

Robert A. Barton
Inspector General

Office of the Inspector General

SEMI-ANNUAL REPORT

January–June 2017

Volume I



August 2017

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

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Foreword

This 25th Semi-Annual Report covers the period of January through June 2017. Pursuant to California Penal Code Section 6133 et seq., the Office of the Inspector General (OIG) is required to report semi-annually on its oversight of the Office of Internal Affairs investigations and the employee discipline process within the California Department of Corrections and Rehabilitation (CDCR or the department). Volume I, contained herein, is a summary of the OIG's monitoring of these areas.

In addition to its oversight of CDCR's employee discipline process, the OIG also uses a real-time monitoring model to provide oversight and transparency in several other areas within the state prison system, including use of force, contraband surveillance watch, critical incidents, and field inquiries. Volume II is a summary of the OIG's monitoring of these additional areas.

Volume I reports hiring authorities found employee misconduct in 130 out of the 194 administrative cases reported and imposed disciplinary action ranging from letters of reprimand to dismissal. There were 61 appeals taken by employees with settlements reached in 54 of those cases. This report discusses the performance of the Office of Internal Affairs, department attorneys, and hiring authorities.

The Office of Internal Affairs Central Intake Panel continued its efficient processing of cases with more than 98 percent of cases processed within the 30-day requirement. There were 1,025 cases referred to the Office of Internal Affairs Central Intake Unit. The Office of Internal Affairs Central Intake Panel opened 932 cases, 91 percent of the total referred, and the OIG accepted 254 (27 percent) for monitoring. Of the 1,025 cases, the OIG agreed with the Office of Internal Affairs Central Intake Panel decisions in 89 percent of the cases. The largest area of disagreement was peace officer dishonesty cases, which is discussed in the report.

The lack of a reasonable timeliness standard for Office of Internal Affairs special agents to complete investigations remains an issue and is discussed in the report. The largest percentage of delayed investigations was in the central region of the Office of Internal Affairs. The overall timeliness for completing investigations is discussed but not considered in assessing the department's overall performance.

The department's performance in the Pre-Disciplinary Phase has worsened in the procedural ratings, particularly in the central region, while it has improved in the substantive ratings. Meanwhile, the department improved its ratings in the Disciplinary Phase. The details are discussed in this report.

We encourage feedback from our readers and strive to publish reports that meet our statutory mandates as well as offer all concerned parties a useful tool for improvement. For more information about the Office of the Inspector General, including all reports, please visit our website at www.oig.ca.gov.

— ROBERT A. BARTON, INSPECTOR GENERAL

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Discipline Monitoring Activities

The Discipline Monitoring Unit of the Office of the Inspector General (OIG) is responsible for monitoring the California Department of Corrections and Rehabilitation's (CDCR or the department) employee discipline process. The OIG monitors and assesses the department's most serious internal investigations of alleged employee misconduct, as well as the hiring authority's disciplinary decisions. If the hiring authority sustains any allegations, the OIG continues monitoring the quality of the legal representation for the department and any subsequent appeal. Volume I is a summary of OIG monitoring activities for both administrative and criminal investigations, as well as an assessment of the disciplinary process.

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

The OIG reports each administrative case in two separate phases, the Pre-Disciplinary and the Disciplinary Phase. There is a procedural and a substantive assessment for each phase of a case. The procedural assessment rates the department's adherence to its own policies. Internal investigations are complex with many procedural aspects. While the OIG understands that minor procedural errors do not necessarily render an investigation insufficient, major or multiple departures from the process are unacceptable because they eventually cause breakdowns and lead to substantive insufficiencies. The substantive assessment rates whether the investigation accomplished the goal of the Pre-Disciplinary Phase of providing the hiring authority with adequate information to make a decision supported by a preponderance of the evidence. The substantive assessment also reports the OIG's opinion whether the department attorney performed competently, as well as whether the hiring authority made correct decisions. If there is an identifiable detriment to the investigation, the OIG rates it substantively insufficient. The department is expected to conduct timely and quality investigations, avoiding the necessity for a hiring authority to make a decision based on delayed or incomplete information.

In this reporting period, the OIG is assessing whether the Office of Internal Affairs special agents timely and sufficiently completed investigations. Pursuant to the Department Operations Manual, Section 31140.30, internal investigations "shall be conducted with due diligence and completed in a timely manner in accordance with the law, applicable MOU's [*sic*], and the Office of Internal Affairs' Investigator Field Guide." The OIG's assessment includes an appraisal of the department's conformance to this directive. Beginning with investigations opened March 1, 2016, the OIG reviews timeliness of the investigation based on whether it was completed within six months of discovery of the alleged misconduct.

The Combined Phase, Appendix A, contains those cases where an administrative investigation is completed and the hiring authority makes a decision regarding the investigation, allegations, and discipline, and that decision has become final. Cases where the hiring authority did not sustain any misconduct allegations are also included in the Combined Phase appendix.

In the Disciplinary Phase, cases are reported once the department makes a decision to impose discipline and after completion of any appeal process. These cases are reported in Appendix B, titled Disciplinary Phase.

The Disciplinary and Combined Phase appendices include cases where the Office of Internal Affairs approved direct disciplinary action without a full investigation because it deemed the facts sufficiently established. Sometimes these cases include an interview of the employee who is the subject of the investigation.

The Disciplinary and Combined Phase appendices set forth the penalties imposed. The OIG reports the highest initial and the highest final penalty for each employee's misconduct. The initial penalty is the penalty the hiring authority selected. The final penalty may be different because new information caused a hiring authority to change the penalty or enter into a settlement (a mutual agreement between the department and employee). It includes a change to the penalty resulting from a State Personnel Board decision after hearing. The final penalty reported is always the highest penalty imposed for misconduct by any of the employees.

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

This report provides an assessment of 210 monitored cases that closed from January 1, 2017, through June 30, 2017. Administrative misconduct was alleged in 194 cases and includes cases investigated, cases with interviews of only the employee or employees who were subject of the investigation, and cases where there were sufficient facts to proceed without an investigation. The remaining 16 cases involved alleged criminal misconduct.

The reported cases are those that concluded during this period. In order to protect the integrity of the process, the OIG only reports those cases after all proceedings are final.

The Employee Discipline Process

Whenever the department reasonably believes employee misconduct may have occurred, the hiring authority is responsible for timely requesting an investigation or approval for direct action from the Office of Internal Affairs. The hiring authority refers the matter to the Office of Internal Affairs Central Intake Unit. The Office of Internal Affairs Central Intake Panel subsequently determines whether an internal investigation is warranted, whether enough information exists for the department to proceed without an investigation, whether an interview of the employee(s) is necessary, or whether there is no reasonable belief misconduct has occurred. The OIG participates in the Office of Internal Affairs Central Intake Panel meetings to monitor the process, provide recommendations regarding Office of Internal Affairs Central Intake Panel determinations, and determine which cases the OIG will monitor.

The following table is the OIG guide for determining which cases it accepts for monitoring:

<i>Madrid-Related</i> Criteria ¹	OIG Monitoring Threshold
Use of Force	Use of force resulting in, or which could have resulted in, serious injury or death or discharge of a deadly weapon.
Dishonesty	Perjury; material misrepresentation in an official law enforcement report; failure to report a use of force resulting in, or which could have resulted in, serious injury or death; or material misrepresentation during an internal affairs investigation.
Obstruction	Intimidating, dissuading, or threatening witnesses; retaliation against an inmate or against another person for reporting misconduct; or the destruction or fabrication of evidence.
Sexual Misconduct	Sexual misconduct prohibited by Penal Code Section 289.6.
High Profile	Cases involving alleged misconduct by high-ranking department officials; misconduct by any employee causing significant risk to institutional safety and security, or for which there is heightened public interest, or resulting in significant injury or death to an inmate, ward, or parolee (excluding medical negligence).
Abuse of Position or Authority	Unorthodox punishment or discipline of an inmate, ward, or parolee; or purposely or negligently creating an opportunity or motive for an inmate, ward, or parolee to harm another inmate, staff, or self, i.e., suicide.
Criminal Conduct	Trafficking of items prohibited by the Penal Code or criminal activity that would prohibit a peace officer, if convicted, from carrying a firearm (all felonies and certain misdemeanors such as those involving domestic violence, brandishing a firearm, and assault with a firearm).

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

The OIG only monitors the most serious allegations of misconduct. For the January through June 2017 period, the OIG accepted for monitoring 27 percent of the cases opened by the Office of Internal Affairs. Once the OIG accepts a case for monitoring, the OIG monitors the case through the entire process. If the Office of Internal Affairs conducts an investigation, the assigned OIG attorney, a Special Assistant Inspector General, monitors the investigation. The investigators and the department attorney, if one is designated, consult with the Special Assistant Inspector General throughout the process.

When the investigation is complete, the hiring authority is required to review the investigative report within 14 days of receipt. Policy requires the hiring authority to consult with the assigned Special Assistant Inspector General regarding the findings and discipline decisions. If the Special Assistant Inspector General believes the hiring authority's decision is unreasonable, the OIG may elevate the matter to a higher management level through an executive review process.²

Employees have a right to challenge any discipline imposed against them by filing an appeal with the State Personnel Board, an independent state agency. The OIG continues monitoring cases through the appeal process. During this process, a case may conclude by way of settlement, a unilateral action by one party withdrawing the appeal or disciplinary action, or a State Personnel Board decision after a contested hearing. In cases where the State Personnel Board decision is subsequently appealed in superior court, the OIG monitors the case until final resolution.

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

² Department Operations Manual, Section 33030.14.

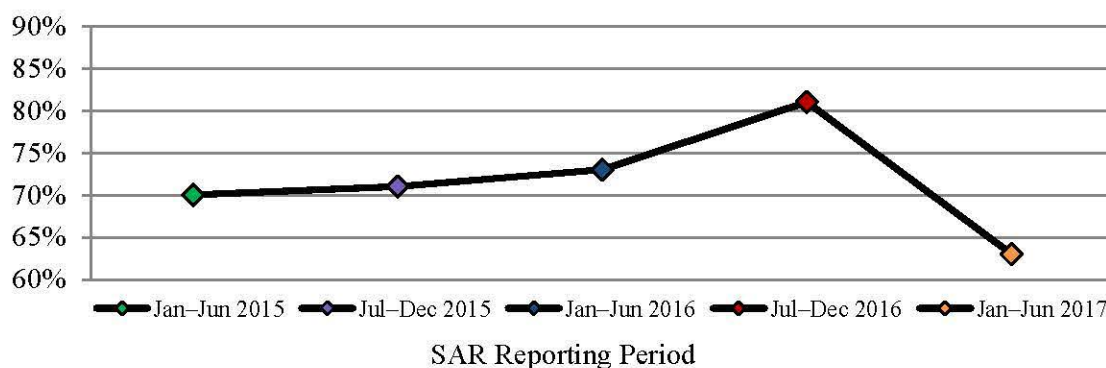
Monitoring the Pre-Disciplinary Phase

The Pre-Disciplinary Phase starts when either the hiring authority submits a case to the Office of Internal Affairs or the Office of Internal Affairs opens a case on its own. The vast majority of cases are based on hiring authority referrals. The Pre-Disciplinary Phase ends when the hiring authority determines whether the investigation was sufficient and whether to sustain any of the allegations. This phase involves hiring authorities, Office of Internal Affairs special agents, and department attorneys, if assigned.³ It is not purely an investigative phase, although an investigation is often a major component.

MONITORING HIRING AUTHORITY REFERRALS

The OIG monitors the timeliness of hiring authority case referrals to the Office of Internal Affairs. The department standard requires case referral within 45 days from the date the hiring authority discovers potential misconduct. During the last reporting period of July through December 2016, hiring authorities timely referred 81 percent of the cases monitored by the OIG. For the period of January through June 2017, hiring authorities timely referred 63 percent of the OIG-monitored cases to the Office of Internal Affairs, a sharp decrease since the last report. Chart 1 below displays the percent of cases referred to the Office of Internal Affairs within 45 days during the past five reporting periods. Timely referrals are the first step to ensuring completion of a thorough and timely investigation. Until this reporting period, beginning January 2015, there had been a consistent improvement in the timeliness of hiring authority referrals. However, in 37 percent of cases during the January through June 2017 period, hiring authorities referred cases to the Office of Internal Affairs after the 45 days allowed by policy. Improving the timeliness of the initial referral will allow more investigations to be completed expeditiously. The largest percentage of delayed referrals came from central region institutions, with more than half of the late referrals attributed to two institutions. The OIG is monitoring the timeliness of hiring authority referrals to identify hiring authorities and processes that might be delaying referrals in order to assist the department in addressing this deficiency.

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



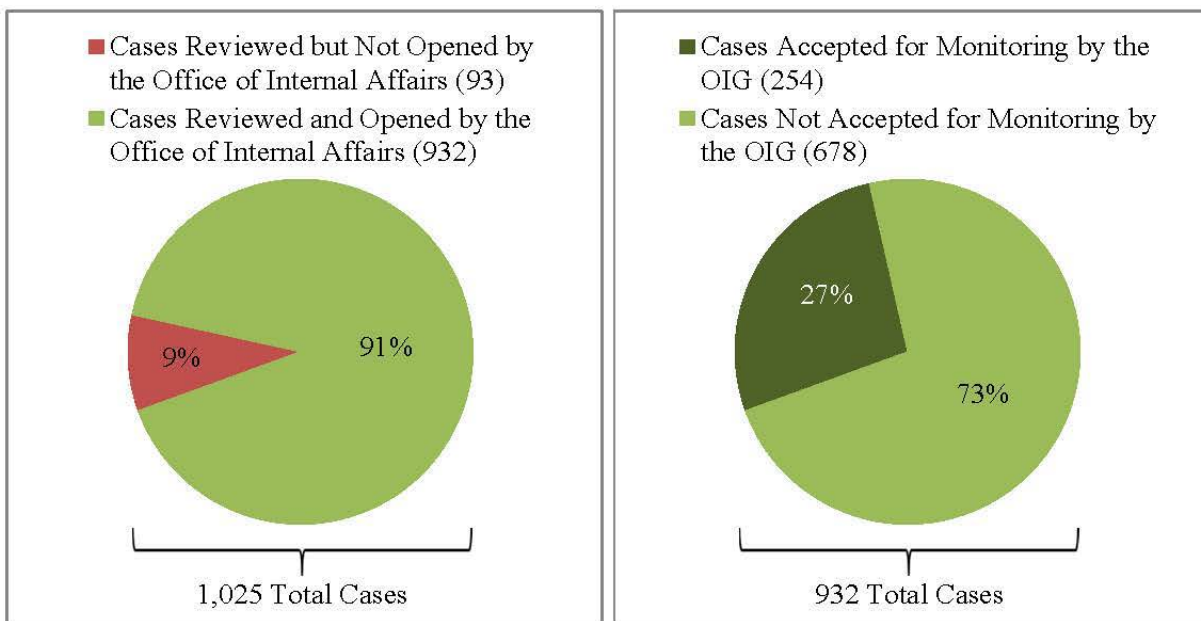
³ Not every case is assigned to a department attorney in the Pre-Disciplinary Phase. Investigators from the Office of Internal Affairs are referred to as “special agents.”

MONITORING THE OFFICE OF INTERNAL AFFAIRS CENTRAL INTAKE PANEL

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

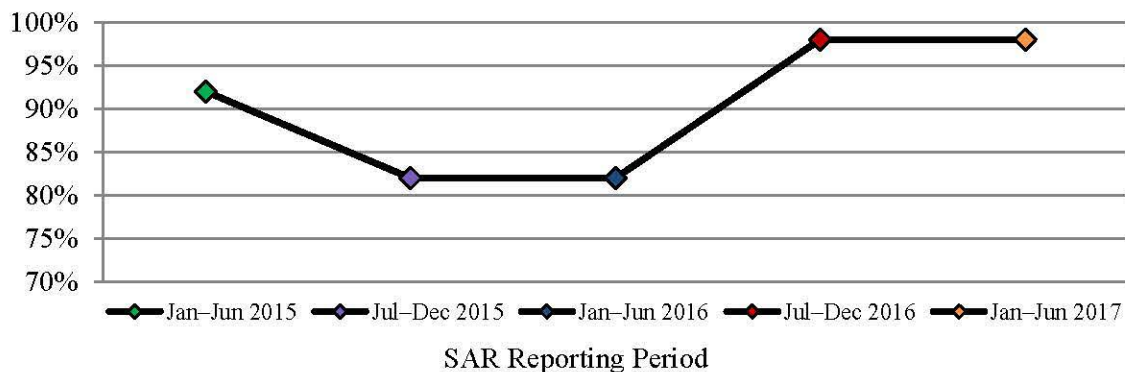
The Office of Internal Affairs Central Intake Panel meets weekly to review referrals for investigation submitted from throughout the department. OIG Special Assistant Inspectors General review the referrals and attend each weekly meeting. The Special Assistant Inspector General provides recommendations to the department regarding whether the department should investigate a matter and the level of investigation needed, and identifies those cases the OIG will monitor. In the six-month reporting period of January through June 2017, the OIG reviewed 1,025 cases forwarded to the Office of Internal Affairs for evaluation. The Office of Internal Affairs opened 932 of those cases, or 91 percent. Of the 932 cases the Office of Internal Affairs opened, the OIG accepted 254 cases for monitoring, or 27 percent.

Chart 2: Cases Opened by the Office of Internal Affairs and Accepted for OIG Monitoring



Departmental policy requires the Office of Internal Affairs Central Intake Panel to make a determination regarding the case within 30 days of referral. During the July through December 2016 reporting period, the Office of Internal Affairs Central Intake Panel timely addressed 98 percent of monitored cases. During the current January through June 2017 reporting period, the Office of Internal Affairs Central Intake Panel again timely addressed 98 percent of monitored cases. Chart 3 reflects the trend for timely determinations during the past five reporting periods. A timely initial determination by the Office of Internal Affairs Central Intake Panel is critical to completing a timely investigation.

Chart 3: Percent of Cases with Timely Determinations by the Office of Internal Affairs Central Intake Panel



Office of Internal Affairs Central Intake Panel Inappropriate Decisions

The Office of Internal Affairs may reject a case because there is no reasonable belief misconduct has occurred, return the case to the hiring authority to take action without an investigation, return the case to the hiring authority to take action after an interview of the subject(s) of the investigation, or open an administrative or criminal investigation. The OIG agreed with the Office of Internal Affairs' determination in 89 percent of the 1,025 cases reviewed by the Office of Internal Affairs Central Intake Panel (Chart 4). Any disagreements were typically due to the OIG opinion there was a faulty, speculative, or ill-informed analysis by the Office of Internal Affairs. Office of Internal Affairs special agents' speculative opinions as to motivation behind potential misconduct still negatively influence decisions.

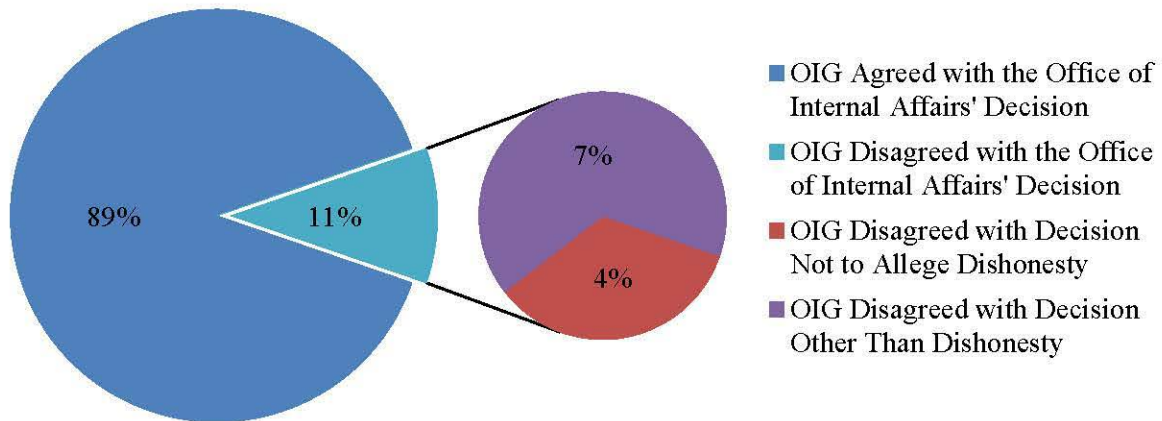
Of the 11 percent of cases in which the OIG disagreed, the most common cause of disagreement was the Office of Internal Affairs' decision not to add a dishonesty allegation to a case.⁴ Other disagreements arose from the Office of Internal Affairs' rejection of OIG recommendations for an investigation and recommendations for an interview of the employee in cases where a full investigation was not authorized by the Office of Internal Affairs. From January to June 2017, the Office of Internal Affairs rejected the OIG recommendation to open an investigation or interview the employee(s) in six instances. It also rejected the OIG recommendation to open a full investigation in 31 other cases. The Office of Internal Affairs also rejected an OIG recommendation to interview employees in 20 cases and it declined to accept a recommendation

⁴ The number of disagreements is greater than the number of cases where the OIG disagreed with the panel's decision because there were often multiple disagreements in a single case.

to include additional employees as subjects of the investigation in 13 cases. Lastly, in 68 cases, the Office of Internal Affairs declined to accept an OIG recommendation to add allegations, including 37 cases where the OIG recommended adding dishonesty allegations.

In many of the cases, the OIG and the department attorney agreed on a recommendation and the Office of Internal Affairs Central Intake Panel special agents, who are not attorneys, substituted their legal analysis and judgment for that of experienced attorneys and rejected the recommendations. In one of these cases, the Office of Internal Affairs rejected the hiring authority’s request for an investigation and approved disciplinary action without an investigation even though the OIG and the department attorney recommended opening an investigation. Two employees were served with disciplinary actions, but the department later withdrew the disciplinary actions after the employees provided new information. The department would have discovered this information during an investigation if one had been approved by the Office of Internal Affairs. However, the hiring authority was forced to make a decision without having all material information and the two employees were subjected to needless distress until they presented the new information and hiring authority withdrew the disciplinary actions.

Chart 4: OIG Agreement and Disagreement with the Office of Internal Affairs’ Initial Case Determinations

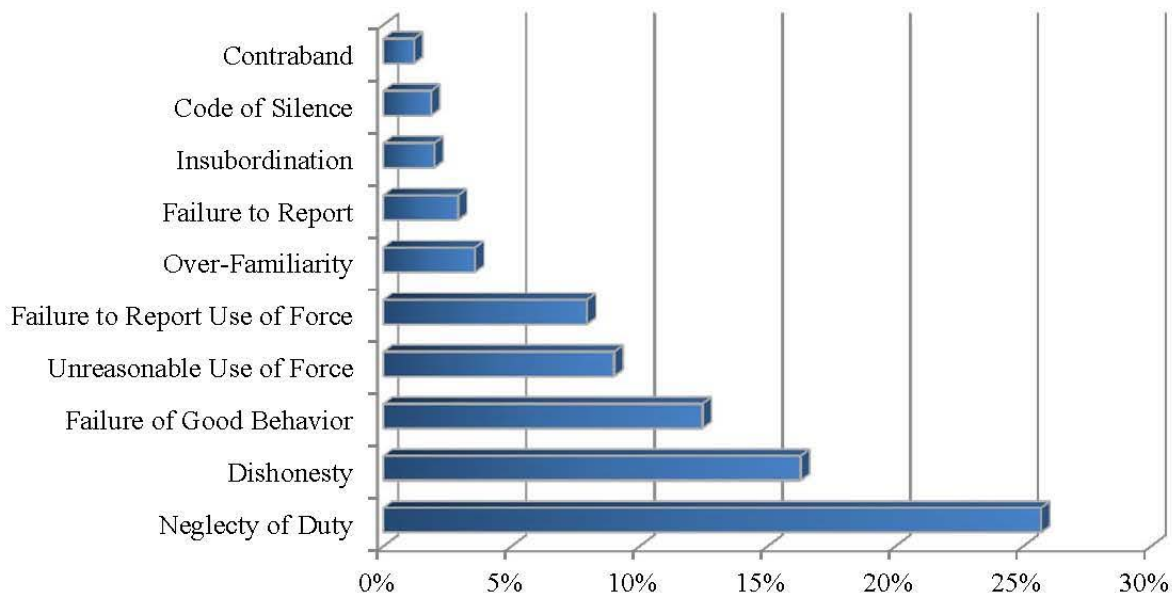


ALLEGATION TYPE DISTRIBUTION

The OIG continues to focus a large portion of its monitoring activities on cases involving core *Madrid* issues.⁵ The core *Madrid* allegations involve unreasonable use of force, dishonesty, code of silence, and failure to report misconduct. Cases involving alleged misconduct by peace officers are given priority for monitoring. In this reporting period, the OIG monitored cases involving 373 peace officers, representing 93 percent of all subjects reported in the monitoring tables.

Chart 5 below provides a summary of the allegations, both core *Madrid* allegations and other non-criminal allegation types, for the cases being reported. A single case may contain multiple allegations of misconduct and allege misconduct by more than one employee. Therefore, the number of allegations exceeds the number of cases. In addition, numerous allegation types cannot be classified into narrow categories and, therefore, are not captured in Chart 5. However, Chart 5 reflects the percentage of the specific categories when compared to the total number of allegations in monitored cases, including those that do not fit into the specific categories identified. The chart is intended to only reflect the allegation distribution for the cases the OIG monitored and reported during the January through June 2017 reporting period, except for criminal investigation cases.

