The purpose of this special condition is to quickly identify those cases in which an alleged incident did not occur at all, thereby saving investigative resources when video footage confirms the

alleged conduct did not occur. However, if video footage confirms an incident *did* occur, the matter should be closed according to standard investigative procedures once the investigator compiles sufficient evidence or information for the hiring authority to make a finding, thereby allowing the hiring authority to make the determination as to whether the force used, or other alleged conduct, complied with policy.

Below, we present a pair of examples in which the OIG believes investigators misinterpreted the special condition closure regulation by applying it to cases in which video recordings showed the alleged conduct occurred, but they believed that the recordings conclusively showed that the actions complied with policy.

OIG Case No. 25-0104190-INV

Two incarcerated people engaged in a fight. An officer allegedly fired one less-lethal round after the fight ended, striking one of the incarcerated people, and a sergeant allegedly used pepper spray without justification.

The investigator interviewed the incarcerated person and reviewed use-of-force incident reports and relevant video footage. Video evidence showed the sergeant deployed pepper spray at the incarcerated person when there was no imminent threat. The OIG recommended an interview of the sergeant, but the investigator declined. The evidence demonstrated that staff had used force; therefore, the case should have been closed and referred to the hiring authority as a standard investigation—not as a special condition closure.

The investigator concluded that the use of force was within policy and closed the case under the special condition closure process, claiming that video footage showed the alleged misconduct did not occur. However, at the investigative and disciplinary findings conference, the hiring authority determined the video conclusively showed that the sergeant had used force and that the force was unnecessary. The hiring authority sustained the allegation against the sergeant and imposed a 5 percent salary reduction for two months.

OIG Case No. 25-0102732-INV

An officer allegedly fired a less-lethal round to stop incarcerated people from fighting, striking one of the incarcerated people on the head. After reviewing the video of the incident, the investigator determined that no interviews were necessary because he believed the use of force was within policy. However, because the video showed that the officer had used force by firing the less-lethal round, the case should not have been closed pursuant to the special condition closure process. The OIG disagreed that the investigation was sufficient and recommended an interview of the officer regarding the use of force to determine where he aimed his weapon and where the round struck the incarcerated

person. These details were highly relevant to the allegations and not apparent from the video recordings. However, the investigator closed the investigation pursuant to the special conditions closure process, and the hiring authority did not sustain the allegations.

Recommendation

The OIG recommends the department clarify its regulations and train its investigators not to invoke the special condition closure process in cases in which video recordings show force was used or the alleged conduct occurred even if they believe the video conclusively proves the actions shown in the recordings complied with policy.

The Office of Internal Affairs Adequately Investigated Deadly Use-of-Force Incidents in Most Cases

The department defines deadly force as any force that is likely to result in death or serious bodily injury other than a lawful discharge during weapons qualifications, firearms training, or other legal recreational use of a firearm. Warning shots are considered deadly force but are only allowed in an institutional setting.

The department authorizes the use of deadly force only when an officer reasonably believes, under the totality of the circumstances, that deadly force is necessary for the following reasons:

1. To defend the employee or other persons from an imminent threat of death or great bodily injury.

2. To apprehend a fleeing person for any felony that threatened or resulted in death or great bodily injury, if the officer reasonably believes the person will cause death or great bodily injury to another unless immediately apprehended.

3. To dispose of seriously injured or dangerous animals when no other disposition is practical.

In those situations in which an officer or parole agent fires a deadly weapon with the intent to strike a person or animal, or when an officer intentionally strikes a person in the head with a tool, including a baton or a round from a less-lethal weapon, the Office of Internal Affairs responds to the incident and initiates an investigation with its Deadly Force Investigation Team (DFIT). DFIT may also respond to an unintentional discharge of a firearm, depending on the circumstances, and to incidents involving nondeadly use of force if a death occurred. Under those circumstances, DFIT investigates whether the use of nondeadly force may have contributed to or caused the death.

Every DFIT investigation involves an investigator assigned to conduct a criminal investigation of the use of deadly force and a second investigator responsible for conducting an administrative investigation of potential staff misconduct. The OIG monitors all uses of deadly force, including those for which the Office of Internal Affairs does not initiate a DFIT investigation.

Once the deadly force investigation is complete, DFIT refers the case to the Deadly Force Review Board (DFRB),[5] which collectively reviews

5. DFRB is responsible for conducting a comprehensive review of all DFIT investigations and comprises at least one departmental representative and four nondepartmental law enforcement professionals.

the administrative DFIT investigator's report and presentation and determines whether there was a violation of departmental policies and procedures in relation to each employee's use of deadly force. DFRB prepares a memorandum to the department's undersecretary with its analysis and conclusion. The hiring authority is advised of DFRB's findings and is expected to proceed with an investigative and disciplinary findings conference consistent with DFRB's findings. This typically results in exoneration of the employee(s) if the use of deadly force was within policy, or discipline if the force did not comply with policy.

During this reporting period, the OIG monitored and closed three administrative deadly force investigations and 10 criminal cases the Office of Internal Affairs investigated concerning the use of deadly force. Among the three administrative deadly force investigations, DFRB found compliance with departmental policy in all instances, resulting in no sustained allegations and no imposition of discipline in any of the cases. One of the three administrative deadly force investigations involved an employee discharging a firearm. Three of the 10 criminal investigations were forwarded to a district attorney. We rated the Office of Internal Affairs' performance *adequate* in all 10 criminal cases.

Of the three administrative deadly force investigations we monitored, we rated one *adequate*, one *improvement needed*, and one *inadequate* for the Office of Internal Affairs. Our criticism in the one *inadequate* case related to the questions and interviewing techniques the investigator used, as discussed below.

OIG Case No. 24-0089391-DM

An officer allegedly deployed two less-lethal rounds to stop two incarcerated people from fighting each other. One of the less-lethal rounds struck an incarcerated person, who was not involved in the fight, in the head.

A second officer also deployed a less-lethal round at the incarcerated people who were fighting but allegedly aimed the round at one incarcerated person's lower abdomen area, which, per departmental policy, is authorized only if the circumstances warrant the use of deadly force. Our concern with the investigation centered largely on the questioning of this second officer. In our opinion, the investigator asked the officer leading questions and improperly assisted him.

For example, during the second officer's interview with the Office of Internal Affairs, the officer indicated he remembered that the two fighting incarcerated people were on their feet and the person being attacked had his back to the officer. The officer said he aimed at the attacking incarcerated person's lower abdomen and discharged the round because he did not know that the abdomen was a deadly force target zone. However, video recordings of the incident showed that the

aggressor was on top of the incarcerated person who was on the ground, which suggested that the officer's assertion of aiming for the aggressor's abdomen was questionable.

We recommended that the investigator show the footage to the officer to refresh his recollection. The investigator showed the footage to the officer as recommended. However, the investigator guided the officer and the officer's representative. The investigator encouraged the officer to "think like a lawyer," "pay attention to the obstructions in the video," and "remember where you were standing relative to the obstructions." The investigator asked the officer whether he still believed he had aimed at the abdomen based on what he saw in the footage.

The investigator's guidance and leading questions prompted the officer to claim that he must have misremembered the incident and that he probably aimed at the incarcerated person's leg—not his abdomen—but missed. However, it was impossible for the officer to have aimed at the incarcerated person's leg considering the way the incarcerated person was positioned, as depicted in the video footage. It would have been better practice to simply show the video footage to the officer, ask whether it refreshed his recollection, and proceed to ask open-ended questions about the incident. Most concerning was that the investigator encouraged the officer to "think like a lawyer" after showing video footage of the event that was dramatically different from what the officer had previously described.

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 investigative and litigation processes, and assesses the vertical advocate's performance. If a department attorney is assigned to a case, we assess the soundness of legal advice the department attorneys provide to investigators and hiring authorities. We also assess how well department attorneys perform when litigating disciplinary actions before the State Personnel Board when the affected employees file appeals.