Chart 5: Allegations in Cases Monitored and Closed by the OIG January–June 2017



Finally, as noted previously in several Semi-Annual Reports, the allegations do not always follow the disciplinary matrix. For example, a critical *Madrid* allegation is “code of silence.” The department’s case management system does not have an allegation that corresponds to code of silence. In cases where the alleged misconduct is code of silence, the department instead charges

⁵ *Madrid v. (Gomez) Cate*, 889 F. Supp. 1146 (N.D. Cal. 1995).

“failure of good behavior” or “failure to report.” Likewise, as noted previously, when an officer is involved in a domestic violence incident, the Office of Internal Affairs usually lists the allegation as “discourteous treatment” or “failure of good behavior.” The department reports it has formed a working group to address this issue, but has not reported on recent progress, if any, of this group’s work, nor has it provided an anticipated completion date. The OIG will continue to monitor the department’s efforts in this regard.

MONITORING THE INVESTIGATION

The OIG monitors and provides transparency for the entire investigative process for both administrative and criminal investigations. The OIG monitoring encompasses all participants in this process: the department hiring authorities, Office of Internal Affairs special agents, and department attorneys from the Office of Legal Affairs Employment Advocacy and Prosecution Team. Any or all of the participants’ performance may contribute to the OIG rating. The OIG rates the department as a whole and cautions the reader not to assume an insufficient rating is aimed at any one participant. Monitoring includes providing recommendations regarding the scope of the investigation, attending interviews, reviewing evidence and investigative reports, as well as monitoring the timeliness of the investigative process. As noted previously, pursuant to Penal Code Section 6133, the OIG reports its expert opinion regarding the quality of the investigation as a whole, as well as the department’s compliance with policy.

Timeliness of Commencing and Completing Investigations

In the past, the OIG reported that the Office of Internal Affairs delayed beginning investigations, resulting in delayed completion. A core *Madrid* concern was the department’s failure to timely complete investigations, often resulting in the time limit for taking disciplinary action precluding the imposition of discipline. That extreme is now rare on monitored cases. Still, the deadline for taking disciplinary action should not be the standard for measuring diligence in conducting investigations. The department must focus on completing investigations as soon as possible after alleged misconduct is *discovered* rather than how much time remains before the deadline for taking disciplinary action expires.

As explained in prior reports, investigation delays are harmful because affected employees are left in career limbo. Memories degrade over time, physical evidence may be lost, and the department may incur civil liability if the misconduct continues. In short, timely investigation of alleged misconduct will reduce negative consequences for both employees and the department.

As part of the *Madrid* reforms, the department adopted timelines so that each party in the disciplinary process would have sufficient time to complete its part of the process. Pursuant to Department Operations Manual, Section 33030.13, “(a)s soon as operationally feasible, but no more than twenty-one (21) calendar days following receipt of the investigative report, the Vertical Advocate shall review the investigative report and supporting documentation and provide feedback to the assigned investigator.”⁶ The policy also requires that the hiring authority review the investigative report and supporting documentation no more than 14 calendar days

⁶ A vertical advocate is a department attorney who litigates CDCR employee discipline cases.

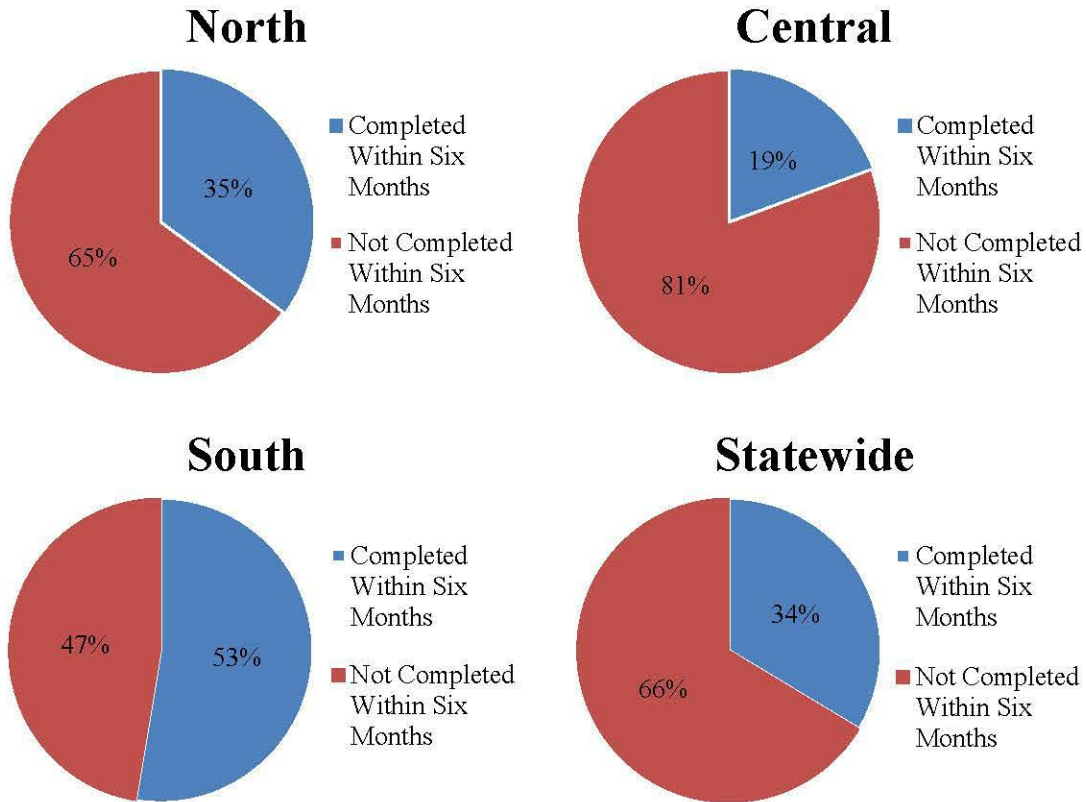
following the receipt of the report. The purpose of the review is to determine whether the investigation is sufficient, the allegations are supported, the facts support disciplinary action, and the appropriate penalty is determined. The OIG continues to recommend that the department develop a policy for timely completion of investigations. The department agrees the sooner an investigation is completed the better served are complainants, hiring authorities, employees, and the public. The Office of Internal Affairs has made progress in reducing vacancies and lowering the average time for completing investigations, but it could still be improved, and as discussed below, hiring authorities are sometimes the cause for the delays.

As of March 1, 2016, the OIG modified its standard for assessing the timeliness of investigations. This change is based on the OIG's discussion in the July through December 2015 SAR reporting period regarding industry standards and best practices in conducting internal investigations. As the OIG then discovered, most other law enforcement agencies complete internal investigations as soon as possible after the alleged misconduct is discovered rather than determine how much time remains before the expiration of the deadline to take disciplinary action. Consequently, as of March 1, 2016, the OIG began assessing timeliness based on how many cases were completed within six months of the date of discovery, meeting this industry standard.

The OIG is still reporting on a handful of cases closed during this reporting period using the standard for assessing the timeliness of investigations in place before March 1, 2016. Using this standard, there was one case where specific harm can be attributed to the delayed investigation. The delayed investigation prevented a hiring authority from taking action on an allegation that an officer used steroids without a prescription.

In this volume are 107 cases reported where the Office of Internal Affairs commenced an investigation or conducted an interview of an employee after March 1, 2016. Of these cases, the Office of Internal Affairs completed 34 percent within six months of the department learning of the alleged misconduct (Chart 6). Both hiring authorities and the Office of Internal Affairs contributed to the delays. Cases investigated by the Office of Internal Affairs' central region were the least timely, with 19 percent completed within six months. The Office of Internal Affairs' northern region performed better, with 35 percent of investigations completed within six months. The Office of Internal Affairs' southern region completed 53 percent of its investigations within six months.

Chart 6: Timeliness of OIG-Monitored Investigations After March 1, 2016



This mirrors the delay by hiring authorities (HA) in submitting requests for investigation to the Office of Internal Affairs (OIA), as reflected in Chart 7. Central region hiring authorities timely submitted requests for investigation within the 45 days required by policy in 44 percent of the time. Northern region hiring authorities timely submitted requests for investigation in 67 percent of the cases, while hiring authorities in the southern region timely submitted requests for investigations in 73 percent of the cases.

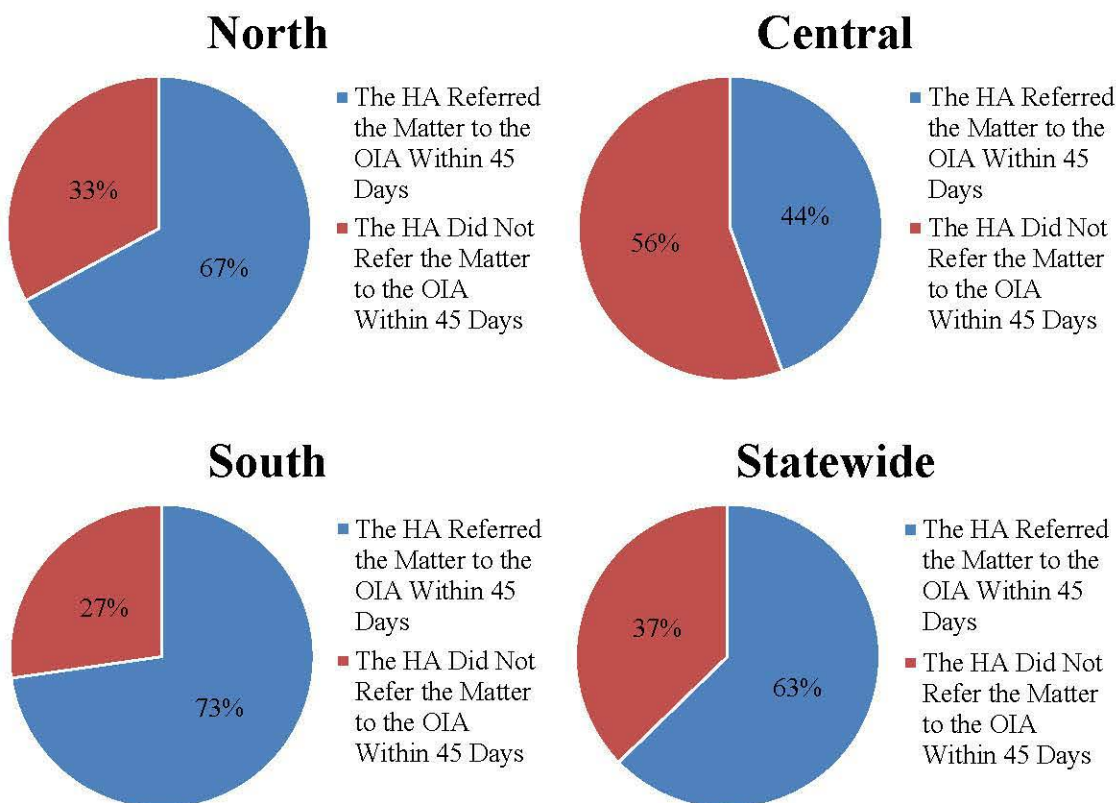
In one criminal case, the hiring authority did not refer the matter to the Office of Internal Affairs until 49 days after learning of the misconduct, and the Office of Internal Affairs did not complete its investigation until more than a year after being referred the case. Part of the delay was because the Office of Internal Affairs repeated investigative actions already completed by the institution's investigative services unit.

In another criminal case, the hiring authority did not refer the matter to the Office of Internal Affairs until 101 days after learning of the misconduct, and the Office of Internal Affairs did not complete its investigation for another nine months. During the pendency of this case, the deadline for filing misdemeanor charges expired.

There were seven cases where the Office of Internal Affairs failed to conduct a thorough and complete investigation by not interviewing critical witnesses, not forensically analyzing

computers seized during the service of search warrants, not forensically analyzing a questioned document, not timely conducting a forensic analysis of a department computer, not adequately preparing for interviews, providing confidential information to a hiring authority with a conflict of interest, and allowing inmates to destroy potentially critical evidence. In six of those cases, completion of the investigation was untimely, and in four cases, the hiring authority delayed referring the case to the Office of Internal Affairs. The parts of the investigative process are interrelated and a failure in one part of the process may compromise other parts and ultimately lead to an ineffective investigative effort.

Chart 7: Timeliness of Hiring Authority Referrals to the Office of Internal Affairs



Need for the Department to Change Its Policies Regarding Cell Entries

Departmental use-of-force and cell extraction policies prohibit Office of Internal Affairs special agents conducting criminal investigations to enter a cell and prevent the loss and destruction of evidence.⁷ In a case being reporting during this period, Office of Internal Affairs conducted an operation in June 2016 at an institution as part of its investigation into allegations of an officer’s sexual misconduct with an inmate and the officer’s smuggling of drugs and mobile phones. Office of Internal Affairs special agents believed that several inmates associated with the officer and housed in the administrative segregation unit had mobile phones, notes, or other evidence to establish this connection. The Office of Internal Affairs planned and executed a large-scale

⁷ Department Operations Manual, Sections 51020.4, 51020.11, 51020.11.1, and 51020.12.2.

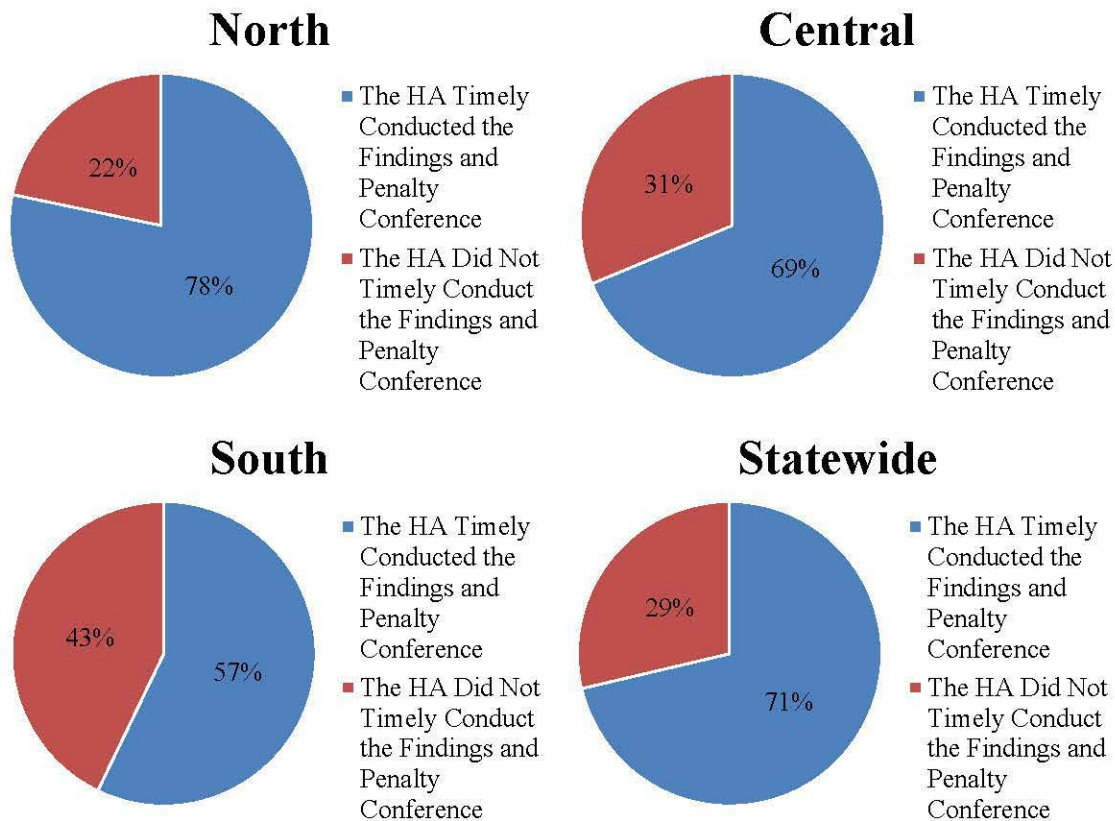
operation to retrieve evidence from the cells of the inmates in the administrative segregation unit without considering the need for a controlled use of force in the event the targeted inmates did not cooperate and come out of their cells. The operation included Office of Internal Affairs special agents, officers from the investigative services unit, and drug dogs from other institutions. However, when the Office of Internal Affairs special agents and investigative services unit officers descended upon the administrative segregation unit, the special agents and investigative services unit officers would not enter the cells of the inmates to conduct searches or retrieve evidence until the inmate occupying the cell voluntarily exited the cell. The target inmates chose not to exit immediately and officers who were standing outside the cells observed the inmates destroy mobile phones and flush notes and letters. Officers called out what evidence they observed the inmates destroying while the inmates yelled to each other about what evidence should be destroyed. The Office of Internal Affairs special agents would not enter the cells because of the cell extraction and use-of-force policies. The inaction of the Office of Internal Affairs resulted in the loss of evidence. Ultimately, the Office of Internal Affairs found insufficient evidence to support a probable cause determination of criminal misconduct. A reasonable inference from the inmates' destruction of evidence in the presence of special agents from the Office of Internal Affairs is the evidence destroyed may have been critical evidence of criminal misconduct.

Departmental use-of-force and cell extraction policies do not permit an exception for cell entries in those instances in which evidence is ostensibly being destroyed, even though the inmates have significantly reduced Fourth Amendment protections of property in their cells. The Office of Internal Affairs Investigator Field Guide also does not address this issue. In most other situations where investigators are conducting a criminal investigation, an officer may make a warrantless entry of a residence to stop a private citizen from destroying evidence for a jailable offense. Nevertheless, an Office of Internal Affairs criminal team special agent cannot enter an inmate's cell to do the same. An inmate destroying contraband in his or her cell has more protection than a private citizen observed destroying evidence in his or her residence. As such, the OIG recommends that the department develop guidelines and exceptions to its cell entry policies and procedures for Office of Internal Affairs special agents conducting criminal investigations to prevent the loss and destruction of evidence. One reasonable alternative is for the department to place the inmates on a yard before the special agents and officers search the cell or cells.

Monitoring the Disciplinary Phase

After the Office of Internal Affairs returns a case to the hiring authority, and based on the evidence presented in direct action cases or collected in cases in which the Office of Internal Affairs conducted an investigation, the hiring authority must determine whether there is sufficient evidence to make a finding. If there is insufficient evidence to make a finding, the hiring authority may request further investigation or elect to make no finding. If there is sufficient evidence, the hiring authority will determine whether the allegations are sustained, not sustained, unfounded, or whether the employee is exonerated. The hiring authority consults with a department attorney, if one is assigned, and the OIG if the case is monitored. The hiring authority considers each case on its individual merits to make appropriate findings. This consultation is known as the findings and penalty conference and the hiring authority is required to conduct this review within 14 days from the time the investigation is complete or the case is returned for imposition of discipline without an investigation.⁸ Compliance with this timeliness requirement is assessed by the OIG in all monitored cases. For the January through June 2017 reporting period, hiring authorities timely conducted findings and penalty conference in 71 percent of cases.

Chart 8: Timeliness of Hiring Authority Conducting Findings and Penalties Conferences



⁸ Department Operations Manual, Section 33030.13.

If the hiring authority sustains misconduct allegations, he or she must then determine if disciplinary action is appropriate and the penalty. The disciplinary matrix provides guidelines for determining the appropriate penalty after evaluating whether any factors in mitigation or aggravation apply.

The department attorney provides legal advice to the hiring authority on application of the disciplinary matrix to sustained allegations. The OIG monitors the process and provides feedback as appropriate. In cases where misconduct is identified, the disposition is reported in Appendix B (which contains Disciplinary Phase cases) or Appendix A (which contains both Pre-Disciplinary and Disciplinary Phase cases). Department attorneys properly advised hiring authorities on legal issues related to disciplinary actions in 95 percent of the cases (Chart 9).

The department attorney is responsible for providing legal advice to the hiring authority regarding sufficiency of the evidence supporting disciplinary findings. If the hiring authority sustains allegations, the department attorney is also responsible for drafting the disciplinary action, observing the *Skelly* hearing, drafting settlement agreements, and preparing for and representing the department at proceedings before the State Personnel Board and superior court. The OIG monitors the performance of the department attorneys. The OIG works with the Employment Advocacy and Prosecution Team on a daily basis and, over time, has collaboratively established expectations for consultation.⁹

If the OIG or the department attorney believes the hiring authority is making an unreasonable decision about sustaining allegations or the level of discipline, a higher level of review may be sought pursuant to the department's policies and procedures during the Pre-Disciplinary or Disciplinary Phase or both. In the higher-level review, the hiring authority's supervisor, the department attorney's supervisor, and the OIG supervisor consult regarding the hiring authority's determinations. If an unreasonable decision is still being contemplated, the department attorney's supervisor or the OIG supervisor may seek an even higher level of review.

Higher levels of review are a critical part of the Pre-Disciplinary and Disciplinary processes, but are designed to be used sparingly. The involved parties reserve higher levels of review for significant cases where differences in opinion cannot be resolved at the initial level.

Out of the 210 cases the OIG is reporting for the January through June 2017 period, there were 8 cases where a higher level of review was sought. The OIG requested a higher level of review in six of those cases. In the cases where the OIG sought a higher level of review, three were ultimately decided consistent with the OIG's position.

The cases where the OIG sought a higher level of review were all matters where the hiring authority's decision was a significant departure from policy, as the examples illustrate. In one case, the Office of Internal Affairs rejected the OIG recommendation for a full investigation of

⁹ The Employment Advocacy and Prosecution Team (EAPT) is a group of attorneys from the CDCR's Office of Legal Affairs responsible for litigating disciplinary actions against department employees. The EAPT does not litigate all disciplinary cases involving department employees. Generally, higher-level or more serious cases are assigned or "designated" to be litigated by EAPT, while employee relations officers (generally non-attorneys) litigate the less-serious employee discipline cases.

an officer's alleged use of unreasonable force and approved disciplinary action without an investigation. At the findings and penalty conference, the hiring authority found the evidence sufficient to make a finding without an investigation. The OIG disagreed and raised the issue to the hiring authority's supervisor. The hiring authority's supervisor agreed with the OIG, and the department conducted a full investigation into the alleged use of unreasonable force.

Another hiring authority intended to impose corrective action on a captain who permitted force to be used on an inmate who was unable to understand and comply with orders. The OIG objected because the captain's departure from policy was significant and exposed the department to civil liability. The hiring authority's supervisor agreed and ordered imposition of disciplinary action. One of the factors in the hiring authority's decision to impose corrective action instead of disciplinary action was poor advice from the department attorney.

In a third case, an officer pushed and then slapped his wife in front of their 11-year-old daughter. After a *Skelly* hearing, the hiring authority decided to reduce the penalty from a salary reduction to a letter of reprimand. The OIG and the department attorney disagreed and raised the matter to the hiring authority's supervisor because the proposed penalty was less than the minimum required by policy for this type of serious misconduct. The hiring authority's supervisor agreed with the OIG and department attorney and maintained the original penalty.

In yet another case, an officer pointed a handgun at a store's loss prevention officer after the loss prevention officer escorted an unrelated suspect to a private office in the store. The officer later claimed he thought the loss prevention officer threatened the suspect with a weapon. The department attorney incorrectly advised the hiring authority the allegation could not be sustained because the officer acted reasonably in light of the training provided to the officer. The hiring authority agreed. The OIG elevated the matter to the hiring authority's supervisor. The department attorney's supervisor incorrectly advised the hiring authority's supervisor the officer's action was reasonable. The hiring authority's supervisor did not sustain the allegation. Because of delays by the Office of Internal Affairs, the hiring authority, and the hiring authority's supervisor, the impending deadline for taking disciplinary action foreclosed seeking a higher level of review.

In a fifth case, an officer brought a mobile phone into an institution and was dishonest about having done so. The hiring authority sustained the allegations, but then imposed a salary reduction as the penalty when the presumptive penalty for dishonesty is dismissal unless there are significant mitigating factors. The OIG sought a higher level of review because the officer's misconduct was intentional and dishonesty is a character trait inconsistent with a peace officer's duties and responsibilities. The hiring authority's supervisor did not sustain the dishonesty allegation, and the penalty remained a salary reduction instead of dismissal. The OIG and the department attorney sought a higher level of review. At the next level, a deputy director agreed the officer was dishonest, but the penalty remained a salary reduction.

In the last case, a parole agent allegedly accessed a confidential law enforcement database for personal reasons and the hiring authority imposed a salary reduction. During settlement negotiations, the hiring authority declared an intention to reduce the penalty to a letter of reprimand. The OIG sought a higher level of review because there was no change in

circumstances to justify a settlement with a reduced penalty. The hiring authority's supervisor decided to offer a reduced penalty despite no change in circumstances. The parole agent rejected the settlement offer. After a hearing, the State Personnel Board revoked the disciplinary action.