The Employment Advocacy and Prosecution Team's Overall Performance Has Improved Since the Last Reporting Period

During this reporting period, we monitored and closed 228 administrative disciplinary and criminal cases and 300 staff misconduct complaint cases. The department assigned an attorney to advise and represent the department in 225 administrative disciplinary and criminal cases. However, of the 300 staff misconduct complaint cases the OIG monitored, the department assigned an attorney in 92 cases. In the remaining staff misconduct complaint cases, the department assigned an employee relations officer to handle the cases, which included drafting disciplinary actions and representing the department in State Personnel Board hearings.

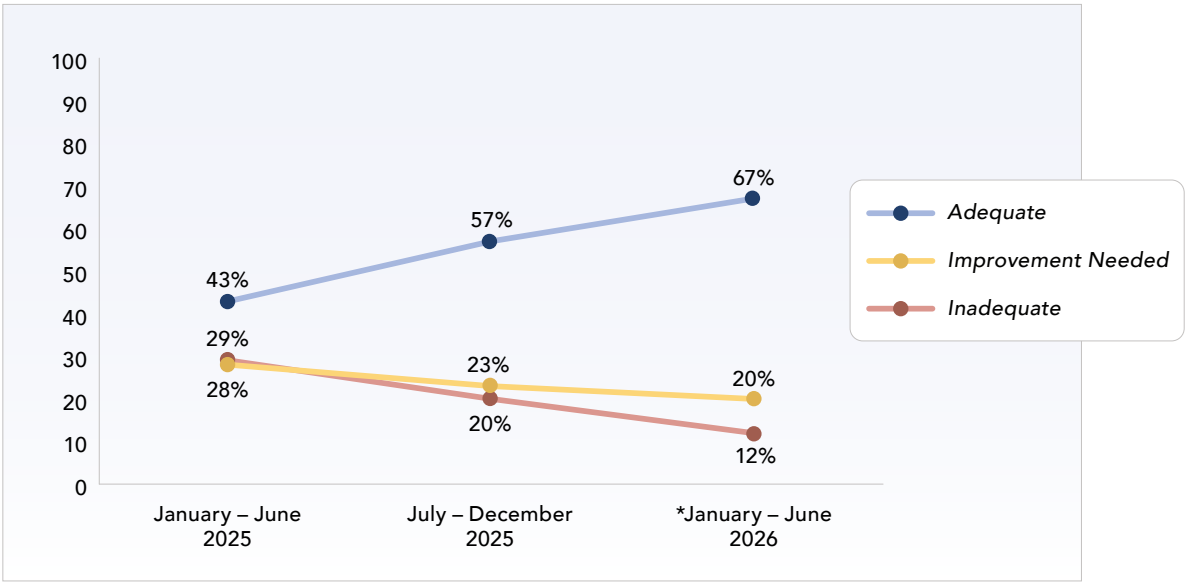
For the 225 administrative disciplinary and criminal cases, we rated the department attorneys' performance *adequate* in 151 cases, *improvement needed* in 53 cases, and *inadequate* in 21 cases.

For the 92 staff misconduct complaint cases, we rated the department attorneys' performance *adequate* in 64 cases, *improvement needed* in 10 cases, and *inadequate* in 18 cases.

The most common reasons we rated department attorneys' performance as *inadequate* were delays in the investigative or disciplinary process and our disagreement with the advice or recommendations they provided to hiring authorities regarding investigative findings and disciplinary determinations.

Figure 17 below shows how we have rated department attorney performance over the last three reporting periods.

Figure 17. Department Attorneys' Overall Performance in the Last Three Reporting Periods



*Percentages do not equal 100% due to rounding.

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

Department Attorneys Generally Received *Adequate* Ratings When They Provided Sound Advice to Hiring Authorities

In this reporting period, the OIG noted those cases in which department attorneys provided appropriate recommendations to hiring authorities during investigative and disciplinary findings conferences and settlement discussions, particularly when more complex legal concepts were involved. When attorneys provided sound legal advice and recommendations regarding findings and penalty determinations, they generally performed adequately, which reveals a strong correlation between quality legal advice and quality performance.

In 81 of the 151 administrative disciplinary cases in which the OIG rated the department attorney's performance *adequate*, we agreed with the advice and recommendations the department attorney provided to the hiring authority regarding the investigation, investigative findings, and disciplinary determinations. In 27 of those 151 cases, the hiring authority and the disciplined employee engaged in settlement discussions. We found that the department attorney provided sound advice and recommendations during all 27 of those settlement discussions.

In 52 of the 64 staff misconduct complaint cases in which the OIG rated the department attorney's performance as *adequate*, the department attorney provided appropriate advice and recommendations to the hiring authority regarding the investigation, investigative findings, and disciplinary determinations. In one of those 64 cases, the hiring authority and the disciplined employee engaged in settlement discussions. We found that the department attorney provided sound advice and recommendations during the settlement discussions in that case.

We commend the department attorney for her diligent representation and for providing sound legal advice in the case detailed below.

OIG Case No. 24-0091237-DM

An employee relations officer allegedly failed to timely and competently perform various duties in 36 separate investigations, thereby allowing deadlines to impose disciplinary action to expire, improperly changing the deadlines to take disciplinary action, failing to serve the disciplinary action prior to the expiration of the deadline to impose discipline, improperly making disciplinary decisions and finalizing disciplinary documents without permission from or review by the hiring authority, and making misrepresentations to two associate wardens and a chief deputy warden in order to convince them to sign and approve the disciplinary decisions without authorization from the hiring authority. A chief deputy warden allegedly signed disciplinary forms and disciplinary actions for two investigations without authorization from the hiring

authority. An associate warden allegedly signed disciplinary forms and letters of instruction for five investigations without authorization from the hiring authority. A second associate warden allegedly signed disciplinary forms for three investigations, a letter of instruction for two investigations, and *Skelly* hearing results from one investigation, without authorization from the hiring authority. A warden allegedly failed to properly oversee the disciplinary process for numerous investigations and signed disciplinary forms and disciplinary actions for various investigations in which the deadlines to impose discipline had already expired. The employee relations officer allegedly lied during two separate interviews with the Office of Internal Affairs when she claimed that the warden had granted her discretion to make disciplinary decisions and complete disciplinary forms without input from the warden, and claimed that the warden had not informed her that only the warden is permitted to sign disciplinary documents.

Given the complexity and seriousness of the case, before the investigative and disciplinary findings conference for the employee relations officer, the department attorney conducted research, consulted with the OIG, and ensured that the stakeholders had accurate training records for the employee relations officer, to fairly determine whether her actions were within the scope of her training. During the investigative and disciplinary findings conference for the employee relations officer, the stakeholders engaged in a discussion regarding the employee relations officer's responsibilities in each of the underlying investigations, whether the employee relations officer changed the deadlines to impose disciplinary action maliciously or simply pursuant to her training, and whether there was sufficient evidence that the employee relations officer had lied to the Office of Internal Affairs.

The department attorney recommended that the hiring authority not sustain the allegations that the employee relations officer had improperly changed the deadlines to impose discipline in the underlying investigations because evidence showed the employee relations officer made those changes in accordance with her training. The department attorney also recommended that the hiring authority specify in the allegations the particular duties the employee relations officer had failed to complete prior to the expiration of the deadlines to impose discipline in various investigations. Moreover, because witnesses contradicted the employee relations officer's claims, the department attorney recommended that the hiring authority determine that the employee relations officer had lied to the Office of Internal Affairs in two separate interviews. The hiring authority followed the department attorney's recommendations to sustain the allegations against the employee relations officer, except for the allegations that the employee relations officer had improperly changed the deadlines to take disciplinary action in any of the investigations and had failed to timely complete her duties before the deadlines to impose disciplinary action expired in 18 investigations. The hiring authority served the employee relations

officer with a notice of dismissal. However, the employee relations officer retired before the disciplinary action could take effect. The hiring authority placed a letter in the employee relations officer's official personnel file indicating she had retired pending disciplinary action.