NEED FOR DEPARTMENT ATTORNEYS TO IMPROVE THEIR PERFORMANCE IN DISCIPLINARY CASES

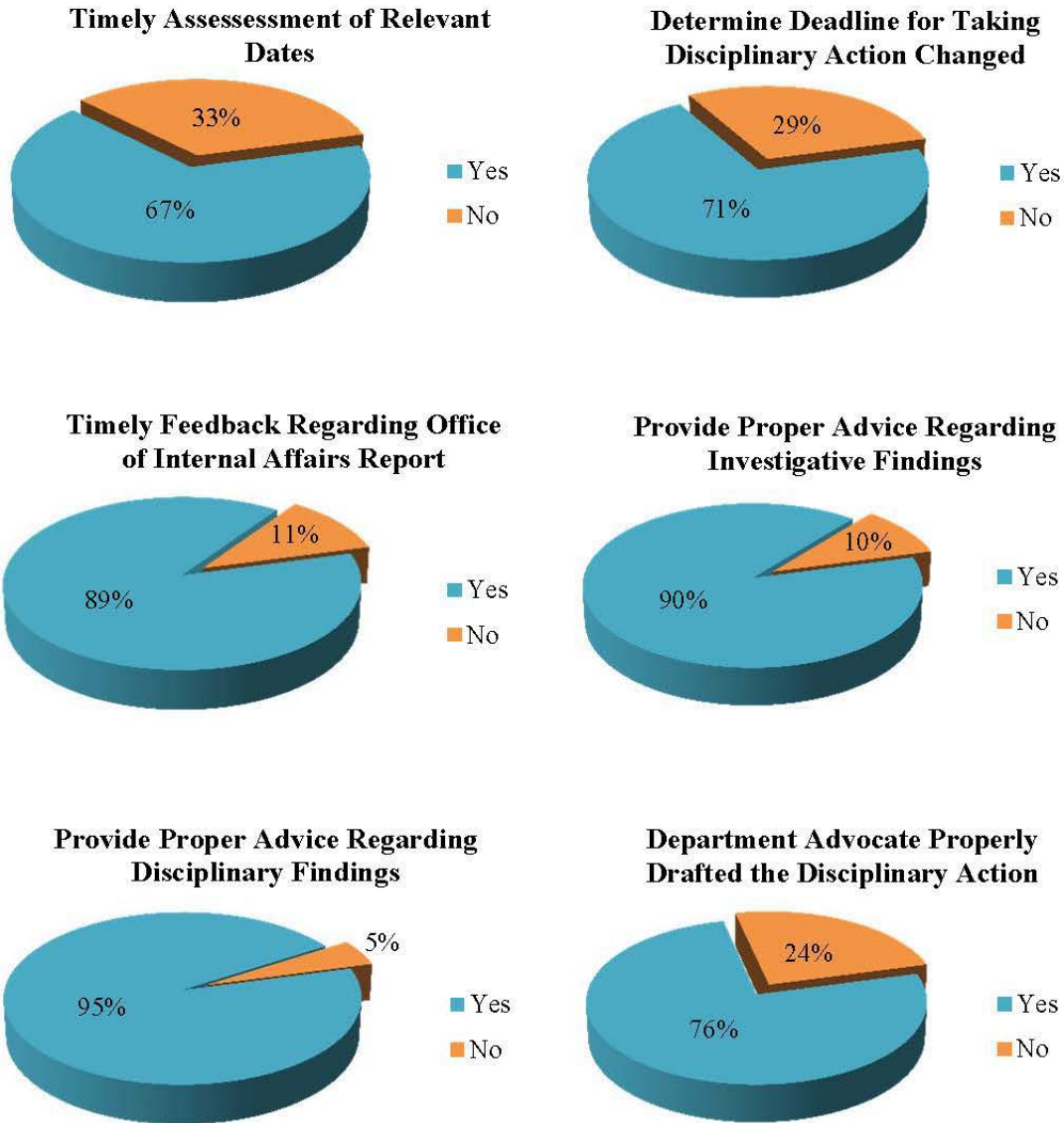
The OIG also monitors and assesses the performance of department attorneys assigned to monitored cases. The OIG analyzed the performance of department attorneys in critical functions for the cases monitored by the OIG and closed during the January through June 2017 reporting period. The need for improvement in case analysis by department attorneys continues.

The department attorney is required to assess the deadline for taking disciplinary action and whether tolling applies, the incident date, and the date the alleged misconduct was discovered, and make a timely entry into the department's case management system documenting these dates.¹⁰ Timely and accurate assessment of these critical dates is crucial to the investigation process. The department may be precluded from taking disciplinary action if the deadline for taking disciplinary action is not accurately assessed. The following chart shows the results of the department attorneys' assessment of critical dates for the January through June 2017 period. In the July through December 2016 reporting period, department attorneys timely and accurately assessed critical dates in 77 percent of the cases. In the January through June 2017 reporting period, timely and accurate assessment of critical dates decreased to 67 percent. In addition, the department attorneys neglected to account for a change in the deadlines for taking disciplinary action in 29 percent of cases where the deadline changed.

The OIG is reporting 132 cases where the department assigned an attorney during the Disciplinary Phase. The OIG reviewed critical aspects of department attorney performance necessary to effectively impose appropriate discipline, including whether the department attorney drafted a sufficient disciplinary action that complied with legal requirements and the requirements sets forth in the department operations manual and whether the department attorney properly advised the hiring authority regarding investigative and disciplinary determinations. Department advocates, including department attorneys and employee relations officers, drafted sufficient disciplinary actions in 76 percent of reported cases.

¹⁰ Department Operations Manual, Section 33030.12.

Chart 9: Department Attorney Performance



Case Sufficiency Ratings

The OIG assesses each case to determine whether the department complied with its policies as well as best practices in conducting the investigation and addressing the allegations. The OIG and the department work collaboratively to improve the internal investigation and employee discipline processes. An insufficient procedural rating reflects deficiencies with potential for creating an adverse outcome but does not necessarily mean there was an adverse outcome. However, as addressed previously, delayed investigations always have potential adverse consequences, some of which are intangible. When a failure to follow a policy or procedure causes harm to the process and adversely affects the outcome, the OIG rates the matter as substantively insufficient. In the rating period for January through June 2017, the department's substantive ratings for both the Pre-Disciplinary and Investigative Phase and the Disciplinary Phase improved. The department's compliance with process sharply decreased in the Pre-Disciplinary and Investigative Phase, but improved its compliance with process during the Disciplinary Phase.

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

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

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

Charts 10A through 10F display the OIG's assessments by region for the Pre-Disciplinary and Investigative Phase and include procedural and substantive ratings.¹¹ The first chart for each region shows the trend since the July through December 2015 reporting period. The second chart for each region shows the comparison of procedural and substantive assessments from the January through June 2016 reporting period through the current reporting period of January

¹¹ A "Pre-Disciplinary Phase" takes place in cases involving administrative allegations. In criminal cases, the same phase is called the "Investigative Phase."

through June 2017. Charts 11A through 11F displays the OIG's assessment by region for the Disciplinary Phase and contain the same two types of charts for each region.

Chart 12 displays the overall statewide sufficiency procedural and substantive assessments for the Pre-Disciplinary and Investigative Phase for this reporting period of January through June 2017 compared to the last two reporting periods of January through June 2016 and July through December 2016. Of the 145 cases in which the OIG is assessing the Pre-Disciplinary and Investigative Phases during the January through June 2017 period, 24 percent were assessed procedurally sufficient and 82 percent were assessed substantively sufficient, compared to 39 percent and 61 percent, respectively, during the July through December 2016 reporting period. The insufficiencies were due to a combination of factors, ranging from untimely hiring authority referrals to the Office of Internal Affairs, hiring authority delays in conducting findings and penalty conferences, and the department attorney delaying review of investigative reports or failing to timely and accurately assess the time limit for taking disciplinary action. The Office of Internal Affairs delayed completion of investigations was not considered in assessing the procedural or substantive sufficiency of these cases.

Chart 13 displays the overall statewide Disciplinary Phase procedural and substantive assessments for January through June 2017 compared to January through June 2016 and July through December 2016. Of the 132 cases in which the OIG is assessing the Disciplinary Phase during the January through June 2017 period, 67 percent were procedurally sufficient and 89 percent were substantively sufficient. In the last reporting period of July through December 2016, 56 percent were procedurally sufficient and 70 percent substantively sufficient. While some of these insufficiencies can be attributed to untimely disciplinary findings conferences, others were due to the hiring authorities' inappropriate disciplinary decisions, poor legal advice from department attorneys, or settlements entered without a change in circumstances. Again, it is a combination of factors that contribute to the insufficiencies.