The hiring authority found insufficient evidence to sustain the allegations against the chief deputy warden and the two associate wardens. The hiring authority sustained the allegation that the warden had failed in her duty to properly oversee the disciplinary process for numerous investigations, but not the remaining allegations, and issued a letter of instruction to the warden. The OIG concurred. However, the warden retired before the corrective action could be served.

Department Attorneys Generally Received *Inadequate* Ratings When We Disagreed with the Recommendations They Provided to Hiring Authorities

We rated department attorneys' performance *inadequate* in a combined 39 of the 317 cases we monitored this reporting period. In those cases, we often rated department attorneys' performance *inadequate* because of significant disagreements with the recommendations or legal advice they provided to hiring authorities during investigative and disciplinary findings conferences or when settling cases. It is the department attorney's role to provide sound legal advice to the hiring authority, particularly when complex or nuanced legal concepts are in question. Hiring authorities depend on department attorneys for counsel regarding these disciplinary decisions concerning subordinate employees.

Investigative and Disciplinary Findings Conferences

Administrative Disciplinary Cases

In 13 of the 21 administrative disciplinary cases in which the OIG rated the department attorney's performance as *inadequate*, we disagreed with the advice and recommendations the department attorney provided to the hiring authority regarding the investigation, investigative findings, and disciplinary determinations. In the case below, we disagreed with both the legal advice and the recommended findings the department attorney provided during critical phases of the disciplinary process.

OIG Case No. 25-0110195-DM

An off-duty officer allegedly drove his vehicle while under the influence of alcohol. The officer, who was already on criminal probation for a prior conviction of driving under the influence of alcohol, lost control of the vehicle, and the vehicle rolled over. When outside law enforcement responded, the officer allegedly refused to submit to a blood alcohol test. Therefore, outside law enforcement obtained a warrant to draw the officer's blood for testing. The next day, the officer allegedly lied to the hiring authority about actions the officer claimed to have taken to address the incident such as enrolling in traffic school and voluntarily installing an ignition interlock device.

During the investigative and disciplinary findings conference, the department attorney recommended that the hiring authority not sustain the allegation that the officer had refused a lawfully ordered blood alcohol test after his arrest. We disagreed with the department attorney's advice because California's implied consent law required all licensed drivers to submit to a blood or breath test when a law enforcement officer suspects the driver of being under the influence of alcohol, and

departmental policy requires officers to submit to lawfully ordered tests. Outside law enforcement had arrested the officer for driving under the influence after he rolled his vehicle, and he was already on probation for a prior drunk driving offense. However, the officer did not blow air forcefully enough to complete the breath test. Therefore, a blood alcohol test was required.

Audio-recorded evidence confirmed that the officer refused outside law enforcement's request that he submit to a blood alcohol test. As a result, outside law enforcement had to obtain a search warrant to compel the officer to submit to the blood alcohol test. While at the hospital, the officer continued to obstruct law enforcement's investigation by refusing to sign a consent form prior to his blood draw. Despite legal precedent, including California case law, the department attorney recommended against sustaining the allegation that the officer refused a lawful order to submit to a blood alcohol test in violation of departmental policy.

Staff Misconduct Complaint Cases

In 12 of the 18 staff misconduct complaint cases in which the OIG rated the department attorney's performance *inadequate*, we disagreed with the department attorney's advice and recommendations to the hiring authority regarding the investigation, investigative findings, and disciplinary determinations. In the case below, the department attorney's recommendations led to a hiring authority making a poor disciplinary finding.

OIG Case No. 25-0106539-INV

After an incarcerated person expressed suicidal thoughts, a sergeant allegedly tripped and pushed the incarcerated person to the ground, placed a hand on the back of the incarcerated person's neck and head, and placed his knee on the incarcerated person's back. The incarcerated person sustained injuries to the face and right leg as a result.