**Chart 10: Department Pre-Disciplinary and Investigative Phase
Sufficiency Ratings by Region**

Chart 10A

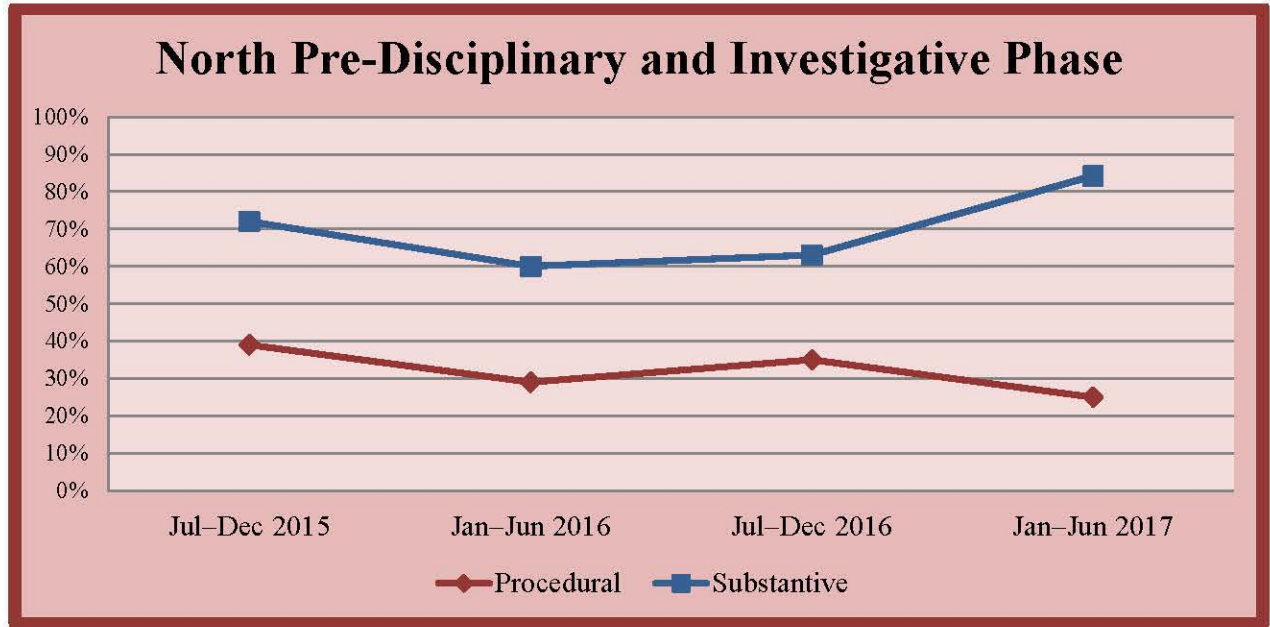


Chart 10B

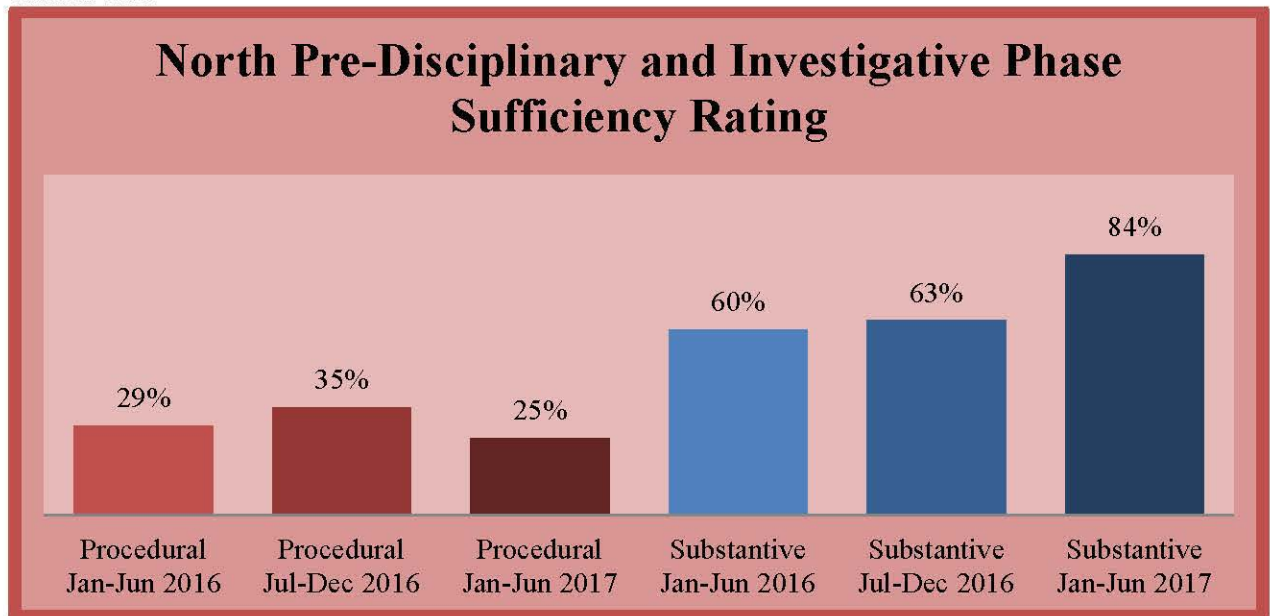


Chart 10C

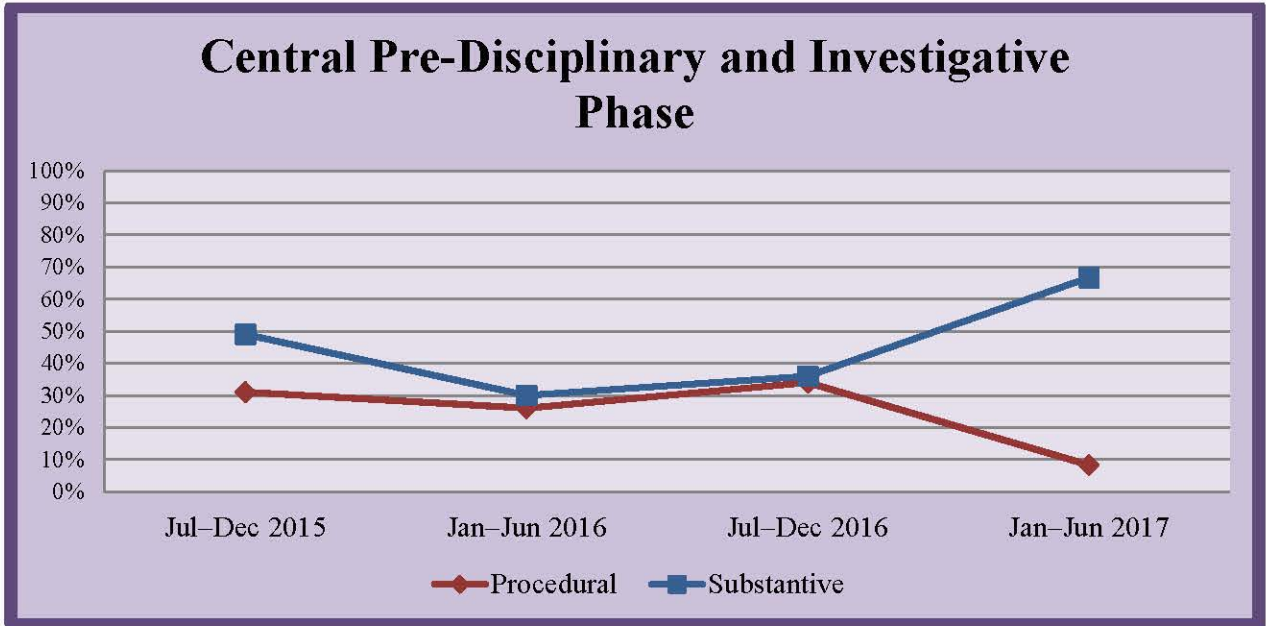


Chart 10D

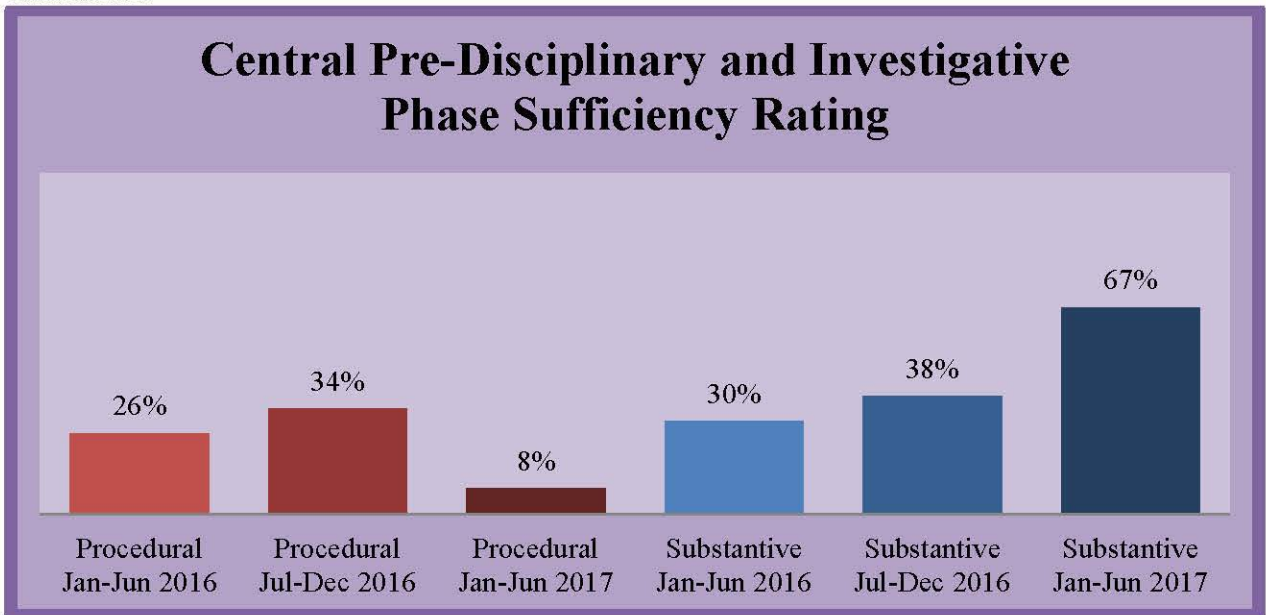


Chart 10E

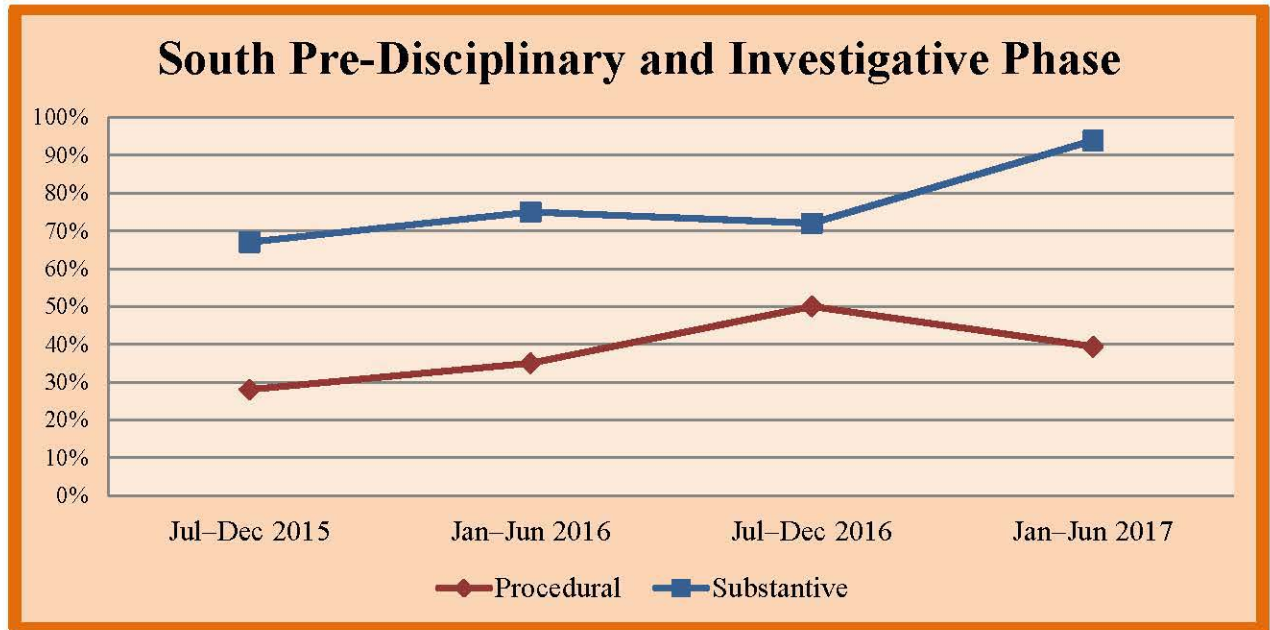


Chart 10F

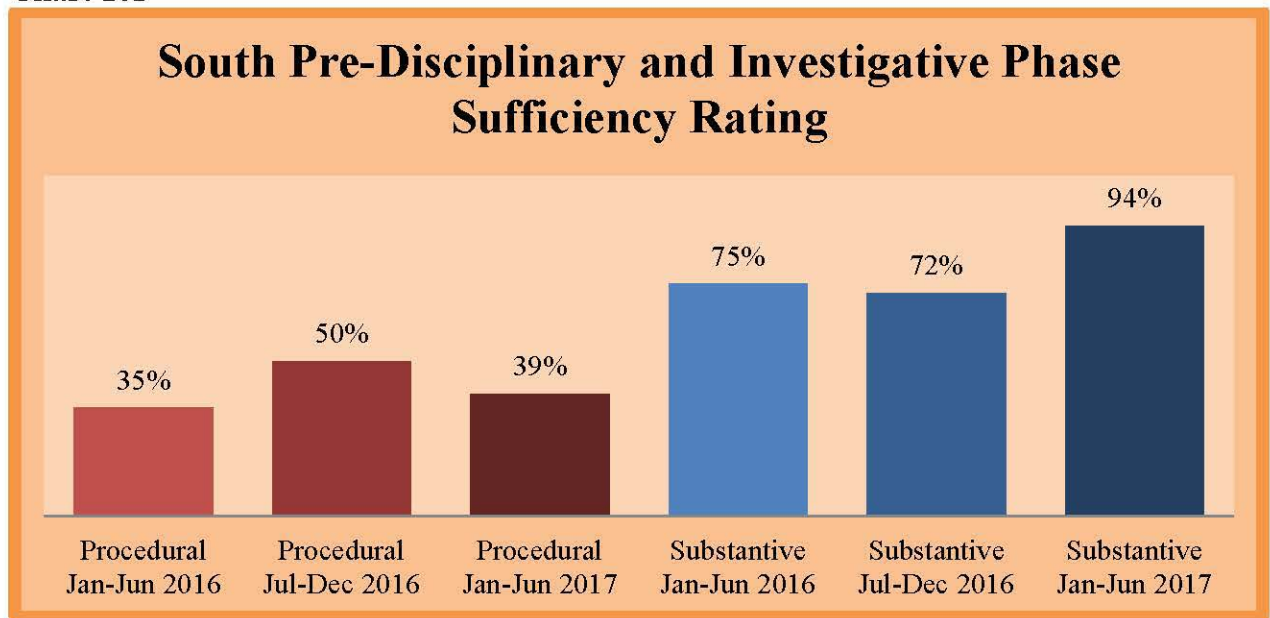


Chart 11: Department Disciplinary Phase Sufficiency Ratings by Region

Chart 11A

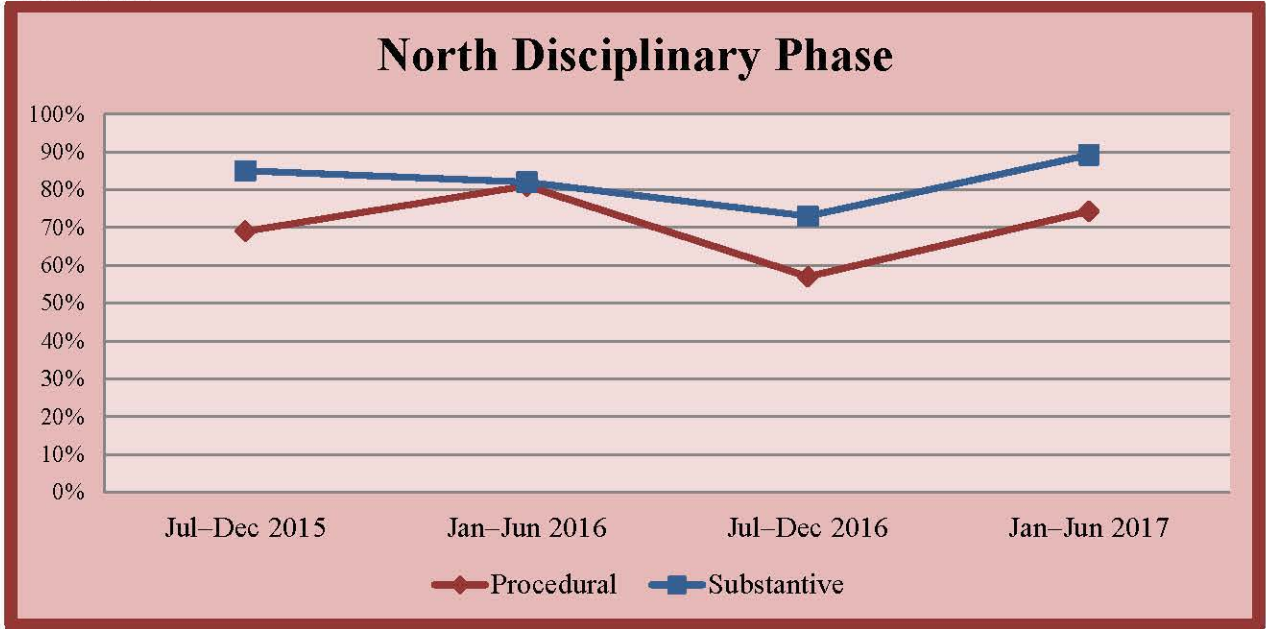


Chart 11B

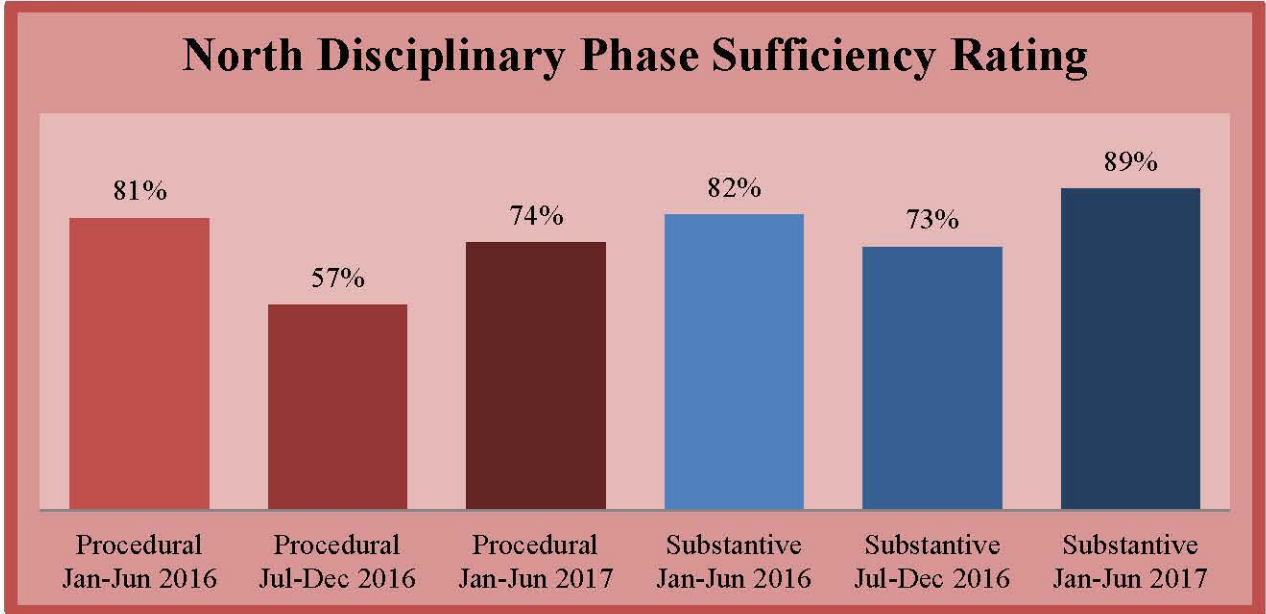


Chart 11C

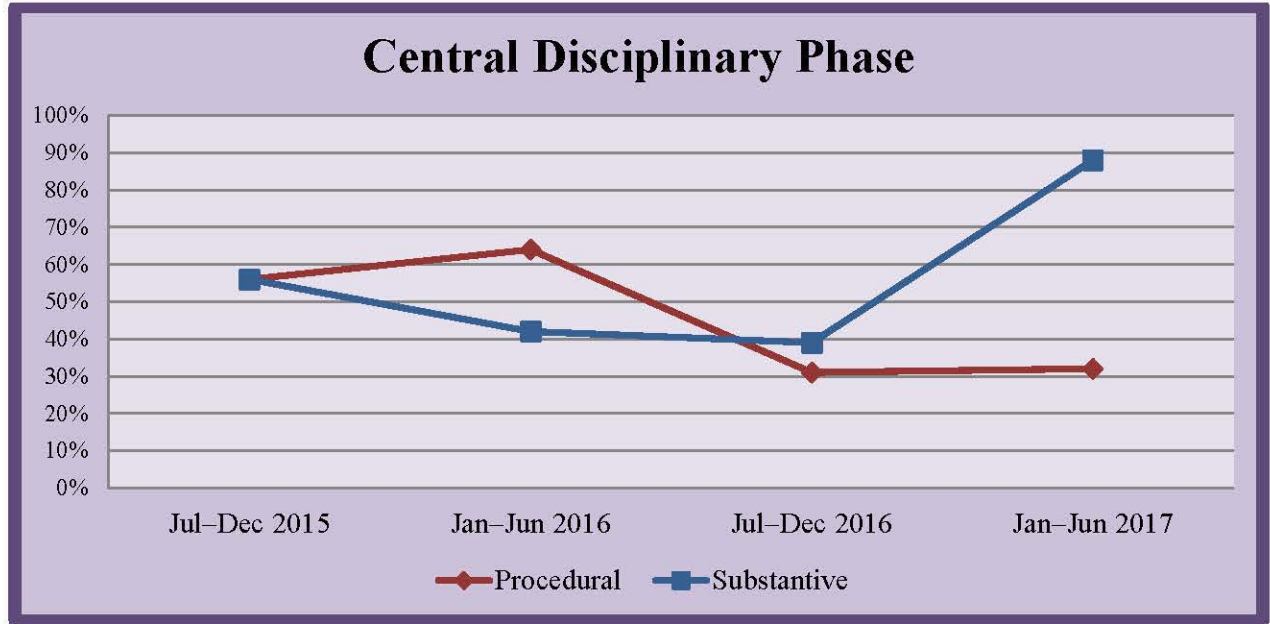


Chart 11D

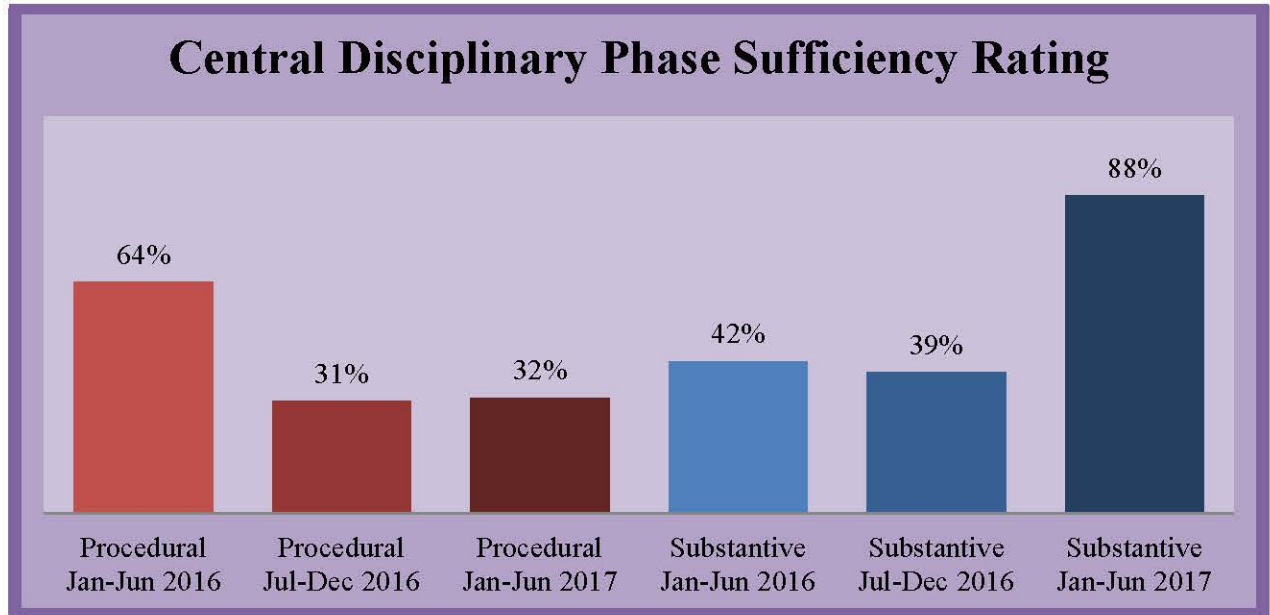


Chart 11E

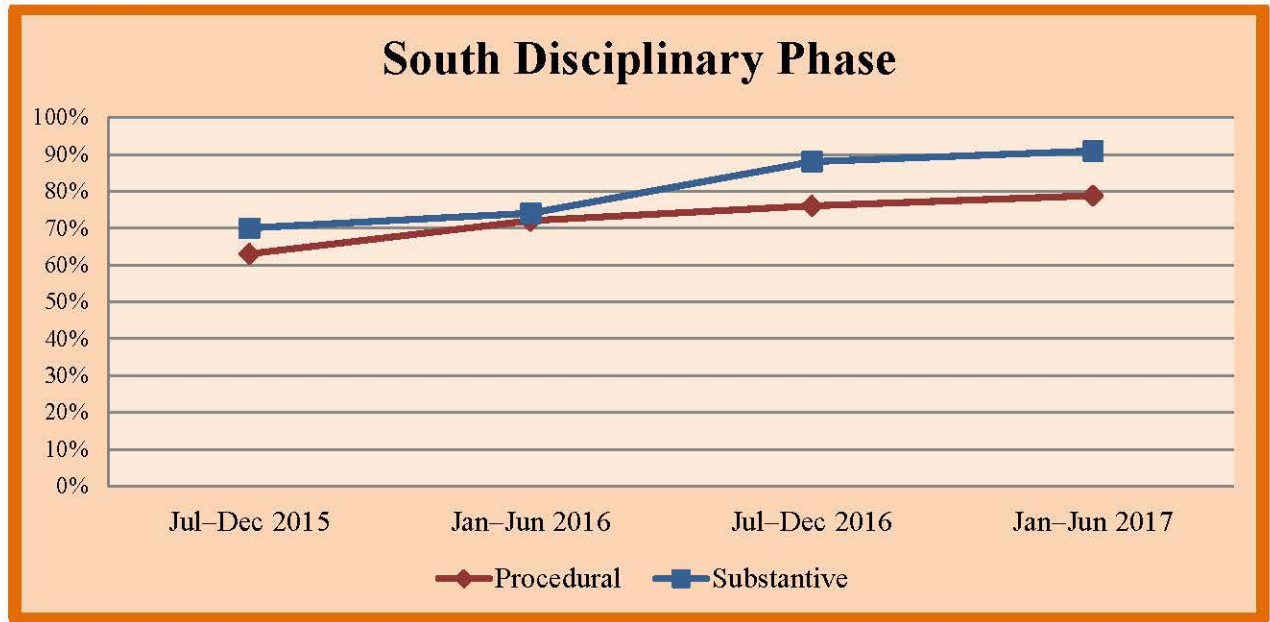
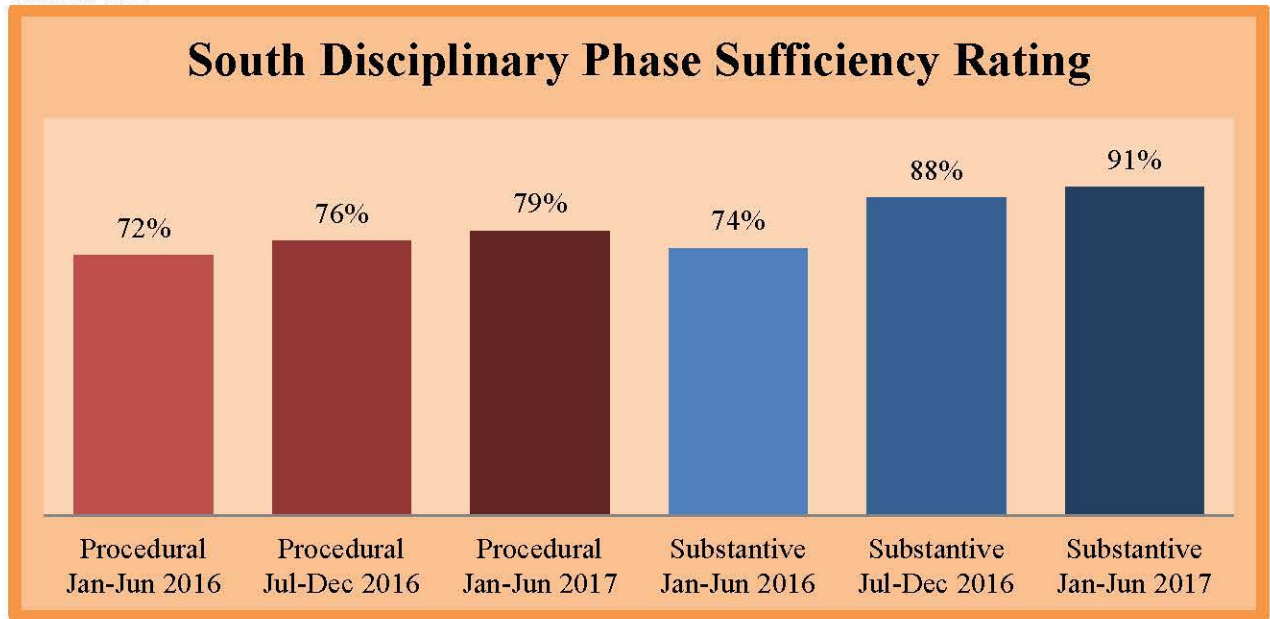
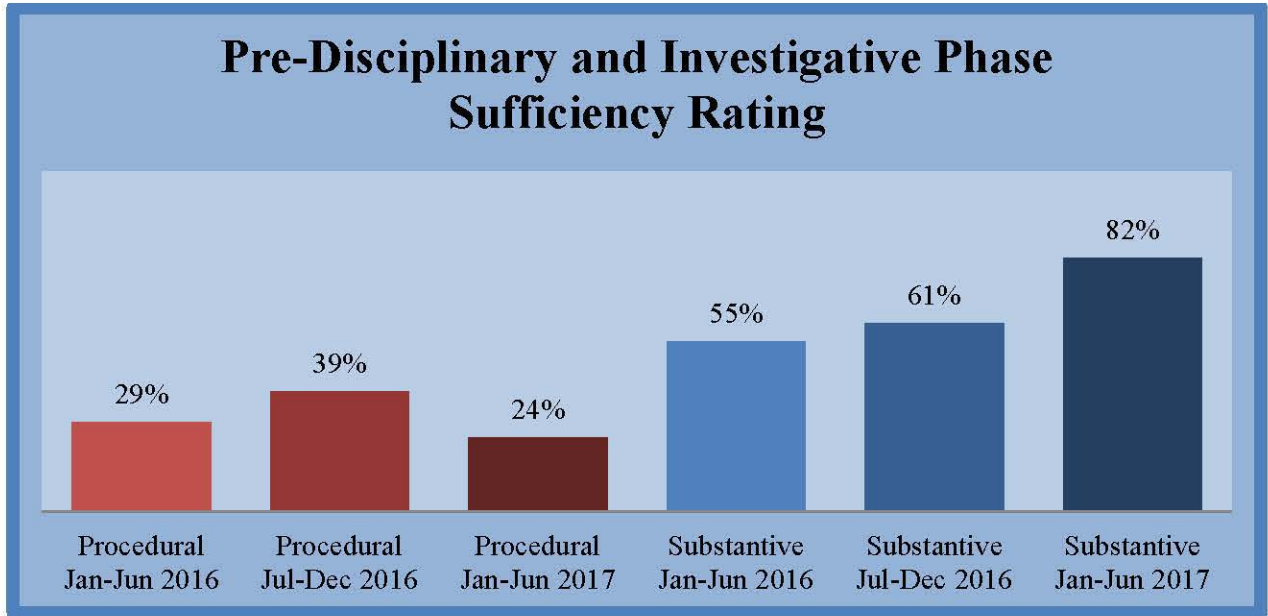


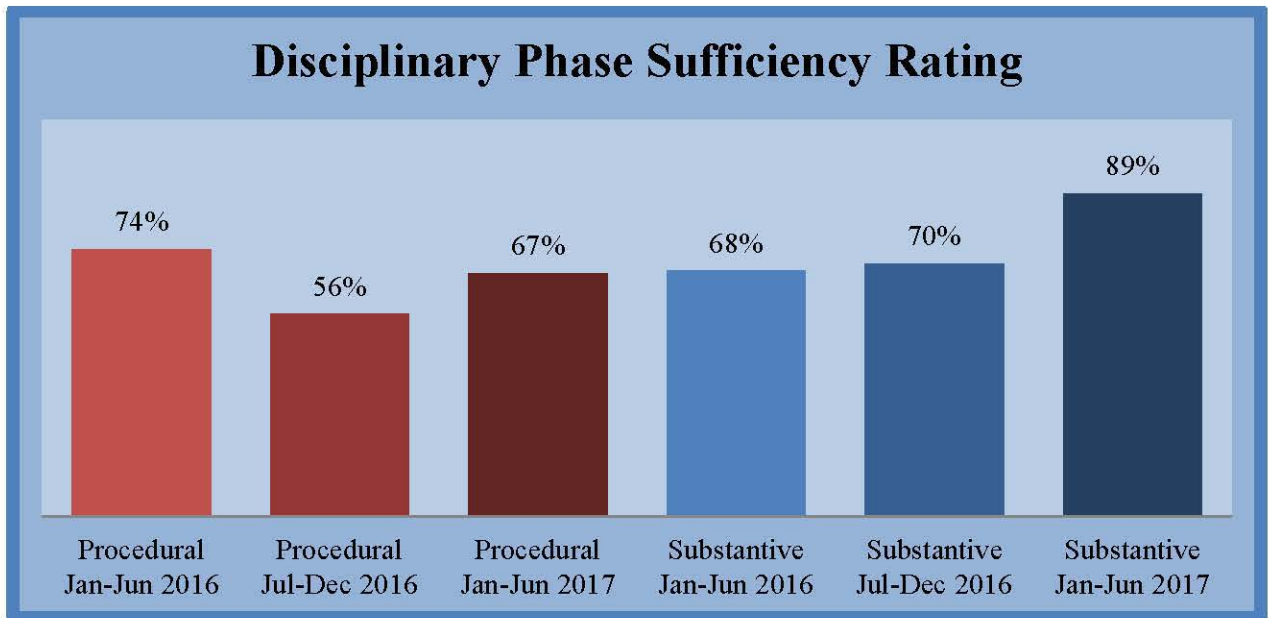
Chart 11F



**Chart 12: Department Overall Case Sufficiency Ratings
Pre-Disciplinary and Investigative Phase**



**Chart 13: Department Overall Case Sufficiency Ratings
Disciplinary Phase**



The preceding charts document changes over reporting periods in the sufficiency of the department’s actions in response to potential misconduct by its employees. The OIG monitors numerous factors and assesses the department’s performance as to each. The factors assess timeliness and quality. The OIG will work with the department going forward to identify specific causes for the deficient performance and identify appropriate remedies.

Volume I Conclusion

The OIG provides ongoing oversight and transparency of CDCR adherence to the reforms the *Madrid* federal court mandated for internal investigations and the employee discipline process. In this reporting period of January through June 2017, the department is to be applauded for improving its ratings for its substantive performance during the Pre-Disciplinary Phase and its substantive and procedural performance during the Disciplinary Phase. There remains room for improvement in the department's procedural ratings during the Pre-Disciplinary Phase. Additionally, in this reporting period, the OIG is reporting a significant decrease in timely referrals by hiring authorities of requests for investigations to the Office of Internal Affairs.

The OIG offers two recommendations for the department to consider in this report. The first involves the continuing efforts of the department to complete its investigations in a timelier manner, as defined by industry standards. The second is a recommendation regarding the need for the department to modify its policies and procedures regarding cell entries to prevent the loss and destruction of evidence.

As noted previously, delayed investigations harm the department by unnecessarily demoralizing employees ultimately cleared of wrongdoing. These employees are often deprived of transfer or promotional opportunities due to pending investigations that sometimes languish for months. Delays also adversely affect the ability of hiring authorities to make accurate findings and take appropriate action because the memories of those involved degrade over time and other evidence can be lost. Furthermore, there may be liability incurred and ensuing harm if delay in investigating allows additional misconduct to occur. A thorough, fair, and timely investigation benefits everyone involved in the process. The department has acknowledged the importance of timely investigations, but nevertheless has hesitated in adopting a written policy with clear completion goals for investigations.

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

Volume I Recommendations

The OIG recommends the department implement the following recommendations from Volume I of this Semi-Annual Report, January through June 2017:

Recommendation 1.1: The OIG, once again, renews its recommendation that the department implement a policy change requiring investigations be completed within six months of assignment.

Recommendation 1.2: The OIG recommends that the department develop guidelines and exceptions to departmental cell entry policies and procedures for Office of Internal Affairs special agents conducting criminal investigations to prevent the loss and destruction of evidence.

Volume I Recommendations from Prior Reporting Periods

The OIG recommended the department implement the following recommendations from Volume I of the Semi Annual Report, July through December 2016:

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

CDCR Response: Partially Implemented

The department recognizes the sooner investigations are completed the better served are complainants, hiring authorities, employees, and the public. The department has implemented process changes designed to decrease the number of months it takes to complete an investigation. These changes include training departmental staff regarding complaint allegation inquiries and working with stakeholders to streamline the report writing process.

Recommendation 1.2: The OIG recommends the department provide its attorneys refresher training regarding how to properly assess the deadline for taking disciplinary action and the requirements for documenting these assessments in the department's case management system.

CDCR Response: Pending

The Office of Legal Affairs is developing training for attorneys on determining an accurate deadline to take disciplinary action, identifying factors that change the time limit, and policy requirements for documenting these assessments. The anticipated completion date is September 2017.

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

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

CDCR Response: Partially Implemented

The department recognizes the sooner investigations are completed the better served are complainants, hiring authorities, employees, and the public. The department has implemented process changes designed to decrease the number of months it takes to complete an investigation. These changes include training departmental staff regarding complaint allegation inquiries and working with stakeholders to streamline the report writing process.

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

CDCR Response: Substantially Implemented

The department, as of August 18, 2017, has a vacancy rate of 4.5 percent with seven encumbered special agent positions. The encumbered positions are those in which candidates are completing the background investigation process. The department continues to review the feasibility of reclassifying certain positions.

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

CDCR Response: Pending

The department reports that it continues to work toward developing the next generation of the case management system. The department is reviewing recommended changes proposed by stakeholders, hiring authorities, and staff, and will consider those recommendations as it develops a new case management system.

Appendices

Appendix A contains the assessments for 129 Combined Phase cases monitored during this reporting period, listed by geographical region. **Page 34**

Appendix B contains the assessments for 65 Disciplinary Phase cases monitored during the reporting period, listed by geographical region. **Page 149**

Appendix C contains the assessments of 16 Investigative Phase cases monitored during the reporting period, listed by geographical region. **Page 200**

Appendix A Combined Phase Cases

Central

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2000-01-01	16-0001884-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary In 2000 and again in 2005, an associate warden allegedly sexually abused a minor. On June 27, 2016, the associate warden was allegedly dishonest to outside law enforcement regarding the conduct.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate initial determination, and the department attorney did not timely or correctly assess the deadline for taking disciplinary action. The department attorney also did not adequately cooperate with the special agent, hiring authority, or the OIG and refused to provide legal advice to the special agent and the hiring authority.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs inappropriately refused to open an administrative investigation despite the need to interview the alleged victim to determine whether allegations should be sustained.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned September 15, 2016, but did not make an entry in the case management system regarding the deadline for taking disciplinary action until November 6, 2016, 52 days after assignment. In addition, the department attorney incorrectly assessed the deadline for taking disciplinary action as June 26, 2017, when the deadline was actually June 9, 2017.</i> ◦ Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The Office of Internal Affairs provided the draft report to the department attorney on January 9, 2017, but the department attorney did not provide feedback until February 6, 2017, 28 days thereafter.</i> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney refused to provide her written advice to the hiring authority prior to the disciplinary findings conference despite a request for such advice.</i> ◦ Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase? <i>The department attorney was not prepared for the initial case conference with the special agent and refused to provide legal advice to the special agent during the investigation.</i> ◦ Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase? <i>The department attorney refused to provide a written initial case evaluation or her advice regarding the investigative findings to the OIG.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date 2010-06-01	OIG Case Number 16-0002171-IR	Allegations 1. Over-Familiarity 2. Insubordination 3. Neglect of Duty 4. Over-Familiarity	Findings 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Initial Penalty Suspension	Final Penalty Suspension
Case Type: Administrative Investigation					
Incident Summary Between June 1, 2010, and June 1, 2013, an officer allegedly engaged in sexual misconduct with an inmate. Between January 22, 2013, and February 14, 2017, the officer allegedly engaged in sexual misconduct with a second inmate and provided the inmate with jewelry, undergarments, and perfume. Between October 1, 2016, and November 28, 2016, the officer allegedly engaged in repeated religious discussions with inmates for several hours and failed to comply with a chief deputy warden's order to stop.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 1, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 30, 2016, seven months after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained all allegations, except that the officer was overly familiar with the first inmate, and determined a 44-working-day suspension was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-04-10	16-0001764-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
<p>Incident Summary</p> <p>On April 10, 2014, a sergeant allegedly failed to thoroughly complete an inmate housing review. On February 12, 2016, a fire captain allegedly permitted an inmate firefighter to leave grounds in the back of an ambulance, a gate officer allegedly failed to verify and identify each person in the ambulance before it left grounds, and a second sergeant allegedly improperly trained the gate officer to not inspect ambulances leaving grounds.</p>					
<p>Pre-disciplinary Assessment</p> <p>The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the findings conference, the Office of Internal Affairs did not make an appropriate initial decision, and the department attorney did not timely assess the deadline for taking disciplinary action or provide appropriate legal advice to the hiring authority. Additionally, the deadline for taking disciplinary action for the first sergeant expired, resulting in the hiring authority issuing a letter of instruction rather than disciplinary action.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>			<p>Substantive Rating</p> <p>Insufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on April 10, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 31, 2016, more than two years after the date of discovery.</i> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs inappropriately decided not to add a third sergeant as a subject of the investigation despite evidence the sergeant also improperly trained officers how to inspect ambulances leaving grounds.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney made an entry into the case management system. However, she merely stated that she assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.</i> ◦ Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed? <i>The deadline to take disciplinary action against the first sergeant was April 10, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 31, 2016.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on June 29, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the evidence and the findings until August 24, 2016, 56 days thereafter.</i> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney inappropriately advised that disciplinary action should be taken against a sergeant despite the deadline to take disciplinary action barring such action.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and imposed training rather than disciplinary action against the first sergeant because the deadline for taking disciplinary action expired, a 5 percent salary reduction for 12 months against the second sergeant, a 5 percent salary reduction for 12 months against the officer, and a 5 percent salary reduction for 12 months against the fire captain. The OIG concurred with the hiring authority's determinations. After a <i>Skelly</i> hearing, the hiring authority discovered the policies and procedures for the fire captain were vague and the fire captain had not been previously disciplined for prior similar conduct. Due to this mitigating information, the hiring authority withdrew the disciplinary action and issued a letter of instruction. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing. The second sergeant and the officer filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with the second sergeant and officer. The hiring authority reduced the second sergeant's penalty to a 5 percent salary reduction for three months because the sergeant appeared confused about policies regarding the departure of an ambulance. The OIG did not concur but did not seek a higher level of review because the reduced penalty was within departmental guidelines. The hiring authority reduced the officer's penalty to a letter of instruction because she reasonably relied on the sergeant's instructions, and the OIG concurred for the same reason.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner, and the disciplinary actions and settlements did not comply with policy.</p>					

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on June 29, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until August 24, 2016, 56 days thereafter.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary actions cited incomplete legal authority governing peace officer confidentiality, failed to reference all relevant documents, and did not advise the sergeants and officers of their right to respond to an uninvolved manager.</i> ◦ Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The final disciplinary actions cited incomplete legal authority governing peace officer confidentiality and did not advise the sergeants and officers of their right to respond to an uninvolved manager.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The department entered a settlement agreement with the second sergeant despite no new evidence, flaws, or risks identified to support the settlement.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks to justify a modification.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-08-31	17-0022644-IR	1. Over-Familiarity 2. Contraband	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary
Between August 31, 2014, and April 19, 2017, an officer allegedly inappropriately touched and exchanged personal notes with an inmate. The officer also allegedly brought a mobile phone, tobacco, and underwear into the institution for the inmate.