During the investigative and disciplinary findings conference, the department attorney recommended that the hiring authority not sustain the allegations that the sergeant had used excessive and unnecessary force. Video recordings proved that the sergeant's use of force was both unnecessary and excessive because the incarcerated person posed no threat at the time the sergeant tripped and pushed the incarcerated person, placed his hand on the incarcerated person's neck, and positioned his knee on the incarcerated person's back. However, the department attorney inappropriately argued that the hiring authority should rely on the incarcerated person's size, strength, and reputation for violence as a reason to find that the sergeant's use of force was appropriate, rather than on the incarcerated person's nonthreatening actions during the incident.

The hiring authority found insufficient evidence to sustain the allegations.

Settlement Discussions

Administrative Disciplinary Cases

Fourteen of the 21 administrative disciplinary cases in which the OIG rated the department attorney's performance *inadequate* involved settlement discussions. We disagreed with the department attorney's advice and recommendations to the hiring authority during settlement discussions after disciplinary actions had been served in seven of those 14 cases. Over the course of the case below, the department attorney's advice changed multiple times even though the evidence remained the same. At one point the attorney recommended the officer receive the maximum penalty possible—dismissal—and at other times, the attorney recommended minor salary reductions based on the same conduct and the same evidence.

OIG Case No. 25-0102870-DM

An officer allegedly recorded in official records that he had conducted the required 30-minute security checks of an incarcerated person who was assigned a higher level of care and that the incarcerated person was doing well, even though the officer did not conduct those security checks. During two separate interviews with the Office of Internal Affairs, the officer allegedly lied when he claimed he had conducted the security checks and accurately recorded them in official records.

Before and during the first investigative and disciplinary findings conference, the department attorney recommended that the hiring authority sustain the allegation that the officer had lied to the Office of Internal Affairs and dismiss the officer. However, when the hiring authority was unwilling to do so, the department attorney changed course and said the allegation would be difficult to prove. Thereafter, the department attorney drafted a revised recommendation. At the second investigative and disciplinary conference, the department attorney recommended the hiring authority sustain only an allegation that the officer did not accurately perform one of the required security checks. The department served the officer with disciplinary action, imposing a salary reduction of 5 percent for six months. Following a *Skelly* hearing, the department attorney recommended that the hiring authority enter into a settlement agreement with the officer, further reducing the penalty to a salary reduction of 5 percent for three months. The OIG disagreed with the department attorney's recommendation because information provided by witnesses confirmed that the officer did not perform the security checks and had falsely recorded that he had performed them. Furthermore, in two separate interviews, even after he was confronted with documentation to the contrary, the officer still claimed he had

conducted the security checks. However, the hiring authority adopted the department attorney's recommendation and entered into a settlement agreement with the officer, thereby reducing the penalty to a salary reduction of 5 percent for three months.

Staff Misconduct Complaint Cases

Seven of the 18 staff misconduct complaint cases in which the OIG rated the department attorney's performance as *inadequate* involved settlement discussions. We disagreed with the department attorney's advice and recommendations to the hiring authority regarding settlements of disciplinary matters in three of those cases. In the case example below, based on the department attorney's advice, a hiring authority chose to impose only corrective action—not discipline—on an officer who had used excessive force that carried a likelihood of serious bodily injury.

OIG Case No. 24-0093532-INV

An officer allegedly approached an incarcerated person from behind, wrapped his arms around the incarcerated person's waist, lifted the incarcerated person off the ground, and slammed the incarcerated person over the officer's shoulder and onto the ground, thereby causing the incarcerated person disorientation and rib pain. A second officer allegedly saw what happened but failed to accurately report it.

The hiring authority sustained the allegation that the first officer had used excessive force and imposed a letter of reprimand. The OIG did not concur with the penalty because the seriousness of the first officer's misconduct warranted a higher penalty. The officer had used a suplex wrestling move on the incarcerated person, which was highly dangerous.[6]

After the department served the disciplinary action, the first officer filed an appeal with the State Personnel Board. Prior to an evidentiary hearing, the department attorney recommended that the hiring authority enter into a settlement agreement with the first officer and reduce the letter of reprimand to a letter of instruction. The OIG disagreed with the department attorney's recommendation because the information the department attorney relied on to recommend a lower penalty was already known at the time the hiring authority had decided to issue the letter of reprimand, because the first officer's misconduct was serious, and because the first officer had not accepted responsibility for his actions.

6. A suplex wrestling move is a technique in which a person grabs a second person from behind, lifts the second person off the ground, and slams the person onto the ground.

Department Attorneys Should Be More Mindful Not to Delay the Disciplinary Process, Especially in Dismissal Cases

For cases in which we rated department attorneys' performance *inadequate*, one of our most common criticisms was their unnecessary delay of the disciplinary process. 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 the utmost importance to complete these steps timely, department attorneys sometimes 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 five of the 21 administrative disciplinary cases and in three of the 18 staff misconduct complaint cases in which we rated the department attorney's performance *inadequate*, the department attorney delayed one of these critical steps of the investigative and disciplinary process.

Below is an example of an administrative disciplinary case in which we rated the department attorney as *inadequate* due to a delay in drafting the disciplinary action for service.

OIG Case No. 24-0072401-DM

An officer allegedly submitted an altered urine sample during a random drug test. The officer then allegedly lied to the medical review officer when he denied submitting an altered urine sample. The officer later allegedly lied to the Office of Internal Affairs when he again denied submitting an altered urine sample. On May 23, 2024, the investigator sent the investigative report to the hiring authority for review. On July 11, 2024, the hiring authority sustained the allegations and dismissed the officer. However, the department attorney did not provide the hiring authority with the disciplinary action until September 16, 2024, 67 days thereafter and 37 days after policy required the disciplinary action to have been served. The hiring authority then served the officer with the notice of dismissal 25 days later. As a result of the cumulative delays in the case, including those attributable to the hiring authority and the department attorney, the officer's dismissal did not go into effect until October 18, 2024, four months and 25 days after completion of the investigation. The officer continued to receive his full salary and benefits for an additional 97 days, which could have been avoided if departmental deadlines had been met.

Department Attorneys Prosecuted Disciplinary Cases Before the State Personnel Board at the Same Rate as the Last Reporting Period

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 54 administrative disciplinary cases and in 11 staff misconduct complaint cases, 65 cases total. Therefore, appeals were filed in 21 percent of the 317 cases we monitored in which an attorney was involved. In the previous reporting period, disciplined employees filed appeals in 35 administrative disciplinary cases and in seven staff misconduct complaint cases, or 20 percent of all such cases we monitored.

In this reporting period, we monitored 20 cases that had been submitted to the State Personnel Board for a decision after a full evidentiary hearing had been held, which is six more than the number of cases in the last reporting period.

The State Personnel Board upheld the penalty in 19 of those 20 cases. In two of the 19 cases, the State Personnel Board struck at least one allegation but still upheld the penalty. In one case, the State Personnel Board reduced the penalty from a salary reduction to a letter of reprimand.

We rated department attorneys *adequate* in six cases that went to hearing before the State Personnel Board, *improvement needed* in 10 cases, and *inadequate* in four cases. Below is an example of an administrative disciplinary case in which we rated the department attorney's performance as *adequate* due to satisfactory representation before the State Personnel Board, which upheld the penalty the department had imposed.

OIG Case No. 23-0064671-DM

A warden allegedly had an unreported romantic relationship with an officer at his prison. The warden then lied to the Office of Internal Affairs about the relationship and his extensive communications with the officer.

The hiring authority sustained the allegations and dismissed the warden. The OIG concurred. The warden filed an appeal with the State Personnel Board. At the hearing, the department attorney performed well despite an essential witness being unavailable. The department attorney was

very well organized and prepared, moved from exhibit to exhibit with ease, and competently proved that the warden had been dishonest. The department attorney also delivered an effective rebuttal to the appellant attorney's closing argument. The State Personnel Board upheld the warden's dismissal.