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

Procedural Rating Insufficient	Substantive Rating Sufficient
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<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 23, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 25, 2017, ten months thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i>

Case Disposition
The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

Incident Date 2015-03-30	OIG Case Number 17-0022337-IR	Allegations 1. Over-Familiarity 2. Contraband	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary Between March 30, 2015, and March 7, 2017, an officer allegedly engaged in sexual misconduct with an inmate and introduced memory cards, tobacco, and other contraband into the institution.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the department attorney did not accurately assess the deadline for taking disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 14, 2017, more than nine months after the date of discovery.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as June 7, 2017, when the deadline was actually June 6, 2017.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination. However, the officer resigned before the hiring authority conducted the investigative findings conference. The hiring authority placed a letter in the officer's official personnel file indicating he resigned under unfavorable circumstances.					

Incident Date 2015-10-21	OIG Case Number 16-0001752-IR	Allegations 1. Dishonesty 2. Discrimination/Harassment	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On October 21, 2015, an associate warden allegedly told an African-American captain she was the "black eye" of the institution, the department typically does not promote people like her, and due to the captain's age, she would not be promoted any further. On November 20, 2015, the associate warden allegedly included false statements in the captain's probationary evaluation.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference. The department attorney did not provide appropriate feedback regarding the investigative report or adequately cooperate with the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 21, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 27, 2016, 67 days after the date of discovery.</i> ◦ Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The department attorney did not advise the special agent of the need to interview an additional witness when reviewing the draft report.</i> ◦ Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney provided feedback to the special agent without providing a copy to the OIG.</i> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The draft investigative report set forth an excessive number of investigator notes interpreting witness statements.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 20, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 28, 2017, 39 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-01	16-0001071-IR	1. Dishonesty 2. Over-Familiarity 3. Confidential Information 4. Neglect of Duty 5. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
Incident Summary Between November 1, 2015, and February 12, 2016, an officer allegedly used State computers to access confidential inmate information and provide it to his girlfriend who was previously married to the inmate, and was allegedly overly familiar with the inmate's family and friends. On August 23, 2016, and August 31, 2017, the officer was allegedly dishonest during his interviews with the Office of Internal Affairs.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not adequately assess the deadline for taking disciplinary action, timely contact the special agent and the OIG, or advise the hiring authority to add a dishonesty allegation. The special agent did not adequately prepare for the investigation or thoroughly interview the officer.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned on April 13, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until May 24, 2016, 41 days after assignment. In addition, the department attorney incorrectly assessed the date of discovery as February 8, 2016, when it was actually February 7, 2016.</i> No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned on April 13, 2016, but did not contact the special agent or the OIG until May 24, 2016, 41 days later.</i> Did the special agent adequately prepare for all aspects of the investigation? <i>The special agent was not familiar with nor did she obtain the department's information security awareness policies and mandatory training prior to the officer's interviews.</i> Were all of the interviews thorough and appropriately conducted? <i>The special agent did not question the officer about his knowledge, training, or compliance with the department's information security awareness policies.</i> Was the investigation thorough and appropriately conducted? <i>The special agent did not obtain the department's information security awareness policies and training until after conducting interviews.</i> Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney did not recommend adding a dishonesty allegation until the hiring authority identified the need to do so.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the officer resigned in lieu of dismissal and agreed never to seek employment with the department, and the department agreed to remove the disciplinary action from his official personnel file after 18 months upon written request. The OIG concurred with the settlement because the ultimate goal of ensuring the officer did not work for the department was achieved.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department attorney prepared a deficient disciplinary action, unreasonably delaying service of the action, prepared a deficient pre-hearing settlement conference statement, and lacked an understanding of a critical issue related to settlement. The department did not serve the disciplinary action in accordance with policy.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

- **Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?**
The draft disciplinary action was excessively detailed, listing 567 email messages by date and time, delaying service 69 days to a date 13 days before the deadline for taking disciplinary action. The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.
- **Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?**
The final disciplinary action was excessively detailed, listing 567 email messages by date and time, delaying service 69 days to a date 13 days before the deadline for taking disciplinary action. The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.
- **Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?**
The pre-hearing settlement conference statement did not list a witness to testify about the department's information security awareness policy and failed to designate a computer forensics examiner as an expert witness.
- **Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?**
The department attorney did not understand the importance of retaining the disciplinary action in the officer's official personnel file if he resigned.
- **Was the disciplinary phase conducted with due diligence by the department?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on November 17, 2016, but did not serve the disciplinary action until January 25, 2017, 69 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-26	16-0001978-IR	1. Dishonesty 2. Discrimination/Harassment 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary Between November 26, 2015, and May 22, 2016, an officer allegedly directed racial and religious slurs toward an inmate. On July 13, 2016, the officer was allegedly dishonest to a lieutenant when he denied the inmate's allegations.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 23, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 2, 2016, 102 days after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-12-01	16-0000280-IR	1. Medical 2. Dishonesty 3. Neglect of Duty 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Exonerated	Salary Reduction	Retirement

Case Type: Administrative Investigation

Incident Summary

On December 1, 2015, an officer allegedly failed to discover a severely battered inmate while conducting an inmate count. Two sergeants, four officers, and a nurse allegedly failed to immediately initiate life-saving measures on the inmate. On December 22, 2015, the nurse allegedly submitted a false report regarding the incident and on August 9, 2016, was allegedly dishonest during an interview with the Office of Internal Affairs.

Pre-disciplinary Assessment

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not provide timely feedback regarding the draft investigative report and the hiring authority for the nurse was not adequately prepared and neglected to conduct the investigative findings conference in a timely manner.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?**

The Office of Internal Affairs provided the draft investigative report to the department attorney on September 16, 2016, but the attorney did not provide feedback until October 10, 2016, 24 days thereafter.

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on October 14, 2016. However, the hiring authority for the nurse did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 1, 2016, 18 days thereafter but was not prepared. The consultation was completed on November 8, 2016, 25 days after the Office of Internal Affairs completed the investigation.

- **If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared?**

When the hiring authority for the nurse first consulted with the OIG and department attorney on November 1, 2016, she neglected to review all investigative materials and, therefore, was not adequately prepared to discuss the sufficiency of the investigation, and the meeting was rescheduled.

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

The delays are addressed in prior questions.

Case Disposition

The hiring authority for the nurse sustained an allegation the nurse failed to provide life-saving measures, but not dishonesty, and imposed a 5 percent salary reduction for three months. However, the nurse went on an extended leave immediately after the incident, did not return to work, and retired before the hiring authority served the disciplinary action. The hiring authority for the officers and sergeants found insufficient evidence to sustain allegations against the officer who allegedly failed to discover the inmate and one officer and a sergeant who allegedly failed to immediately initiate life-saving measures. The hiring authority determined a sergeant and three officers did not initiate lifesaving measures. However, the investigation determined their actions were justified, lawful, and proper. The OIG concurred with the hiring authorities' determinations.

Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority for the nurse did not conduct the disciplinary findings conference in a timely manner and did not adequately cooperate with the OIG.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on October 14, 2016. However, the hiring authority for the nurse did not consult with the OIG and department attorney regarding the disciplinary determinations until November 1, 2016, 18 days thereafter but was not prepared. The consultation was completed on November 8, 2016, 25 days after the Office of Internal Affairs completed the investigation.

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

The hiring authority for the nurse did not provide the OIG with the form documenting disciplinary determinations.

- Was the disciplinary phase conducted with due diligence by the department?
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-12-14	16-000769-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand

Case Type: Administrative Investigation

Incident Summary

On December 14, 2015, an officer allegedly failed to timely notify her sergeant that an inmate had battered her and that she used physical force on the inmate, and was dishonest in reporting the incident.

Pre-disciplinary Assessment

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not prepare a thorough draft investigative report.

Procedural Rating
Insufficient

Substantive Rating
Sufficient

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on December 14, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 9, 2016, 57 days after the date of discovery.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include a rules violation report as an exhibit although it was referenced in the report.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation the officer neglected her duty, but not that she was dishonest, and issued a letter of reprimand. The OIG concurred. Following the *Skelly* hearing, the hiring authority agreed to remove the disciplinary action early from the officer's official personnel file. The OIG did not concur but did not seek a higher level of review because the penalty remained the same and could be used for progressive discipline. The officer did not file an appeal with State Personnel Board.

Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority modified the discipline without sufficient justification.

Procedural Rating
Insufficient

Substantive Rating
Sufficient

Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not advise the officer of her right to respond to an uninvolved manager.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action served on the officer did not advise the officer of her right to respond to an uninvolved manager.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department agreed to early removal of the disciplinary action from the officer's official personnel file without identifying any new evidence, flaws, or risks justifying the modification.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the decision to permit early removal of the disciplinary action from the officer's official personnel file because the department did not identify any new evidence, flaws, or risks justifying the modification.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-20	16-0001125-IR	1. Medical-Denied Care 2. Neglect of Duty 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Unfounded	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On February 20, 2016, an officer allegedly failed to immediately sound an alarm and monitor an unresponsive inmate, and the officer and a sergeant allegedly failed to ensure the cellmate was handcuffed when removed from the cell. The sergeant also allegedly failed to collect the cellmate's clothing as evidence. The sergeant and a nurse allegedly delayed beginning life-saving measures on the unresponsive inmate, and a second nurse allegedly abandoned a suicide watch.</p>					
<p>Pre-disciplinary Assessment</p> <p>The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not assess the deadline for taking disciplinary action, was not prepared, and did not adequately cooperate and consult with the special agent or the OIG. The hiring authority for the officer and the sergeant did not conduct the investigative findings conference in a timely manner.</p>					
Procedural Rating Insufficient			Substantive Rating Sufficient		
<p>Assessment Questions</p> <ul style="list-style-type: none"> o Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan? <i>The department attorney was not prepared to provide meaningful recommendations to the special agent at the initial case conference.</i> o Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney did not make an entry into the case management system confirming relevant dates.</i> o No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney did not contact the special agent or the OIG to schedule a meeting to discuss the elements of a thorough investigation, and the department attorney was not prepared to provide meaningful recommendations regarding the elements of a thorough investigation at the initial case conference.</i> o Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney did not provide the OIG with feedback regarding the draft investigative report.</i> o Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on November 22, 2016. However, the hiring authority for the officer and sergeant did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 10, 2017, 49 days thereafter.</i> o Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase? <i>The department attorney did not contact the special agent and the OIG to discuss the elements of a thorough investigation and was not prepared to provide meaningful recommendations regarding the elements of a thorough investigation at the initial case conference.</i> o Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase? <i>The department attorney did not provide the OIG with feedback regarding the draft investigative report.</i> o Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
<p>Case Disposition</p> <p>The hiring authorities for the officer, sergeant, and first nurse found insufficient evidence to sustain the allegations. The hiring authority for the nurses also determined that the investigation conclusively proved the second nurse's misconduct did not occur. The OIG concurred with the hiring authorities' determinations.</p>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-24	16-0001068-IR	1. Weapons	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On February 24, 2016, an officer allegedly pointed a handgun at a department store's loss-prevention officer.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not adequately prepare for or conduct the investigation, prepare a complete investigative report, or cooperate with the OIG and department attorney. The department attorney did not provide appropriate feedback regarding the investigative report and provided poor legal advice. The hiring authority did not timely conduct the investigative findings conference or make appropriate findings, and the hiring authority's supervisor did not timely conduct the higher level of review or make an appropriate decision.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the special agent adequately prepare for all aspects of the investigation? <i>The special agent did not obtain photographs and diagrams before conducting interviews, despite the OIG's recommendation.</i> ◦ Were all of the interviews thorough and appropriately conducted? <i>The special agent did not use photographs and diagrams during interviews, asked leading questions, and sought irrelevant opinions from witnesses.</i> ◦ Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The department attorney's feedback did not identify incomplete interview summaries and that the draft investigative report did not include relevant documents.</i> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The draft report omitted critical information from interview summaries and several documents.</i> ◦ Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent conducted a site visit and informally interviewed witnesses without consulting with or involving the OIG.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until December 7, 2016, 27 days thereafter.</i> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney provided poor legal advice to the hiring authority when she advised there was insufficient evidence to sustain the allegation. The department attorney also provided poor advice by having the hiring authority hold a second investigative findings conference when the department attorney disagreed with the hiring authority's initial decision.</i> ◦ If an executive review was invoked in the case, did OIG request the executive review? <i>The OIG elevated the hiring authority's refusal to sustain the allegation to the hiring authority's supervisor.</i> ◦ If an executive review was invoked, was the executive review process in the DOM followed? <i>The hiring authority's supervisor did not schedule the higher level of review for 42 days.</i> ◦ If an executive review was invoked, was the appropriate decision made? <i>The hiring authority's supervisor did not make the appropriate decision when she decided to uphold the hiring authority's finding.</i> ◦ Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase? <i>The special agent conducted a site visit and interviews without consulting with the department attorney.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG did not concur and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the finding regarding the allegation would remain as initially determined.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-26	16-0001123-IR	1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

Between February 26, 2016, and March 2, 2016, an associate governmental program analyst allegedly erased department network computer files without approval. On March 3, 2016, the associate governmental program analyst allegedly yelled at an associate warden when asked about the files. On March 7, 2016, a captain allegedly instructed an associate information systems analyst to transfer and erase computer files and a related folder from the associate governmental program analyst's computer. On March 10, 2016, the captain and associate governmental program analyst submitted memorandums that allegedly omitted important information about the deleted files.

Pre-disciplinary Assessment

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not adequately prepare for the investigation, cooperate and consult with the OIG, or conduct a thorough and appropriate investigation, resulting in the hiring authority being unable to make investigative findings. The department attorney provided poor legal advice resulting in a warden with a conflict of interest receiving confidential information.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the special agent adequately prepare for all aspects of the investigation?**
Despite an early OIG recommendation, the special agent delayed seven months before requesting a forensic examination of the associate government program analyst's computer, by which time it was too late to conduct a reliable examination.
- **Did the special agent cooperate with and provide continual real-time consultation with the OIG?**
The special agent unilaterally scheduled interviews after coordinating interview dates with another special agent and the department attorney, but failed to consult with the OIG. Also, the OIG recommended the special agent review documents, but the special agent inappropriately said he intended to have the institution's investigative services unit review the documents.
- **Was the investigation thorough and appropriately conducted?**
The special agent failed to timely have the associate government program analyst's computer forensically examined. The Office of Internal Affairs continued to provide confidential information to a warden with a potential conflict of interest despite repeated concerns first raised by the OIG and then by the department attorney.
- **If the HA determined additional investigation was necessary, was additional investigation requested?**
The hiring authority determined a forensic evaluation of the associate government program analyst's computer was required but could not request additional investigation because the hard drive had not been preserved.
- **Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?**
Despite the OIG's recommendation, the department attorney delayed seven months before advising the department to transfer the matter to a new hiring authority to determine the sufficiency of the investigation and make investigative findings, during which time a warden with a conflict of interest continued to receive confidential information.
- **If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?**
The hiring authority was not able to determine when and what files were deleted because the associate government program analyst's computer was not forensically examined.
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

Incident Date 2016-03-05	OIG Case Number 16-0001808-IR	Allegations 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	Findings 1. Sustained 2. Not Sustained 3. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On March 5, 2016, an officer allegedly counted a dead inmate as alive, abandoned his post before the end of his shift, and failed to correct his timesheet to reflect leaving early.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs refused to add a dishonesty allegation, and the employee relations officer did not accurately complete the form documenting investigative findings.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 5, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 29, 2016, 116 days after the date of discovery.</i> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs improperly refused to add a dishonesty allegation against the officer even though he documented the inmate as being alive when he was dead.</i> ◦ Was the CDCR Form 402 documenting the findings properly completed? <i>The employee relations officer omitted an allegation on the form documenting the investigative findings.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained allegations the officer abandoned his post and neglected to amend his timesheet, but not dishonesty, and imposed a 5 percent salary reduction for three months. The OIG concurred. After the <i>Skelly</i> hearing, the department entered into a settlement agreement with the officer agreeing to remove the disciplinary action from his official personnel file after 18 months because the officer provided a reasonable explanation for not being at his assigned post. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing, but the hiring authority did not consult the OIG before entering into the agreement.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not consult the OIG before modifying the penalty.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement? <i>The hiring authority modified the penalty without consulting the OIG.</i> ◦ Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The hiring authority did not consult the OIG before modifying the penalty.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-18	16-0001295-IR	1. Dishonesty 2. Weapons 3. Battery - On member of the Department	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On March 18, 2016, an officer allegedly grabbed his wife's head during a physical altercation, forcefully grabbed his sister's wrists to remove them from his clothing, and pointed a handgun at his sister and her son. Between March 18, 2016, and March 22, 2016, the officer was allegedly dishonest in a memorandum regarding the incident. On March 22, 2016, the officer's wife, also an officer, was allegedly dishonest in a memorandum regarding the incident.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not advise the special agent of deficiencies in the investigative report, and the special agent did not prepare a thorough investigative report.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The department attorney did not recommend citing the relevant sections of the penal code.</i> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The draft investigative report did not cite the penal code sections warranted by the facts.</i> ◦ Was the final investigative report thorough and appropriately drafted? <i>The special agents did not include, and the department attorney did not recommend, citing the relevant penal code statutes.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-21	16-0002034-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On April 21, 2016, a sergeant and five officers allegedly kicked an inmate in the head and face while conducting a cell extraction and failed to report their use of force.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the Office of Internal Affairs did not make an appropriate initial determination. The special agent neglected to adequately prepare for and conduct the investigation and did not prepare a thorough report. The department attorney did not recognize the investigative report was incomplete and provided poor legal advice to the hiring authority. The hiring authority did not conduct the investigative findings conference in a timely manner or make appropriate findings and was precluded from making all necessary findings because the deadline to take disciplinary action was about to expire.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on April 21, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 4, 2016, more than five months after the date of discovery.</i> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs did not add a nurse as a subject of the investigation for failing to report his observations of officers violating the use-of-force policy.</i> ◦ Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan? <i>The special agent did not review all relevant evidence before participating in the initial case conference.</i> ◦ Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan? <i>The special agent did not review all relevant evidence before participating in the initial case conference.</i> ◦ Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The department attorney advised the special agent that the investigative report was complete although the report did not reference relevant documents or include important information witnesses provided.</i> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The draft report did not summarize important facts and failed to reference relevant documents.</i> ◦ Was the final investigative report thorough and appropriately drafted? <i>The final report did not summarize important facts and failed to reference relevant documents.</i> ◦ Was the investigation thorough and appropriately conducted? <i>The investigation required additional interviews, which the special agent refused to conduct.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 30, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 14, 2017, 15 days thereafter.</i> ◦ If the HA determined additional investigation was necessary, was additional investigation requested? <i>The hiring authority did not request additional investigation because the deadline to take disciplinary action would expire in seven days.</i> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney advised the hiring authority no allegations should be sustained despite sufficient evidence of misconduct.</i> ◦ Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence? <i>The hiring authority did not find the officers violated the use-of-force policy and failed to report their use of force.</i> ◦ Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation? <i>The hiring authority found insufficient evidence to sustain the allegations despite sufficient evidence of misconduct.</i> ◦ If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation? 					

The hiring authority determined the evidence was not sufficient to sustain the allegations because the special agent did not interview all witnesses.

- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The delays are addressed in prior questions.

Case Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination there was insufficient evidence to sustain the use-of-force allegations but not with the determination to not sustain failure to report. The OIG did not seek a higher level of review because the deadline to take disciplinary action was about to expire.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-04	16-0001851-IR	1. Failure to Report 2. Dishonesty 3. Failure to Report	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary

On May 4, 2016, an officer allegedly failed to report an inmate battered him, his use of physical force on the inmate, and was dishonest about the incident to a sergeant.

Pre-disciplinary Assessment

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the special agent did not conduct a timely investigation or adequately cooperate with the department attorney, and the department attorney did not provide timely feedback regarding the draft investigative report. As a result of the delays, witnesses were not able to recall details of the incident.

Procedural Rating
Insufficient

Substantive Rating
Insufficient

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on May 4, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 18, 2016, 75 days after the date of discovery.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on January 11, 2017, but the department attorney did not provide substantive feedback regarding the report until February 7, 2017, 27 days thereafter.
- Was the investigation thorough and appropriately conducted?
The special agent unreasonably delayed the investigation by failing to prepare a draft investigative report for two months after interviewing the officer.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The Office of Internal Affairs ignored the department attorney's advice that additional investigation was necessary, scheduled an interview without consultation, and threatened to send the report to the hiring authority before receiving substantive feedback.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
Some delays are addressed in prior questions. In addition, the Office of Internal Affairs unnecessarily delayed the investigation after ignoring advice from the department attorney and the OIG that additional investigation was necessary. As a result of the delays, witnesses were unable to adequately recall the incident.