Recommendation

Given the high rate of success department attorneys had litigating disciplinary actions before the State Personnel Board this reporting period, the OIG recommends department attorneys consider being more aggressive in their recommendations to hiring authorities when considering appellants' settlement offers.

Conclusion

During this reporting period, we observed mixed trends in the department's performance in handling employee discipline. Hiring authorities' overall performance has improved slightly since the last reporting period. However, hiring authorities' delays during the investigative and disciplinary process frequently contributed to *inadequate* ratings. Although we agreed with hiring authorities' decisions most of the time, when we disagreed, it was usually because we believed the hiring authority did not sustain all allegations or did not impose a strong enough penalty. We also noticed a significant difference in our rates of disagreement with hiring authorities' decisions when reviewing administrative disciplinary cases and staff misconduct complaint cases because hiring authorities sustained fewer allegations and imposed lighter penalties in staff misconduct complaint cases.

We also found that the traditional section of the Office of Internal Affairs performed about the same as in the last reporting period. However, AIU's performance fell dramatically, mostly because of delays in completing investigations. Although, the department has increased staffing levels and promulgated policies to address the backlog of cases, AIU continues to struggle with completing investigations in a timely fashion—sometimes missing the deadline to impose discipline. This can be explained, at least in part, by the fact that AIU has a much higher caseload than the traditional section. In response to the high volume of cases, the department has implemented a case prioritization scheme and a special conditions closure process. However, we sometimes disagreed with AIU investigators' closure of use-of-force cases pursuant to the special conditions closure process.

Department attorneys' performance continues to improve. However, when we rated their performance *inadequate*, it was often because of unnecessary delays and because we disagreed with the advice and recommendations department attorneys provided to hiring authorities about allegations, penalties, or settlements. Finally, department attorneys prosecuted more evidentiary hearings at the State Personnel Board than in the previous reporting period. Furthermore, we found that department attorneys' performance in litigating cases improved in this reporting period compared with the last reporting period.

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The Department's Response to Our Report

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STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION **GAVIN NEWSOM, GOVERNOR**

OFFICE OF THE SECRETARY
PO Box 942883
Sacramento, CA 94283-0001

October 26, 2026

Ms. Amarik Singh
Office of the Inspector General
10111 Old Placerville Road, Suite 110
Sacramento, CA 95827

Dear Ms. Singh:

The California Department of Corrections and Rehabilitation (CDCR) thanks the Office of the Inspector General (OIG) for the opportunity to review the draft report titled *Monitoring the Internal Investigations, Staff Misconduct Complaint Investigations, and the Employee Disciplinary Process of the California Department of Corrections and Rehabilitation* for the period of January 1, 2026, through June 30, 2026.

The Department appreciates the OIG's acknowledgment of our improved performance in addressing administrative disciplinary and criminal cases. CDCR also appreciates OIG's acknowledgement that the Department has insufficient resources to handle the current volume of complaints. While we may not always concur with the OIG's assessments, we remain fully committed to delivering comprehensive, timely, and thorough investigations.

In addition, CDCR is working with Plaintiffs' Counsel from the Armstrong and Coleman cases related to use of force policy and training. CDCR is in the process of reviewing the Mitchell use of force report and continues to work with Plaintiffs' Counsel from Armstrong to address and improve the staff misconduct system.

OIG's oversight continues to play a vital role in these efforts, and we value our ongoing collaborative partnership in advancing the Department's mission.

If you have any questions, contact me at (916) 323-6001.

Sincerely,

DocuSigned by:
Jeffrey Macomber
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JEFF MACOMBER
Secretary

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

Semiannual Report
January–June 2026

OFFICE *of the* INSPECTOR GENERAL

Amarik K. Singh
Inspector General

Shaun Spillane
Chief Deputy Inspector General

STATE *of* CALIFORNIA
November 2026

OIG