Case Disposition

The hiring authority sustained the allegation that the officer failed to report the inmate battered him, but found insufficient evidence to sustain the remaining allegations, and issued a letter of instruction. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

Procedural Rating
Sufficient

Substantive Rating
Sufficient

Incident Date 2016-05-06	OIG Case Number 16-0001823-IR	Allegations 1. Dishonesty 2. Neglect of Duty	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 6, 2016, a lieutenant allegedly failed to comply with procedures for adjudicating a rules violation report and dishonestly documented that an inmate was present and testified at the hearing.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference, and the special agent was not diligent in drafting the investigative report.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 12, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 5, 2016, 54 days after the date of discovery.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 10, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until March 30, 2017, 20 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority's delays are addressed in prior questions. In addition, the special agent completed investigative activities on November 29, 2016, but did not provide the investigative report for review until February 14, 2017, 77 days thereafter.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-06	16-0001834-IR	1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 6, 2016, an officer allegedly threw an inmate to the ground, dishonestly reported the need to use force, and removed potential evidence from his uniform before the evidence was photographed.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the special agent did not conduct a thorough and timely investigation. The delay in conducting the investigation resulted in a critical witness retiring before being interviewed.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 14, 2016, 69 days after the date of discovery.</i> ◦ Was the investigation thorough and appropriately conducted? <i>The special agent took eight months to complete the investigation, took five months to discover a critical witness retired 18 days after the special agent was assigned to conduct the investigation, and took seven months to determine the critical witness refused to be interviewed. The Office of Internal Affairs also refused to conduct a forensic examination of a critical document.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-11	17-0022199-IR	1. Neglect of Duty	1. Sustained	Letter of Instruction	Letter of Instruction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On May 11, 2016, a sergeant allegedly placed a pepper spray canister nozzle inches from an inmate's face and threatened to spray the inmate if he did not submit after the inmate resisted and threatened to bite officers.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the Office of Internal Affairs did not make an appropriate initial determination. The employee relations officer did not enter relevant dates into the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 17, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 14, 2017, almost ten months after the date of discovery.</i> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The OIG recommended a full investigation to question involved officers and the inmate regarding the details of the incident because not all reports were thorough and there were questions regarding the circumstances surrounding the use of force. Additionally, the OIG recommended alleging threat and intimidation toward the inmate based on the sergeant's statements to the inmate. The Office of Internal Affairs denied the recommendations.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation and issued a letter of instruction. The OIG concurred.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-18	16-0001783-IR	1. Other Failure of Good Behavior 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On May 18, 2016, a counselor allegedly grabbed a civilian during an argument and lied to outside law enforcement and the department regarding his conduct.					
Pre-disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation the counselor grabbed a civilian, but not that he was dishonest, and imposed a 10 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The counselor did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-20	16-0001832-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 20, 2016, an officer allegedly slammed an inmate to the ground and kicked the inmate in the face with his boot.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 20, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 7, 2016, 48 days after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-15	16-0001858-IR	1. Use of Force 2. Failure to Report 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On June 15, 2016, an officer allegedly told inmates another inmate was a gang member. A second officer allegedly punched a handcuffed inmate, and a third officer allegedly punched that inmate and a second inmate after the inmates ran toward a fourth officer. The four officers and two other officers allegedly failed to report the use of force. A fifth officer allegedly told the two inmates not to report being beaten. An officer who served the inmates with rules violation reports allegedly told them a lieutenant would take care of the rules violation reports if they kept quiet. On June 16, 2016, the lieutenant allegedly dismissed the rules violation reports without sufficient basis.</p>					
<p>Pre-disciplinary Assessment</p> <p>The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not consult with the prosecuting agency and the hiring authority did not timely conduct the investigative findings conference.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the OIA adequately consult with the OIG, department attorney (if designated), and the appropriate prosecuting agency to determine if an administrative investigation should be conducted concurrently with the criminal investigation? <i>The Office of Internal Affairs did not consult with the appropriate prosecuting agency to determine whether a criminal investigation was warranted.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 21, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 5, 2017, 45 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
<p>Case Disposition</p> <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>					

Incident Date 2016-06-26	OIG Case Number 16-0001882-IR	Allegations 1. Use of Force	Findings 1. Not Sustained	Initial Penalty Letter of Instruction	Final Penalty Letter of Instruction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On June 26, 2016, a sergeant allegedly punched an inmate in the face after the inmate spat toward an officer who was restraining the inmate.					
Pre-disciplinary Assessment The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not reconsider the need for an investigation, the hiring authority sought and obtained advice from the wrong source regarding the use of force, and the department attorney provided poor legal advice.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request? <i>The Office of Internal Affairs refused to grant the hiring authority's appeal requesting an investigation.</i> ◦ Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient? <i>The hiring authority initially found the investigation sufficient despite the OIG's recommendation for further investigation to obtain relevant evidence.</i> ◦ Did the HA properly determine whether additional investigation was necessary? <i>The hiring authority sought the advice of an academy use-of-force instructor who provided erroneous advice regarding legal matters.</i> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney provided poor advice when advising the hiring authority at the initial investigative findings conference that the investigation was sufficient.</i> ◦ If an executive review was invoked in the case, did OIG request the executive review? <i>The OIG did not concur with the hiring authority's finding that the investigation was sufficient and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor agreed that the investigation was insufficient and submitted an appeal to the Office of Internal Affairs for additional investigation.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determinations.					

Incident Date 2016-07-26	OIG Case Number 16-0001989-IR	Allegations 1. Failure to Report 2. Unreasonable Use of Force 3. Failure to Report Use of Force	Findings 1. Not Sustained 2. Not Sustained 3. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On July 26, 2016, a sergeant and three officers allegedly punched and hit an inmate without cause and failed to report the use of force. A fourth officer and a nurse allegedly witnessed the use of force and failed to report it. The sergeant, four officers, and nurse also allegedly conspired with each other to prevent reporting the unreasonable force.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney did not make any entry into the case management system confirming relevant dates.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 27, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 26, 2016, 61 days after the date of discovery.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-28	16-0002110-IR	1. Misuse of Authority 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On July 28, 2016, a lieutenant allegedly failed to properly process an inmate complaint regarding staff misconduct and on August 26, 2016, allegedly misled the inmate into withdrawing the complaint.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney provided deficient legal advice, and in reliance on the deficient advice, the hiring authority did not sustain allegations the evidence supported. The department attorney did not adequately cooperate with the OIG. The hiring authority did not timely conduct the investigative findings conference,					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney did not provide the OIG with written confirmation summarizing discussions regarding the investigative report.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 23, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until March 20, 2017, 25 days thereafter.</i> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney advised the hiring authority allegations could not be sustained despite sufficient evidence supporting the allegations.</i> ◦ Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation? <i>The hiring authority did not sustain allegations the evidence supported, relying on the department attorney's advice.</i> ◦ Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase? <i>The department attorney did not provide the OIG written confirmation of discussions regarding the investigative report.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur with the hiring authority's determination but did not seek a higher level of review because the lieutenant retired prior to conclusion of the investigation. The hiring authority placed a letter in the lieutenant's official personnel file indicating he retired pending disciplinary action.					

Incident Date 2016-08-18	OIG Case Number 16-0002006-IR	Allegations 1. Neglect of Duty	Findings 1. Unfounded	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On August 18, 2016, two officers allegedly failed to resolve an inmate dispute, resulting in a battery on an inmate. Two other officers were allegedly absent from their assigned posts, a fifth officer allegedly failed to observe the incident, and a sixth officer allegedly failed to respond to the incident.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney provided poor legal advice.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney advised the hiring authority to not sustain the allegations despite the investigation conclusively proving the alleged misconduct did not occur. The department attorney did not understand the difference between a finding of unfounded and a finding of not sustained.</i> 					
Case Disposition The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred.					

Incident Date 2016-08-24	OIG Case Number 16-0002151-IR	Allegations 1. Other Failure of Good Behavior	Findings 1. Sustained	Initial Penalty Suspension	Final Penalty Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 24, 2016, outside law enforcement arrested a counselor after she allegedly jumped on her daughter, knocked her to the ground, and bit her, and for allegedly being intoxicated in public.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and did not seek additional investigation, and the department attorney provided insufficient legal advice to the hiring authority.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on August 25, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 5, 2016, 102 days after the date of discovery.</i> ◦ Did the HA properly determine whether additional investigation was necessary? <i>The hiring authority decided it was not necessary to determine whether the counselor was dishonest to outside law enforcement.</i> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? <i>The department attorney advised the hiring authority the investigation was sufficient when it was not sufficient.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation and imposed a 60-working-day suspension. The OIG concurred. However, the counselor retired before the disciplinary action took effect. The hiring authority placed a letter in the counselor's official personnel file indicating she retired pending disciplinary action.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-09-20	OIG Case Number 16-0002109-IR	Allegations 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Discourteous Treatment	Findings 1. Not Sustained 2. Not Sustained 3. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 20, 2016, an officer allegedly refused a sergeant's order to open a door and used profanity toward the sergeant. On September 28, 2016, the officer was allegedly dishonest in a report regarding his interaction with the sergeant.					
Pre-disciplinary Assessment The department did not comply with the policies and procedures governing the pre-disciplinary process because the hiring authority delayed conducting the investigative findings conference, found the investigation sufficient, and did not request additional investigation. Due to the insufficient investigation, the hiring authority was unable to thoroughly evaluate the allegations.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the matter to the hiring authority on February 16, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until April 5, 2017, 48 days thereafter.</i> ◦ Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient? <i>The hiring authority deemed the investigation sufficient without an interview of the sergeant to determine whether the officer was dishonest in reporting the incident.</i> ◦ Did the HA properly determine whether additional investigation was necessary? <i>The hiring authority incorrectly determined additional investigation was not necessary.</i> ◦ If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation? <i>The hiring authority could not properly evaluate the allegations because the department did not interview the sergeant reporting the alleged misconduct.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur with the hiring authority's decision that the investigation was sufficient. However, the OIG did not seek a higher level of review because the hiring authority's interpretation of existing evidence was reasonable.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-12	16-0002115-IR	1. Dishonesty 2. Dishonesty 3. Insubordination/Willful Disobedience 4. Insubordination 5. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal

Case Type: Direct Action with Subject-Only Interview

Incident Summary

On October 12, 2016, an officer allegedly left the institution after being instructed to stay at his post, was allegedly dishonest to a labor relations analyst claiming he would wait for her phone call at his post, called in sick without providing sufficient notice, and refused to submit to drug testing. On October 16, 2016, the officer allegedly submitted a false physician's note to the hiring authority. On January 11, 2017, the officer allegedly disobeyed a special agent's order to provide a valid physician's note and was dishonest during an interview with the Office of Internal Affairs.

Pre-disciplinary Assessment

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney provided deficient legal advice to the hiring authority and the hiring authority did not make appropriate investigative findings.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?**
The department attorney advised the hiring authority not to sustain allegations the officer was dishonest and refused to submit to drug testing when there was sufficient evidence to sustain the allegations.
- **Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?**
The hiring authority did not add an appropriate allegation that the officer refused to submit to a drug test when there was sufficient evidence to support the allegation.
- **Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?**
The hiring authority did not find that the officer refused to submit to a drug test despite sufficient evidence to support the allegation.

Case Disposition

The hiring authority sustained allegations the officer was dishonest when submitting a false doctor's note and during the interview with the Office of Internal Affairs, but not the remaining allegations, and determined dismissal was the appropriate penalty. The OIG concurred except as to the decision not to add and sustain an allegation the officer refused to submit to a drug test. The OIG did not seek a higher level of review due to conflicting evidence. The officer resigned before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

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

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-31	16-0002121-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 31, 2016, an officer was arrested after he allegedly grabbed the back of his wife's head and hit it against a piece of furniture, resulting in bruising of her right eye and a scratch on her left arm.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not timely assess the deadline for taking disciplinary action or adequately consult with the OIG and neglected to update the deadline for taking disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned December 9, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until January 3, 2017, 25 days after assignment.</i> ◦ No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned December 9, 2016, but did not contact the OIG until January 4, 2017, 26 days after assignment.</i> ◦ Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent? <i>The department attorney did not recalculate the deadline for taking disciplinary action after the district attorney declined to file criminal charges.</i> 					
Case Disposition The hiring authority sustained the allegation and imposed a 10 percent salary reduction for 12 months. The OIG concurred. After the <i>Skelly</i> hearing, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for six months because officer was remorseful and provided evidence that the misconduct was unintentional. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not serve the disciplinary action in accordance with policy.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on February 1, 2017. However, the department did not serve the disciplinary action until March 6, 2017, 33 days later.</i> 					

Incident Date 2016-11-19	OIG Case Number 17-0021923-IR	Allegations 1. Dishonesty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On November 19, 2017, an officer was allegedly dishonest during a rules violation hearing when she provided information that was inconsistent with her written reports regarding an inmate fight.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the special agent did not cooperate with or provide continual real-time consultation with the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on November 19, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 13, 2017, 86 days after the date of discovery.</i> ◦ Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan? <i>The special agent unilaterally scheduled the initial case conference without consulting the OIG and refused to reschedule the conference until the OIG elevated the matter to his supervisor.</i> ◦ Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent unilaterally scheduled the initial case conference and the officer's interview, which was held at a distant institution, and refused to reschedule the conference until the OIG raised the issues to a senior special agent.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2007-10-29	09-0000143-IR	1. Misuse of Authority	1. Sustained	Salary Reduction	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On October 29, 2007, a parole agent allegedly used his position as a parole agent to gain access to another law enforcement agency's database to obtain law enforcement records of a member of his faith community.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the department attorney did not make a required entry into the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 30, 2008, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 10, 2008, 72 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney made an entry into the case management system. However, he merely stated that he assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's decision. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the disciplinary action because the administrative law judge ruled the department failed to serve the disciplinary action in a timely manner. The department filed a writ of mandate in superior court and prevailed. The parole agent filed an appeal with the state appellate court. The appellate court ruled in favor of the department and directed the State Personnel Board to vacate its decision revoking the action and to conduct further proceedings on the merits. The hiring authority then wanted to settle the matter with the parole agent by reducing the penalty to a letter of reprimand. The OIG did not agree and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor agreed with the settlement terms. However, the parole agent never agreed to the settlement. The State Personnel Board issued a decision on the merits and revoked the disciplinary action. The State Personnel Board found the department did not prove the parole agent received proper training and instruction about what constituted the right and need to know the criminal history information pursuant to departmental policy, found the parole agent's testimony credible, believed he requested the information in an attempt to ensure he was properly performing his duties as a departmental employee to avoid any close association with a person with a criminal history, and that his request for the information was not so obviously wrong that he had to know he was doing something wrong.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department intended to enter into a settlement agreement without a change in circumstance or confirming the potential financial loss if the department did not prevail.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> If an executive review was invoked in the case, did OIG request the executive review? <i>After the department received a favorable ruling from the appellate court, the department sought to settle the case by modifying the penalty to a letter of reprimand. The OIG did not concur and sought a higher level of review because the department did not identify any new evidence, flaws, or risks in the case. The department attorney recommended settlement to avoid potential back pay with interest without confirming the amount of back pay and interest the department would owe, if any, because the parole agent retired shortly after the disciplinary action was served.</i> If an executive review was invoked, was the appropriate decision made? <i>The hiring authority's supervisor, despite no changed circumstances, decided to make the offer to settle the case to the parole agent. The parole agent did not accept the offer.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2013-05-23	17-0000114-IR	1. Dishonesty 2. Controlled Substances 3. Neglect of Duty 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)

Incident Summary
 Between May 23, 2013, and December 1, 2016, an officer allegedly failed to notify the hiring authority he did not possess a valid driver's license. On December 1, 2016, outside law enforcement arrested the officer for allegedly driving with a suspended driver's license and possessing steroids without a prescription. On December 7, 2016, the officer allegedly lied in a memorandum to the hiring authority.

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

Procedural Rating Sufficient	Substantive Rating Sufficient
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Case Disposition
 The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. However, the officer retired before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment
 The department sufficiently complied with policies and procedures governing the disciplinary process.

Procedural Rating Sufficient	Substantive Rating Sufficient
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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-01-01	16-0001830-IR	1. Dishonesty 2. Over-Familiarity 3. Insubordination/Willful Disobedience 4. Neglect of Duty 5. Over-Familiarity 6. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between January 1, 2014, and October 5, 2016, a case records technician allegedly inappropriately accessed an inmate's confidential records. In May 2014, she allegedly provided an inmate unauthorized sports insignia. From January 1, 2015, to June 16, 2016, the case records technician allegedly shared unauthorized food and personal care products with inmates. Between February 10, 2015, and June 8, 2015, the case records technician allegedly allowed an inmate to touch her leg. On October 12, 2015, she allegedly allowed an inmate access to the internet and his confidential records, allowed an inmate to touch her hair, gave unauthorized food to an inmate, and failed to keep her personal property secure and inaccessible to inmates. On October 5, 2016, the case records technician was allegedly dishonest during an interview with the Office of Internal Affairs and on October 6, 2016, allegedly failed to appear for an interview with the Office of the Internal Affairs.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not accurately assess the deadline to take disciplinary action, adequately prepare for a witness interview, or provide thorough feedback regarding the investigative report.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as April 29, 2017, when the deadline was actually May 1, 2017.</i> Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility? <i>The department attorney did not review a video recording prior to attending an interview to adequately assess the witness's credibility.</i> Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The department attorney did not advise the special agent that two exhibits were incorrectly described.</i> 					
Case Disposition The hiring authority sustained the allegations, except accessing an inmate's confidential records, providing an inmate with sports insignia, allowing another inmate access to his confidential records, and sharing personal property with inmates, and dismissed the case records technician. The OIG concurred with the hiring authority's determinations. The case records technician filed an appeal with the State Personnel Board but failed to appear for the pre-hearing settlement conference. The administrative law judge dismissed the appeal.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-05-05	17-0021922-IR	1. Discrimination/Harassment 2. Neglect of Duty 3. Discrimination/Harassment	1. Not Sustained 2. Not Sustained 3. Unfounded	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On May 5, 2014, a lieutenant allegedly referred to a transgender female officer by a male pronoun, and a sergeant allegedly failed to report the lieutenant's misconduct. In 2015, an officer allegedly made sexual comments to the transgender female officer. On January 1, 2015, an associate warden allegedly referred to the transgender female officer by a male pronoun, and a second lieutenant allegedly made an inappropriate gesture and asked the officer about her gender confirmation surgery. In January 2016, two other sergeants and an officer allegedly repeatedly referred to the transgender female officer by a male pronoun. On September 12, 2016, while in the presence of other staff, a fourth sergeant allegedly referred to the transgender female officer by a male pronoun. On December 20, 2016, three other officers allegedly made discourteous remarks about transgender female inmates in the presence of the transgender female officer. On January 17, 2017, a sixth officer allegedly referred to the transgender female officer by a male pronoun. On January 31, 2017, a seventh officer allegedly referred to the transgender female officer by a male pronoun. On February 19, 2017, a fifth sergeant and an eighth officer allegedly referred to the transgender female officer by a male pronoun.</p>					
<p>Pre-disciplinary Assessment</p> <p>The department sufficiently complied with policies and procedures governing the pre-disciplinary process.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Case Disposition</p> <p>The hiring authority found insufficient evidence to sustain the allegations against the associate warden, lieutenants, sergeants, and all of the officers except the second officer. The hiring authority determined that the investigation conclusively proved the misconduct may have occurred, but the second officer was not involved. The OIG concurred with the hiring authority's determination.</p>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-06-24	15-0001603-IR	1. Other Failure of Good Behavior 2. Controlled Substances 3. Other Failure of Good Behavior	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On June 24, 2015, an officer allegedly grabbed his wife around the neck during a verbal and physical altercation and was arrested for domestic violence. On June 26, 2015, the officer allegedly possessed illegal firearms and used steroids without a prescription.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs refused to add a dishonestly allegation, the department attorney incorrectly assessed the deadline to take disciplinary action, and the Office of Internal Affairs did not timely complete the investigation. Due to the untimely investigation, the hiring authority was prevented from making a determination regarding one of the allegations.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs did not add a dishonesty allegation despite evidence the officer was allegedly dishonest to outside law enforcement regarding the altercation and the weapons.</i> ◦ Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent? <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as January 30, 2017, when the deadline for one of the allegations was actually June 26, 2016.</i> ◦ Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed? <i>The deadline for taking disciplinary action on one of the allegations expired on June 26, 2016, but the Office of Internal Affairs did not complete its investigation until January 27, 2017, seven months thereafter.</i> ◦ If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation? <i>Due to the untimely investigation, the hiring authority was prevented from making a determination regarding one of the allegations.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation the officer possessed illegal firearms, but not the remaining allegations, and imposed a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the department learned a critical witness moved out of state and would be unavailable to testify. Based on the witness unavailability, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for 14 months. Based on the witness unavailability, the OIG concurred with the settlement.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-07-09	16-0002013-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On July 9, 2014, an officer allegedly failed to disclose that his cousin was incarcerated in an institution.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs, and the department attorney incorrectly assessed the deadline to take disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on April 25, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 28, 2016, five months after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as July 14, 2017, when the deadline was actually April 25, 2017.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-01-07	16-0001934-IR	1. Over-Familiarity 2. Contraband	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On January 7, 2015, an officer allegedly provided his home address and bank information to an inmate and introduced mobile phones into the institution.					
Pre-disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date 2015-03-01	OIG Case Number 16-000385-IR	Allegations 1. Discrimination/Harassment 2. Failure to Report 3. Discrimination/Harassment 4. Failure to Report	Findings 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary Between March 1, 2015, and September 30, 2015, a correctional supervising cook allegedly made inappropriate remarks in the presence of other employees and inmates and made sexual comments to an inmate. Between August 1, 2015, and September 30, 2015, a supervising correctional cook allegedly failed to take immediate and appropriate actions pursuant to the department's sexual harassment prevention policy and the Prison Rape Elimination Act.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney incorrectly assessed the deadline to take disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney incorrectly identified the deadline for taking disciplinary action against the correctional supervising cook as July 31, 2018, when the deadline was actually March 1, 2018.</i> 					
Case Disposition The hiring authority sustained the allegation the correctional supervising cook made inappropriate remarks in the presence of employees and inmates, but not the remaining allegation, and imposed a 5 percent salary reduction for six months. The hiring authority sustained the allegation the supervising correctional cook failed to take immediate and appropriate action pursuant to the Prison Rape Elimination Act, but not the remaining allegation, and issued a letter of instruction. The OIG concurred with the hiring authority's determinations. During the <i>Skelly</i> hearing, the correctional supervising cook accepted responsibility and articulated measures to stop similar behavior in the future. The department entered into a settlement agreement with the correctional supervising cook reducing the penalty to a 5 percent salary reduction for four months. Based on the information presented at the <i>Skelly</i> hearing, the OIG concurred with the settlement.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2015-03-01	OIG Case Number 16-0001780-IR	Allegations 1. Neglect of Duty 2. Failure to Report	Findings 1. Not Sustained 2. Unfounded	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On March 1, 2015, a Board of Parole Hearings supervising parole agent allegedly stated that a parole agent was a "mole" for calling a whistleblower hotline. The parole agent reported the matter to a parole administrator, but the parole administrator allegedly failed to take appropriate measures regarding the alleged misconduct.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 29, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 9, 2016, 72 days after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority determined that the investigation conclusively proved the misconduct attributed to the supervising parole agent did not occur. The hiring authority found insufficient evidence to sustain the allegation against the parole administrator. The OIG concurred with the hiring authority's determinations.					

Incident Date 2015-05-20	OIG Case Number 16-0001844-IR	Allegations 1. Neglect of Duty 2. Other Failure of Good Behavior	Findings 1. Unfounded 2. Unfounded	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary Between May 20, 2015, and June 10, 2016, a chief deputy warden and a staff services manager were allegedly involved in an inappropriate relationship. During that time, the staff services manager allegedly improperly hired employees and the chief deputy warden allegedly failed to intervene to stop the alleged misconduct.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not timely contact the special agent or the OIG, delayed assessing relevant dates, and omitted necessary information from the case management system. The hiring authority did not timely consult regarding the investigative findings.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned on August 17, 2016, but did not make an entry into the case management system assessing relevant dates until September 19, 2016, 33 days after assignment. In addition, the entry did not reference the deadline for taking disciplinary action.</i> ◦ No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned on August 17, 2016, but did not contact the special agent or the OIG to discuss the elements of a thorough investigation until September 13, 2016, 27 days after assignment.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 10, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until March 29, 2017, 19 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority determined the investigation conclusively proved the misconduct did not occur. The OIG concurred.					

Incident Date 2015-08-06	OIG Case Number 17-0000102-IR	Allegations 1. Dishonesty 2. Over-Familiarity 3. Insubordination 4. Neglect of Duty	Findings 1. Sustained 2. Sustained 3. Sustained 4. Sustained	Initial Penalty Dismissal	Final Penalty Dismissal
Case Type: Administrative Investigation					
Incident Summary Between August 6, 2015, and December 20, 2016, an officer allegedly engaged in an overly familiar relationship with an inmate, communicated with the inmate by text message, and exchanged photographs with the inmate. On December 4, 2016, the officer allegedly persuaded two officers not to search the inmate's cell and tampered with a mobile phone another officer discovered in the inmate's cell. On December 20, 2016, the officer allegedly brought three knives in her vehicle onto institutional grounds. On February 17, 2017, the officer allegedly refused to be interviewed by the Office of Internal Affairs.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations, combined the case with another case, and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2015-08-10	OIG Case Number 16-0001875-IR	Allegations 1. Neglect of Duty 2. Discourteous Treatment	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On August 10, 2015, four officers allegedly disclosed to an inmate the sex crime histories of other inmates. On May 19, 2016, one of those officers allegedly used a public address system to make a derogatory reference to sex offenders, and a fifth officer allegedly told an inmate she wanted to bring in a security threat group to regulate the sex offenders.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the department attorney did not enter critical dates in the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 27, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 29, 2016, five months after the date of discovery.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney did not make any entry in the case management system confirming relevant dates.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-08-17	16-0001906-IR	1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty 4. Misuse of State Equipment or Property 5. Over-Familiarity	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. No Finding	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between August 17, 2015, and December 10, 2016, an officer was allegedly overly familiar with an inmate and distracted from duty when she used a State telephone to call the inmate's work telephone hundreds of times. On June 10, 2016, the officer was allegedly dishonest to a lieutenant regarding the telephone calls. Between December 6, 2016, and December 10, 2016, the officer allegedly spoke to the inmate on the telephone and on January 5, 2017, was allegedly dishonest during an interview with the Office of Internal Affairs.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the department attorney did not make a timely entry regarding the deadline to take disciplinary action or attend the officer's interview.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 10, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 11, 2016, 62 days after the date of discovery.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned September 23, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 16, 2016, 54 days after assignment.</i> ◦ Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility? <i>The department attorney did not attend the officer's interview.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>This delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before discipline could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating she retired pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-17	16-0001798-IR	1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment 4. Other Failure of Good Behavior 5. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between November 17, 2015, and March 1, 2016, a department attorney allegedly falsely documented he was using Family and Medical Leave Act leave to care for his son when, for part of that time, he was actually participating in a reality television show in which he posed as an inmate in an out-of-state jail with other actual inmates, and did so without authorization. Between November 30, 2015, and May 27, 2016, the department attorney allegedly failed to notify the department regarding his outside employment. Between August 4, 2016, and September 26, 2016, the department attorney allegedly stated on national television that his job was "to go after correctional officers."					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the assistant chief counsel did not make an entry confirming relevant dates in the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The assistant chief counsel did not make any entry into the case management system confirming relevant dates.</i> 					
Case Disposition The hiring authority sustained all allegations, except a dishonesty allegation with incorrect dates of misconduct, combined the matter with another disciplinary case against the department attorney, and dismissed him. The OIG concurred. The department attorney did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2015-12-23	OIG Case Number 16-0001046-IR	Allegations 1. Neglect of Duty 2. Discourteous Treatment	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On December 23, 2015, five officers allegedly broke an inmate's television and urinated and poured coffee on the inmate's property. One of the officers allegedly threatened to assault the inmate and take his property if the inmate reported the officers' misconduct.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney failed to review and provide feedback to the Office of Internal Affairs regarding the draft investigative report.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The Office of Internal Affairs provided the draft investigative report to the department attorney on November 28, 2016. However, the department attorney did not review or provide appropriate substantive feedback regarding the report.</i> ◦ Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney did not provide written confirmation to the OIG summarizing critical discussions about the report.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date 2016-01-03	OIG Case Number 16-0000763-IR	Allegations 1. Weapons 2. Discourteous Treatment	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On January 3, 2016, an officer allegedly pointed a Mini-14 rifle at an inmate, gestured profanely, and made inappropriate remarks about the inmate's religious beliefs. Later that day, the officer allegedly pointed a Mini-14 rifle at a different inmate and made inappropriate remarks about that inmate's religion.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on February 4, 2016, but did not take action until March 9, 2016, 34 days after receipt of the request.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-01-05	16-0001330-IR	1. Discourteous Treatment 2. Threat/Intimidation 3. Battery - On member of the Department 4. Neglect of Duty 5. Discourteous Treatment	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On January 5, 2016, an officer allegedly yelled at a sergeant and told the sergeant she did not like him. On January 12, 2016, the officer allegedly told other officers not to answer a phone call from the sergeant. On January 13, 2016, a lieutenant allegedly failed to take appropriate action when the sergeant reported the officer's alleged misconduct. On February 10, 2016, the sergeant allegedly blocked a doorway the officer was trying to walk through, and the officer allegedly pushed, yelled, and cursed at the sergeant.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on January 13, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 7, 2016, 84 days after the date of discovery.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained allegations that the officer cursed at the sergeant and told other officers not to answer a phone call from the sergeant, but not the remaining allegations, and issued a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the lieutenant and sergeant. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer agreeing to remove the letter of reprimand from the officer's official personnel file after six months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained the same and the letter of reprimand could still be used for purposes of progressive discipline.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department entered into a settlement agreement without a change in circumstances.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The department entered into a settlement agreement without identifying any new evidence, flaws, or risks to justify the settlement.</i> If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The department entered into a settlement agreement without identifying any new evidence, flaws, or risks to justify the settlement.</i> 					

Incident Date 2016-01-18	OIG Case Number 16-0000677-IR	Allegations 1. Dishonesty 2. Discourteous Treatment	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty Letter of Instruction	Final Penalty Letter of Instruction
Case Type: Administrative Investigation					
Incident Summary On January 18, 2016, an officer and a sergeant allegedly argued and fought with each other, causing the officer to fall, and both falsely reported the altercation did not involve physical contact.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not conduct the investigation in a timely manner or adequately cooperate with the OIG.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent conducted the last witness interview on June 15, 2016, but did not provide the OIG with a draft report until December 14, 2016, six months later. The OIG asked the special agent to provide an estimate of when the report would be completed on multiple occasions, without receiving a response.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The special agent completed the last witness interview on June 15, 2016, but did not provide the investigative report to the hiring authority until December 22, 2016, more than six months thereafter. The sergeant was redirected to another position during that entire time.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. However, the hiring authority issued the sergeant and officer letters of instruction to address the unprofessional behavior. The OIG concurred with the hiring authority's determinations.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-01	16-0000925-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On February 1, 2016, a sergeant allegedly submitted two conflicting reports regarding his observations of a use-of-force incident. A lieutenant allegedly failed to adequately review the documents that contained the sergeant's conflicting reports.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney incorrectly assessed the deadline for taking disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as February 12, 2017, when the deadline was actually February 1, 2017.</i> 					
Case Disposition The hiring authority sustained an allegation the sergeant was negligent, but not that he was dishonest, and issued a letter of reprimand. The hiring authority sustained the allegation against the lieutenant and issued a letter of instruction. The OIG concurred with the hiring authority's determinations. The sergeant did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-01	16-0001632-IR	1. Failure to Report 2. Misuse of Authority 3. Neglect of Duty 4. Medical	1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary Between February 1, 2016, and March 14, 2016, an officer and a psychologist allegedly failed to report their romantic relationship. On February 1, 2016, the officer allegedly impeded an inmate's access to mental health care with the psychologist. On February 16, 2016, the officer allegedly argued with the inmate, resulting in the inmate attacking the officer. On March 14, 2016, the officer allegedly told a sergeant he did not want to pursue charges against the inmate due to the officer's relationship with the psychologist.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authorities found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-10	16-0002023-IR	1. Over-Familiarity 2. Dishonesty 3. Over-Familiarity 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On February 10, 2016, an officer allegedly communicated with an inmate's sister on a social media website. On August 4, 2016, the officer allegedly allowed the inmate to circumvent a random urine collection, allowed the inmate to tamper with the urine sample, and was dishonest when he claimed he observed the inmate provide a urine sample.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> o Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 10, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 13, 2016, eight months after the date of discovery.</i> o Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation that the officer communicated on a social media website with an inmate's sister, but not the remaining allegations, and imposed a 5 percent salary reduction for 18 months. The OIG concurred. At the <i>Stelly</i> hearing, the officer presented new information establishing the communication occurred as a result of mutual friends on the social media website and before the officer learned the person with whom he communicated was an inmate's relative. Based on the new information, the hiring authority withdrew the disciplinary action. The OIG concurred with the hiring authority's decision based on the new information.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-22	16-0001259-IR	1. Failure to Report Use of Force 2. Unreasonable Use of Force 3. Failure to Report Use of Force 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary

On February 22, 2016, an officer allegedly struck an inmate four times with a baton when the inmate posed no threat. Three other officers allegedly witnessed the incident and failed to report it. An observation officer allegedly failed to observe any part of the incident.

Pre-disciplinary Assessment

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

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Case Disposition

The hiring authority sustained an allegation against one of the officers for failing to timely submit a report and issued letter of instruction. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-26	16-0001874-IR	1. Use of Force 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On February 26, 2016, an officer allegedly choked and hit an inmate, and directed a racial slur toward the inmate.

Pre-disciplinary Assessment

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

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on March 10, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 29, 2016, more than four months after the date of discovery.
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-01	16-0002119-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Direct Action with Subject-Only Interview

Incident Summary

On March 1, 2016, a sergeant allegedly instructed an officer to sign Prison Rape Elimination Act memorandums as the investigator when he was not the investigating officer. Between March 7, 2016, and August 19, 2016, the officer allegedly signed Prison Rape Elimination Act memorandums when he was not the investigating officer. Between March 7, 2016, and August 19, 2016, an investigative services unit lieutenant allegedly failed to supervise the officer and a second officer who were improperly drafting Prison Rape Elimination Act memorandums. On August 19, 2016, the second officer allegedly wrote an inaccurate memorandum regarding the interview of an inmate who alleged a physician sexually assaulted him, and the first officer allegedly signed and submitted the memorandum as if it was his own.

Pre-disciplinary Assessment

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the Office of Internal Affairs initially failed to add a dishonesty allegation and only did so when the OIG sought a higher level of review. The department attorney incorrectly assessed the deadline to take disciplinary action and provided poor legal advice to the hiring authority. The hiring authority failed to sustain an allegation despite sufficient evidence of the misconduct.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on August 19, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 10, 2016, 83 days after the date of discovery.
- **Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention?**
Despite repeated OIG recommendations, the Office of Internal Affairs Central Intake Unit senior special agents and special agent-in charge refused to add a dishonesty allegation when the evidence showed that an officer intentionally drafted false documents indicating he had personally conducted interviews when he had not. The Office of Internal Affairs headquarters chief reviewed the case after the Office of Internal Affairs Central Intake Panel meeting and added the allegation.
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**
The department attorney incorrectly assessed the deadline for taking disciplinary action as October 5, 2017, when the deadline was actually August 19, 2017.
- **Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?**
The department attorney recommended the hiring authority not sustain the allegation against the lieutenant despite a preponderance of evidence supporting the allegation.
- **Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?**
The hiring authority did not sustain the allegation against the lieutenant despite a preponderance of evidence supporting the allegation.
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations as to the sergeant and officers but not with the decision regarding the lieutenant as he was responsible for ensuring the accuracy of the Prison Rape Elimination Act investigative memorandums and he failed to do so. However, the OIG did not seek a higher level of review as the lieutenant had already been removed from the investigative services unit.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-03	16-0001261-IR	1. Controlled Substances	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On March 3, 2016, an officer allegedly tested positive for an illegal hallucinogenic drug.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the special agent did not provide the OIG adequate time to review the investigative report.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency? <i>The special agent provided the report to the hiring authority before receiving the OIG's feedback.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The officer denied knowingly consuming the drug and presented a declaration from his wife indicating that she placed the drug, without the officer's knowledge, in a beverage he drank. Based on this information, the OIG concurred with the hiring authority's finding.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-07	16-0001763-IR	1. Traffic Related Incident	1. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On March 7, 2016, a department attorney drove a rental vehicle while on duty and allegedly became distracted and collided with another vehicle.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the assistant chief counsel did not confirm relevant dates in the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The assistant chief counsel did not make any entry into the case management system confirming relevant dates.</i> 					
Case Disposition The hiring authority sustained the allegation, combined this case with another disciplinary case against the department attorney, and dismissed him. The OIG concurred. The department attorney did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-03-14	OIG Case Number 16-0001771-IR	Allegations 1. Dishonesty 2. Neglect of Duty	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On March 14, 2016, an officer allegedly failed to report her peace officer identification card was lost. On May 1, 2016, the officer was allegedly dishonest in a memorandum she submitted to a lieutenant regarding the card.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on April 14, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 1, 2016, 48 days after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay was addressed by a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-17	16-0001634-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between March 17, 2016, and April 14, 2016, an officer allegedly failed to maintain the safety and security at several inmate parole hearings and on March 17, 2016, and April 14, 2016, allegedly fell asleep while providing security at inmate parole hearings. On April 12, 2016, the officer allegedly failed to search an inmate's property before allowing the inmate into a parole hearing.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs declined to open an investigation and the hiring authority did not timely conduct the investigative findings conference or sign the form documenting the investigative findings.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs decided not to open a full investigation even though there were significant questions regarding the facts and there were other witnesses present during the hearings, including members of the public, that may have provided relevant information.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on May 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the evidence and the findings until July 13, 2016, 49 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>One delay is addressed in a prior question. In addition, the investigative findings conference took place in July 2016, but the hiring authority did not sign the form documenting the investigative findings until February 3, 2017, more than six months later.</i> 					
Case Disposition The hiring authority sustained the allegations, except that the officer failed to search the inmate, and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for three months because the officer expressed remorse and accepted responsibility at the <i>Skelly</i> hearing. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department did not timely conduct the disciplinary findings conference or serve the disciplinary action in accordance with policy.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 13, 2016, 49 days thereafter.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on July 13, 2016. However, the department did not serve the disciplinary action until February 14, 2017, seven months later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-21	16-0001802-IR	1. Dishonesty 2. Unreasonable Use of Force 3. Failure to Report Use of Force	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On March 21, 2016, an officer allegedly violently pushed an inmate, deployed pepper spray directly into the inmate's eyes, and dishonestly reported the incident. A second officer allegedly failed to report the first officer's unreasonable use of force.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 21, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 21, 2016, 92 days after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-22	16-0001631-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On March 22, 2016, an officer allegedly failed to report that an inmate pushed him. On March 28, 2016, the officer allegedly falsely claimed the inmate attacked and punched him, resulting in injury.					
Pre-disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date 2016-04-10	OIG Case Number 16-0001726-IR	Allegations 1. Unreasonable Use of Force 2. Failure to Report Use of Force	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On April 10, 2016, four officers allegedly punched an inmate numerous times during a cell extraction. A fifth officer allegedly failed to report the force he witnessed.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference, and the department attorney did not make a timely entry into the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned June 14, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 5, 2016, 113 days after assignment.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 12, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until December 21, 2016, 70 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-01	16-0001778-IR	1. Use of Force 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 1, 2016, a sergeant allegedly inappropriately struck an inmate in the knee with his baton and failed to accurately report where he struck the inmate.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not include a dishonesty allegation.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 1, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 17, 2016, 47 days after the date of discovery.</i> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs decided not to add a dishonesty allegation despite sufficient evidence to support the allegation.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-02	16-0001756-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 2, 2016, three officers allegedly failed to respond for 15 minutes to inmates yelling for help while two inmates fought in a cell.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-06	16-0001729-IR	1. Other Failure of Good Behavior 2. Misuse of State Equipment or Property	1. Unfounded 2. Unfounded	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 6, 2016, a parole agent allegedly drove a State vehicle to a shopping mall to meet with a person known to be on federal probation.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney neglected to timely prepare, thereby delaying the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 11, 2017. The hiring authority scheduled the consultation for February 3, 2017, but the department attorney was not prepared to proceed. The hiring authority consulted with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings on February 16, 2017, 36 days after completion of the investigation.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department attorney did not timely prepare for the case consultation with hiring authority and the OIG, resulting in a delay.</i> 					
Case Disposition The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-09	16-0001772-IR	1. Dishonesty 2. Discourteous Treatment 3. Other Failure of Good Behavior	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On May 9, 2016, outside law enforcement arrested an officer after the officer allegedly engaged in a physical altercation with his girlfriend. The officer was also allegedly discourteous and dishonest to outside law enforcement and failed to comply with orders issued by outside law enforcement, resulting in the use of force.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department did not modify the deadline to take disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent? <i>After an exception to the deadline to take disciplinary action ceased to apply, the department attorney did not modify the deadline for taking disciplinary action.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-20	16-0001879-IR	1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Dishonesty 4. Failure to Report 5. Failure to Report Use of Force 6. Discourteous Treatment	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On May 20, 2016, an officer allegedly pushed an inmate out of a building, causing the inmate to fall to the ground, and failed to report the use of force. Three other officers allegedly observed the use of force and failed to report it. One of the three officers was allegedly discourteous to the inmate. On July 10, 2016, another of the three officers was allegedly dishonest to a lieutenant about the incident.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 20, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 3, 2016, more than two months after the date of discovery.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations against the first officer and imposed a 10 percent salary reduction for six months. The hiring authority sustained an allegation that a second officer witnessed but failed to report the use of force, and served the officer a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the remaining officers. The OIG concurred with the hiring authority's determinations. During the <i>Skelly</i> hearing, the first officer accepted responsibility and expressed remorse. Based on this new information, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for three months. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing. The second officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-05-20	OIG Case Number 17-0021800-IR	Allegations 1. Neglect of Duty 2. Neglect of Duty	Findings 1. Sustained 2. Not Sustained	Initial Penalty Salary Reduction	Final Penalty No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On May 20, 2016, two officers allegedly placed two handcuffed inmates in a shower stall, unsupervised for more than four hours, without access to water or a bathroom, and failed to complete holding cell logs. A sergeant allegedly failed to properly supervise the officers.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conference and the Office of Internal Affairs refused to open an investigation, resulting in unsupported findings.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 20, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 27, 2017, eight months after the date of discovery.</i> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs refused to open an investigation to resolve conflicts in the evidence. The department's failure to conduct an investigation resulted in the hiring authority serving disciplinary actions on a sergeant and two officers who did not commit misconduct.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on February 15, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the evidence and the findings until May 5, 2017, 79 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority sustained the allegations the officers failed to supervise the restrained inmates and provide access to a bathroom and running water, but not the remaining allegation, and issued letters of reprimand. The hiring authority also sustained the allegation the sergeant failed to supervise the officers, but not the other allegation, and imposed a 5 percent salary reduction for one month. The OIG concurred with the hiring authority's determinations. At the <i>Skelly</i> hearings, the officers and sergeant, who had not been interviewed, credibly denied the allegations. As a result, the hiring authority withdrew the disciplinary actions against the officers and sergeant. The OIG concurred with the hiring authority's determinations based on the information learned at the <i>Skelly</i> hearing and ambiguities in the institution's local operating procedures regarding using showers as holding cells.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-05-20	OIG Case Number 17-0022394-IR	Allegations 1. Dishonesty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On May 20, 2016, a lieutenant allegedly falsely prepared two forms stating an inmate refused to appear at two rules violation hearings.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 20, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 29, 2017, eight months later.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date 2016-05-23	OIG Case Number 16-0001812-IR	Allegations 1. Dishonesty 2. Unreasonable Use of Force	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 23, 2016, two officers allegedly deployed pepper spray on an inmate when the inmate posed no imminent threat. The two officers and a third officer allegedly were dishonest in their reporting of the incident.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference or adequately cooperate with the OIG. The department attorney did not make a timely entry into the case management system confirming relevant dates.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned August 1, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 29, 2016, 59 days after assignment.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 16, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until December 16, 2016, 30 days thereafter.</i> ◦ Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase? <i>The hiring authority conducted the investigative findings conference on December 16, 2016, but did not provide the OIG with the form documenting the investigative findings until January 23, 2017, and only after repeated requests.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays were addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-28	16-0002031-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On May 28, 2016, two officers allegedly failed to ensure the well-being of an inmate and falsely documented conducting safety checks. A third officer also allegedly failed to ensure the well-being of the inmate and failed to properly conduct safety checks.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and did not timely conduct the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 28, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 10, 2016, more than four months after the date of discovery.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 16, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 7, 2017, 22 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority sustained the allegations against the first officer and determined dismissal was the appropriate penalty. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action. The hiring authority found insufficient evidence to sustain the allegations against the second and third officers. The OIG concurred with the hiring authority's determinations.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-06-03	OIG Case Number 16-0002099-IR	Allegations 1. Over-Familiarity 2. Misuse of State Equipment or Property 3. Dishonesty 4. Misuse of Authority	Findings 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Initial Penalty Suspension	Final Penalty Suspension
Case Type: Administrative Investigation					
Incident Summary Between June 3, 2016, and September 30, 2016, a teacher allegedly used a State a computer to send and receive non-work related email messages. Between July 26, 2016, and September 30, 2016, the teacher allegedly engaged in an overly familiar relationship with an inmate. On September 19, 2016, the teacher allegedly persuaded the inmate to write a false and threatening letter against her. On October 3, 2016, the teacher was allegedly dishonest to a lieutenant regarding the matter.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations the teacher misused a State computer and was in an overly familiar relationship with an inmate, but not the remaining allegations, and imposed a 36-working-day suspension. The OIG concurred with the hiring authority's determinations. The teacher did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-06-04	OIG Case Number 16-0001854-IR	Allegations 1. Neglect of Duty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On June 4, 2016, two officers allegedly left cleaning chemicals in an empty cell in which a suicidal inmate was later housed. The inmate reportedly swallowed the chemicals.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs initially authorized the hiring authority to take disciplinary action without an investigation and thereafter, upon receipt of the hiring authority's request for investigation, improperly rejected the case. The Office of Internal Affairs' decision to reject the case and failure to conduct an investigation interfered with the hiring authority's ability to make appropriate findings, thwarted discovery of potentially exculpatory evidence, and stripped the employee relations officer of the ability to complete appropriate documentation. The Office of Internal Affairs also delayed deciding the hiring authority's request for an investigation.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs refused to open an administrative investigation and add dishonesty allegations even though the officers claimed to have removed chemicals from a cell when they had not done so. The Office of Internal Affairs also refused to add allegations against the officers for improperly collaborating on their reports even though the reports contained identical language.</i> ◦ If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request? <i>The Office of Internal Affairs did not meaningfully consider new information and the hiring authority's request for investigation. The Office of Internal Affairs rejected the entire case thereby usurping the hiring authority's ability to make appropriate findings.</i> ◦ If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation? <i>The Office of Internal Affairs refused to open an administrative investigation that may have revealed exculpatory evidence resulting in a more favorable finding for the officers.</i> ◦ Was the CDCR Form 402 documenting the findings properly completed? <i>Although the hiring authority found insufficient evidence to sustain the allegations, the employee relations officer was unable to complete the appropriate form documenting the hiring authority's findings because the Office of Internal Affairs rejected the case after the officers had been named as subjects.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority submitted an appeal to the Office of Internal Affairs on October 5, 2016, but the Office of Internal Affairs did not make a determination until February 8, 2017, more than four months later.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-07	17-0021917-IR	1. Dishonesty 2. Over-Familiarity 3. Contraband	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 7, 2016, an officer was allegedly overly familiar with an inmate, introduced a systems information memory card into the institution, and was dishonest to a sergeant regarding the memory card. On January 13, 2017, the officer allegedly entered the institution with a mobile phone hidden in his protective vest.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not properly assess the deadline to take disciplinary action or adequately cooperate with the special agent, hiring authority, and the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney initially incorrectly assessed an exception to the deadline for taking disciplinary action.</i> ◦ No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned on March 3, 2017, but did not consult with the special agent or the OIG until April 7, 2017, more than one month later.</i> ◦ Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase? <i>The department attorney did not timely respond to the special agent's requests to schedule the initial case conference and was late for the officer's interview.</i> ◦ Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase? <i>The department attorney did not timely respond to the OIG's recommendation to schedule the investigative findings conference and the employee relations officer's multiple requests to schedule the conference. The department attorney also failed to provide her written recommendations regarding the findings to the OIG and the hiring authority until the day of the conference.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personal file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-06-11	OIG Case Number 16-0001847-IR	Allegations 1. Misuse of Authority 2. Discourteous Treatment 3. Other Failure of Good Behavior 4. Dishonesty	Findings 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Initial Penalty Suspension	Final Penalty Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 11, 2016, an officer was allegedly dishonest and uncooperative with outside law enforcement investigating an accident scene, delayed and obstructed the law enforcement agency, and repeatedly referenced his own status as a peace officer during the accident investigation.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not initially add an allegation or open a full investigation. The special agent included irrelevant evidence in the draft investigative report.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs decided not to add an allegation for driving under the influence or open an investigation when the officer admitted he had been drinking and there were other persons involved that needed to be interviewed to clarify inconsistencies regarding the facts.</i> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The investigative draft report contained a criminal history of a different person that had the same name as the officer.</i> 					
Case Disposition The hiring authority sustained the allegations, except for dishonesty, and imposed a 26-working-day suspension. The OIG concurred with the hiring authority's determinations. After the <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement with the officer converting the suspension into a 5 percent salary reduction for 26 months. The OIG concurred because the modified penalty was financially equivalent to the original suspension.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-06-12	OIG Case Number 16-0002146-IR	Allegations 1. Use of Force 2. Neglect of Duty	Findings 1. Unfounded 2. Unfounded	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On June 12, 2016, two officers and a youth counselor allegedly used unreasonable force on a ward, failed to report their use of force, and failed to have the ward medically evaluated. A sergeant and two other youth counselors allegedly witnessed the use of force and failed to report it, and the sergeant also allegedly failed to have the ward medically evaluated.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult with the department attorney and the OIG, and the department attorney did not timely contact the special agent or timely assess the deadline for taking disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 13, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 14, 2016, 93 days after the date of discovery.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned October 19, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 10, 2016, 22 days after assignment.</i> ◦ No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned October 19, 2016, but did not contact the assigned special agent until November 10, 2016, 22 days after assignment.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 22, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 19, 2017, almost two months thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred with the hiring authority's determination.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-18	16-0001895-IR	1. Over-Familiarity 2. Insubordination 3. Neglect of Duty 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On June 18, 2016, an officer allegedly offered to sell a mobile phone to an inmate. On July 4, 2016, the officer allegedly failed to properly process a radio confiscated during a cell search. On July 17, 2016, the officer allegedly improperly authorized an electronic device to be engraved, issued the device to an inmate, and failed to ensure the inmate's property card listed the device. On February 17, 2017, the officer allegedly refused to participate in an interview with the Office of Internal Affairs.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 18, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 12, 2016, 55 days after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations, combined this case with another case, and served the officer with a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-18	16-0001941-IR	1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 18, 2016, a sergeant allegedly failed to activate an alarm when an inmate became disruptive, grabbed the back of the inmate's shirt, used her body weight to hold the inmate against the wall, used her foot to slide the inmate's foot, and was dishonest in her report about the incident.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney did not correctly assess the deadline to take disciplinary action, consult with the special agent in a timely manner, or attend the sergeant's interview.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 18, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 31, 2016, 74 days after the date of discovery.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned on October 5, 2016, and on October 6, 2016, entered incorrect dates from another case. On November 16, 2016, the department attorney eventually entered the correct information, 42 days after being assigned.</i> ◦ No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned October 5, 2016, but did not contact the assigned special agent until November 1, 2016, 27 days thereafter.</i> ◦ Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility? <i>The department attorney did not attend the sergeant's interview.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-20	16-0001929-IR	1. Dishonesty 2. Intoxication 3. Driving Under the Influence 4. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 20, 2016, an officer allegedly drove under the influence of alcohol, collided with a curb, and was dishonest to outside law enforcement when he denied drinking. On June 22, 2016, the officer was allegedly dishonest in a memorandum to the hiring authority regarding his blood alcohol level.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney did not correctly assess the date of discovery and deadline for taking disciplinary action, nor did she note that the deadline for taking disciplinary action should be modified and consult the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 22, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 22, 2016, 61 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney incorrectly assessed the date of discovery as June 20, 2016, when the date of discovery was actually June 21, 2016, and failed to note an obvious exception to the deadline.</i> Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent? <i>The department attorney did not note in the case management system that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained all allegations except that the officer was dishonest in a memorandum to the hiring authority. The hiring authority combined this case with another case and served the officer with a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-29	16-0001927-IR	1. Neglect of Duty 2. Discourteous Treatment 3. Dishonesty 4. Use of Force 5. Medical-Denied Care 6. Failure to Report Use of Force 7. Neglect of Duty 8. Dishonesty 9. Failure to Report Use of Force	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 8. Unfounded 9. Unfounded	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On June 29, 2016, an officer allegedly failed to activate an alarm when an inmate attempted to grab him, failed to document the incident or report it to his supervisor, closed a food port on the inmate's hand causing injury and failed to report it, denied the inmate medical treatment for his injury, uttered an expletive at the inmate, and failed to sign his post orders. Two psychiatric technicians allegedly observed the officer's use of force but failed to report it. On August 3, 2016, the officer and one of the psychiatric technicians were allegedly dishonest during an inmate complaint inquiry.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 5, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 26, 2016, 52 days after the date of discovery.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained allegations that the officer uttered an expletive, failed to activate his alarm, and sign his post orders, but not the remaining allegations against him, and issued a letter of reprimand. For the psychiatric technician who was allegedly dishonest, the hiring authority determined the investigation conclusively proved the misconduct may have occurred, but the psychiatric technician was not involved. The hiring authority found insufficient evidence to sustain the allegation against the other psychiatric technician. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-07-05	OIG Case Number 16-0001876-IR	Allegations 1. Failure to Report 2. Controlled Substances	Findings 1. Sustained 2. Sustained	Initial Penalty Letter of Instruction	Final Penalty Letter of Instruction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary Between July 5, 2016, and July 6, 2016, an officer allegedly learned he ingested a relative's prescription pain medication and failed to report it to the hiring authority. On July 8, 2016, the officer allegedly tested positive for barbiturates.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs improperly refused to authorize an interview of the officer and granted the hiring authority's request for an interview only after the issue was raised to a higher level of review. This caused significant delay in obtaining mitigating evidence that supported a penalty other than dismissal.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request? <i>The Office of Internal Affairs initially denied the hiring authority's appeal requesting an interview of the officer. The hiring authority and department attorney elevated the matter, following which the Office of Internal Affairs agreed to conduct the interview.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs received the hiring authority's appeal on September 30, 2016, but did not take action until March 29, 2017, six months later.</i> 					
Case Disposition The hiring authority sustained the allegations and issued a letter of instruction. Based on the officer's credible explanation and a medical review of the drug results, the OIG concurred with the hiring authority's decision.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-13	16-0001987-IR	1. Use of Force 2. Dishonesty 3. Use of Force	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary

On July 13, 2016, an officer allegedly pushed an inmate in the chest and was dishonest in his report regarding the incident. A laundry supervisor allegedly failed to report witnessing the officer's use of force.

Pre-disciplinary Assessment

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference, the department attorney did not document important dates regarding the deadline to take disciplinary action, document review of the investigative report, or provide a written summary regarding the report to the OIG, and the special agent asked improper questions and submitted an insufficient draft report.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- o **Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on July 26, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 28, 2016, 64 days after the date of discovery.
- o **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**
The department attorney made an entry regarding the deadline for taking disciplinary action but the entry did not assess the date of the reported incident, date of discovery, or any exceptions to the deadline.
- o **Were all of the interviews thorough and appropriately conducted?**
The special agent frequently suggested answers to witnesses and allowed the officer to read his report aloud rather than give an independent recollection of events.
- o **Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?**
The Office of Internal Affairs provided the draft report to the department attorney on December 28, 2016. However, the department attorney did not provide feedback regarding the report.
- o **Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?**
The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the OIG.
- o **Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?**
The draft investigative report omitted relevant information and inaccurately stated other information.
- o **Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?**
The Office of Internal Affairs returned the case to the hiring authority on January 27, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 22, 2017, 26 days thereafter.
- o **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegation against the laundry supervisor and issued a letter of instruction. The hiring authority found the officer used force but it was reasonable. Therefore, the hiring authority did not sustain the allegations against the officer. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference, and the department attorney did not to provide written confirmation of penalty discussions.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs returned the case to the hiring authority on January 27, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until February 22, 2017, 26 days thereafter.
- **Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?**
The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.
- **Was the disciplinary phase conducted with due diligence by the department?**
The delay is addressed in a prior question.

Incident Date 2016-07-15	OIG Case Number 16-0001915-IR	Allegations 1. Unreasonable Use of Force	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On July 15, 2016, an officer allegedly struck an inmate in the face when the inmate posed no imminent threat.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 13, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 17, 2017, 66 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay was addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date 2016-07-20	OIG Case Number 16-0001930-IR	Allegations 1. Other Failure of Good Behavior 2. Neglect of Duty	Findings 1. Sustained 2. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On July 20, 2016, outside law enforcement arrested an officer for allegedly biting and hitting her husband and accelerating a vehicle in his direction while her 21-month-old child was in the car. The officer also allegedly failed to report her arrest to the hiring authority. On January 5, 2017, the officer suffered a misdemeanor conviction for child endangerment.					
Pre-disciplinary Assessment The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not interview the officer, causing the hiring authority to make a determination without the benefit of the officer's statement.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs refused to interview the officer even though both the officer and her husband had physical injuries and the officer made no substantive statements to outside law enforcement and, therefore, the officer's version of events was unknown.</i> 					
Case Disposition The hiring authority sustained the allegations, except that the officer failed to report her arrest, and served a 10 percent salary reduction for 18 months. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-07-31	OIG Case Number 16-0001960-IR	Allegations 1. Neglect of Duty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On July 31, 2016, an officer allegedly threw outgoing inmate mail in the trash rather than ensuring it was processed for delivery. On August 1, 2016, three other officers allegedly threw outgoing inmate mail in the trash rather than ensuring it was processed for delivery.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not make a timely entry into the case management system and incorrectly identified a critical date, and the hiring authority did not timely conduct the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned October 13, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until February 3, 2017, 113 days after assignment. The department attorney also incorrectly assessed the incident date as August 1, 2016, when the correct date was July 31, 2016.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 12, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 5, 2017, 23 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-03	16-0001865-IR	1. Threat/Intimidation 2. Battery	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On August 3, 2016, a supervising senior programmer analyst allegedly verbally threatened a senior programmer analyst, pushed down on his shoulders, and restricted his movement.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely consult with the OIG and the department attorney.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation until March 28, 2017, five months later.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-08	16-0001973-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On August 8, 2016, five officers allegedly threw a handcuffed inmate to the ground and attacked the inmate, resulting in injuries to the inmate, and failed to report the use of force.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.					

Incident Date 2016-08-12	OIG Case Number 16-0001944-IR	Allegations 1. Dishonesty 2. Unreasonable Use of Force	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On August 12, 2016, two officers allegedly threw an inmate into a cell, causing injuries to the inmate. The two officers and a third officer were allegedly dishonest in their reports regarding the incident.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-14	16-0002011-IR	1. Dishonesty 2. Failure to Report 3. Intoxication 4. Neglect of Duty 5. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 14, 2016, a sergeant allegedly drove under the influence of alcohol, struck a parked trailer, left the scene, and drove to a parking lot where he struck another vehicle. The sergeant was also allegedly dishonest to outside law enforcement and failed to report his arrest. On January 12, 2017, the sergeant suffered a misdemeanor conviction for driving under the influence of alcohol and allegedly failed to report the conviction to the hiring authority.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not add a dishonesty allegation the evidence supported and the department attorney did not adequately assess the deadline to take disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs did not include a dishonesty allegation based on the sergeant's claim he did not know he hit a parked trailer.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney did not confirm in the case management system the known exception to the deadline to take disciplinary action.</i> Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent? <i>There was a known exception to the deadline to take disciplinary action but the department attorney did not update the deadline for taking disciplinary action based on this exception.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the sergeant resigned before disciplinary action could be imposed. The hiring authority placed a letter in the sergeant's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-09-16	OIG Case Number 17-0000125-IR	Allegations 1. Dishonesty 2. Over-Familiarity	Findings 1. Sustained 2. Sustained	Initial Penalty Dismissal	Final Penalty Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between September 16, 2016, and November 16, 2016, an officer allegedly communicated with an inmate approximately 585 times and twice with the inmate's family. On October 18, 2016, the officer was allegedly dishonest in a memorandum in which she denied the communications.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The employee relations officer did not confirm relevant dates.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on November 17, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 3, 2017, 47 days after the date of discovery.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned prior to completion of the investigation and before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-09-27	OIG Case Number 16-0002033-IR	Allegations 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Discourteous Treatment	Findings 1. Not Sustained 2. Not Sustained 3. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On September 27, 2016, a sergeant allegedly refused to provide an office technician and group facilitators with institution keys as authorized in a warden's memorandum, crumpled and discarded the memorandum, and dismissed the warden's authority to issue the keys. On September 28, 2016, the sergeant allegedly lied to an associate warden regarding the incident.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not timely enter relevant dates into the case management system or contact the special agent and did not provide written feedback regarding the investigative report. The hiring authority delayed conducting the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned November 21, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 16, 2016, 25 days after assignment.</i> ◦ No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned November 21, 2016, but did not contact the special agent until December 13, 2016, 22 days after assignment.</i> ◦ Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 29, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 5, 2017, 37 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.					

Incident Date 2016-10-02	OIG Case Number 16-0002169-IR	Allegations 1. Over-Familiarity	Findings 1. Sustained	Initial Penalty Dismissal	Final Penalty Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between October 2, 2016, and December 7, 2016, an officer allegedly communicated with an inmate via telephone calls and text messages.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the department attorney did not accurately assess the deadline to take disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on September 22, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 12, 2016, 81 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as December 7, 2017, when the deadline was actually September 22, 2017.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating she resigned under unfavorable circumstances.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-10-07	OIG Case Number 16-0002168-IR	Allegations 1. Neglect of Duty 2. Misuse of Authority 3. Neglect of Duty	Findings 1. Sustained 2. Not Sustained 3. Not Sustained	Initial Penalty Letter of Reprimand	Final Penalty Letter of Instruction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 7, 2016, an officer allegedly misused his authority when he cut a bead from an inmate's hair with the tool used for cutting nooses. Two other officers allegedly failed to stop the first officer.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely or appropriate determination and the hiring authority did not request additional investigation. The failure to conduct an investigation resulted in an inappropriate initial finding.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on November 23, 2016, but did not take action until December 28, 2016, 35 days after the receipt of the request.</i> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs refused the OIG's recommendation to open an investigation to interview the officers and other possible witnesses to clarify the facts. The failure to investigate resulted in the hiring authority serving disciplinary action against the officer, which the department revoked upon learning information that would have been discovered during the course of a thorough investigation.</i> ◦ If the HA determined additional investigation was necessary, was additional investigation requested? <i>The hiring authority did not request additional investigation because he believed the Office of Internal Affairs would deny the request.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation that the first officer misused the tool, but not that he misused his authority, and issued a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the other officers but provided training. The first officer filed an appeal with the State Personnel Board. Prior to hearing, the department entered into a settlement agreement with the officer revoking the letter of reprimand and issuing a letter of instruction. The OIG concurred because the officer accepted responsibility at the <i>Skelly</i> hearing and the department attorney discovered potential evidentiary problems while preparing for hearing that would have been discovered earlier had the department conducted an investigation.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-18	16-0002141-IR	1. Weapons 2. Threat/Intimidation 3. Theft 4. Battery 5. Controlled Substances 6. Neglect of Duty 7. Discourteous Treatment 8. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Sustained 8. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between October 18, 2016, and November 11, 2016, an officer allegedly used synthetic marijuana. On November 11, 2016, the officer allegedly possessed packages of synthetic marijuana and screamed at and tried to grab a postal worker by the throat. On November 25, 2016, the officer allegedly stole food from a pizza delivery driver, cursed at and threatened to kill outside law enforcement officers, and cursed at a neighbor and outside hospital employees. He was subsequently arrested and allegedly failed to report his arrest to the hiring authority. On December 7, 2016, the officer allegedly physically threatened a lieutenant and swore at the lieutenant and other departmental employees. On December 7, 2016, and December 13, 2016, the officer allegedly posted threatening and derogatory comments about departmental employees on a social networking site. On December 9, 2016, the officer allegedly identified himself as an officer to a hardware store employee and made derogatory comments regarding the employee's sexual orientation. On January 21, 2017, the officer allegedly threatened to kill his roommate with a knife, slashed the roommate's tires, brandished the knife at outside law enforcement officers, and resisted arrest.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not make any entry into the case management system confirming relevant dates.					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		
Assessment Questions <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i> 					
Case Disposition The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-18	17-0021669-IR	1. Dishonesty 2. Discrimination/Harassment 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On October 18, 2016, a supervising parole agent allegedly falsely claimed a parole administrator failed to respond to her email messages, causing the parole administrator to receive a letter of instruction. On November 8, 2016, a regional parole administrator allegedly inappropriately issued a letter of instruction to the parole administrator without ensuring the information was accurate. On November 16, 2016, the regional parole administrator allegedly involuntarily transferred another supervising parole agent to another parole unit based on the supervising parole agent's age.					
Pre-disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-25	16-0002095-IR	1. Intoxication 2. Other Failure of Good Behavior 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 25, 2016, outside law enforcement arrested an officer after he allegedly drove under the influence of alcohol while his driver's license was suspended and possessed drug paraphernalia.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations that the officer drove while under the influence of alcohol and on a suspended license, but not that he possessed drug paraphernalia. The hiring authority combined the allegations from this case with another case and served the officer with a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-03	16-0002150-IR	1. Controlled Substances	1. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 3, 2016, an officer allegedly tested positive for cocaine.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceeding, the hiring authority reached a settlement agreement with the officer wherein the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-04	17-0000060-IR	1. Discourteous Treatment 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Instruction	Letter of Instruction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On November 4, 2016, an officer allegedly raised his voice and used profane language towards school employees in the presence of elementary-age children. On November 7, 2017, the officer was allegedly dishonest to outside law enforcement when he said he left his personal firearm at home prior to arriving at the school.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation that the officer was discourteous to school employees, but not the remaining allegation, and issued the officer a letter of instruction. The OIG concurred with the hiring authority's determinations.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-11-18	OIG Case Number 16-0002164-IR	Allegations 1. Threat/Intimidation 2. Neglect of Duty 3. Other Failure of Good Behavior	Findings 1. Sustained 2. Sustained 3. Sustained	Initial Penalty Dismissal	Final Penalty Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 18, 2016, outside law enforcement arrested an officer for allegedly being in a physical altercation with and falsely imprisoning his girlfriend. The officer also allegedly threatened outside law enforcement with knives and failed to report his arrest to the hiring authority. On March 15, 2017, the officer suffered a misdemeanor conviction for threatening outside law enforcement with weapons.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not modify the deadline to take disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent? <i>The department attorney did not make an entry in the case management system to note the modification of the deadline for taking disciplinary action after the officer's conviction.</i> 					
Case Disposition The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-04	17-0000103-IR	1. Intoxication 2. Intoxication	1. Sustained 2. Not Sustained	Suspension	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 4, 2016, outside law enforcement arrested an associate warden for allegedly driving under the influence of alcohol resulting in property damage to another vehicle, and the associate warden subsequently suffered a conviction for driving under the influence of alcohol.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation the associate warden suffered a conviction for driving under the influence, but not the remaining allegation, and served a five-working-day suspension. The OIG concurred with the hiring authority's determination. The associate warden did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-07-15	16-0002134-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On July 15, 2014, a lieutenant allegedly wrote and signed a false report using an officer's name.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney neglected to assess the deadline for taking disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The draft report did not contain the results of a request from an inmate for a copy of a rules violation form.</i> 					
Case Disposition The hiring authority sustained the allegations and served the lieutenant with a notice of dismissal. The OIG concurred. However, the lieutenant resigned before the disciplinary action took effect. The hiring authority placed a letter in the lieutenant's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-06-12	15-0001994-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 12, 2015, an officer allegedly threatened to kill a second officer and the second officer's children and was dishonest to outside law enforcement about the incident. On August 30, 2016, the officer suffered a misdemeanor conviction for making criminal threats.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the hiring authority non-punitively terminated the officer before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating the officer's non-punitive termination was pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-08-01	17-0021661-IR	1. Dishonesty 2. Over-Familiarity 3. Controlled Substances 4. Contraband 5. Insubordination	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between August 1, 2015, and July 30, 2016, an officer allegedly conspired to introduce mobile phones into the institution, provided mobile phones to inmates, and communicated with inmates and inmates' families without authorization. On June 2, 2016, the officer allegedly possessed illegal steroids and was allegedly dishonest during an interview with the Office of Internal Affairs. On March 22, 2017, the officer allegedly disobeyed an order from the Office of Internal Affairs to submit to a subsequent interview.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2015-09-29	OIG Case Number 15-0002541-IR	Allegations 1. Dishonesty 2. Contraband	Findings 1. Sustained 2. Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On September 29, 2015, an officer allegedly introduced a mobile phone into the institution and, when questioned, allegedly failed to disclose to a manager that he possessed the phone.					
Pre-disciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs refused to open an administrative investigation and add the associate warden as a subject, the department attorney and the employee relations officer did not confirm relevant dates, the hiring authority did not timely conduct the investigative findings conference, and the hiring authorities made insufficient findings.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs refused to add an associate warden as a subject of the investigation for allegedly failing to thoroughly search the officer and refused to open an administrative investigation necessary to adequately address the allegations.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>Neither the employee relations officer nor the department attorney, both of whom were assigned to the case at different junctures, made any entry into the case management system confirming relevant dates.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 7, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 31, 2016, 85 days thereafter.</i> ◦ If an executive review was invoked in the case, did OIG request the executive review? <i>The OIG did not agree with the penalty and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor found insufficient evidence to sustain the dishonesty allegation. The OIG and the department attorney disagreed and both sought a higher level of review.</i> ◦ If an executive review was invoked, was the appropriate decision made? <i>The deputy director appropriately sustained the allegations, including dishonesty, but the OIG disagreed with the penalty imposed.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months. The OIG did not agree with the penalty and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor did not sustain dishonesty. The OIG and department attorney disagreed and both sought a higher level of review. The deputy director sustained the allegations, including dishonesty, but imposed a 10 percent salary reduction for 24 months. The OIG did not concur with the penalty but could not seek a higher level of review because the deadline for taking disciplinary action was about to expire. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the officer withdrew his appeal.					
Disciplinary Assessment The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner or select the appropriate penalty. The department attorney did not provide written confirmation of penalty discussions.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 7, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until August 31, 2016, 85 days thereafter.</i> ◦ Did the HA who participated in the disciplinary conference select the appropriate penalty? 					

The hiring authority imposed a salary reduction when the OIG recommended dismissal.

- **Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?**

The department attorney did not provide written confirmation of penalty discussions.

- **If an executive review was invoked in the case, did OIG request the executive review?**

The OIG did not agree with the penalty and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor did not sustain the dishonesty allegation despite sufficient evidence to sustain the allegation. The OIG and department attorney disagreed and both sought a higher level of review.

- **If an executive review was invoked, was the appropriate decision made?**

The deputy director appropriately sustained the allegations, including dishonesty, but imposed a salary reduction instead of dismissal, which is the appropriate penalty for the misconduct.

- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**

The department attorney did not provide written confirmation of penalty discussions.

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

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-25	15-0002762-IR	1. Other Failure of Good Behavior	1. Sustained	Demotion	Demotion
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 25, 2015, outside law enforcement arrested a sergeant after he allegedly pushed his girlfriend onto a couch, grabbed her neck with both hands, and attempted to strangle her. On July 25, 2016, the officer suffered misdemeanor convictions for domestic violence and false imprisonment.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not make a timely entry in the case management system or correctly assess the effect of tolling on the deadline for taking disciplinary action, and the hiring authority did not timely consult regarding the investigative findings.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned on December 29, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until March 25, 2016, 87 days after assignment.</i> Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent? <i>The department attorney incorrectly assessed the tolling of the deadline for taking disciplinary action. The deadline for taking disciplinary action was tolled until the criminal prosecution was completed on July 25, 2016. The department attorney assessed the deadline for taking disciplinary action as May 10, 2017, when the actual deadline was July 25, 2017. In addition, the department attorney failed to consult the OIG about modifying the deadline for taking disciplinary action.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The criminal proceedings were completed July 25, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until January 27, 2017, six months thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority sustained the allegation and demoted the sergeant. The OIG concurred. However, the hiring authority also non-punitively terminated the sergeant before the disciplinary action took effect. The hiring authority placed a letter in the sergeant's official personnel file confirming the pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-02-23	OIG Case Number 16-0001393-IR	Allegations 1. Misuse of Authority 2. Discourteous Treatment	Findings 1. Sustained 2. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On February 23, 2016, a parole agent allegedly used a State-issued badge to identify himself as a parole agent to a college student while questioning the student about non work-related matters, cursed at and threatened the student, and physically grabbed and pushed a witness who was trying to stop a fight between the parole agent's daughter and the student.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney incorrectly assessed the deadline for taking disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney assessed the deadline for taking disciplinary action as February 22, 2017, when the deadline was actually February 25, 2017.</i> 					
Case Disposition The hiring authority sustained the allegation the parole agent misused his State identification, but not the remaining allegations, and imposed a 5 percent salary reduction for three months. The OIG concurred. The parole agent did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department sufficiently complied with the policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-16	17-0021671-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On March 16, 2016, an officer allegedly failed to activate his personal alarm when faced with an inmate who was resisting, failed to have a second officer present while conducting a cell search, and failed to accurately document his use of force on the inmate.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs did not make appropriate determinations regarding the initial and appeal requests, and the special agent did not adequately cooperate with the OIG or prepare a thorough investigative report.					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 22, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 24, 2016, 63 days after the date of discovery.</i> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs initially rejected the hiring authority's request for an investigation even though there was sufficient evidence of misconduct.</i> ◦ If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request? <i>After the hiring authority submitted a request for reconsideration, the Office of Internal Affairs approved an investigation into the incident. However, the Office of Internal Affairs did not add a dishonesty allegation despite evidence that the officer submitted a false report.</i> ◦ Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency? <i>The special agent forwarded the investigative report to the hiring authority before the OIG provided feedback.</i> ◦ Was the final investigative report thorough and appropriately drafted? <i>The final investigative report did not include the officer's post orders.</i> ◦ Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent did not adequately consult with the OIG regarding the draft investigative report.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-20	16-0001863-IR	1. Medical-Denied Care 2. Medical-Undetermined/Other 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On March 20, 2016 a captain, a lieutenant, and a sergeant allegedly failed to request and confirm mental health services were provided to an inmate, an officer allegedly failed to conduct required welfare checks while the inmate was in a holding cell, and a nurse allegedly failed to timely respond to a request for an examination.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the hiring authority for the nurse did not timely conduct the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 20, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 22, 2016, 124 days after the date of discovery.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and returned the matter to the hiring authority on January 26, 2017. However, the hiring authority for the nurse did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 28, 2017, 33 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authorities found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date 2016-04-01	OIG Case Number 16-0001747-IR	Allegations 1. Neglect of Duty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On April 1, 2016, an officer allegedly failed to timely activate his personal alarm, resulting in delayed emergency medical treatment for an inmate.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings conference in a timely manner, and the department attorney neglected to timely enter information into the case management system, failed to provide feedback regarding the investigative report, and did not adequately consult with the special agent.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on April 1, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 1, 2016, 61 days after the date of discovery.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned June 30, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until July 28, 2016, 28 days after assignment, and listed the incorrect year for the deadline.</i> ◦ Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The department attorney did not provide any feedback to the special agent regarding the investigative report.</i> ◦ Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney did not provide written confirmation regarding the investigative report to the special agent or the OIG.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 16, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 17, 2017, 32 days thereafter.</i> ◦ Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase? <i>The department attorney did not provide feedback to the special agent regarding the draft investigative report.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date 2016-04-14	OIG Case Number 17-0021731-IR	Allegations 1. Neglect of Duty 2. Neglect of Duty	Findings 1. Sustained 2. Not Sustained	Initial Penalty Letter of Instruction	Final Penalty Letter of Instruction
Case Type: Administrative Investigation					
Incident Summary On April 14, 2016, an officer allegedly failed to complete an adequate security check, failed to discover an inmate hanging with a noose around the inmate's neck, entered the inmate's cell before notifying a sergeant, and failed to complete an incident report before leaving work.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on April 14, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 18, 2017, 279 days after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation for entering the cell, but not the remaining allegations, and issued a letter of instruction. The OIG concurred with the findings but not with the letter of instruction. The OIG did not seek a higher level of review because the penalty was within the department's disciplinary guidelines.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-04-29	OIG Case Number 16-0002028-IR	Allegations 1. Misuse of Authority	Findings 1. Sustained	Initial Penalty Letter of Reprimand	Final Penalty Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between April 29, 2016, and September 27, 2016, a sergeant allegedly directed officers on two occasions to escort her cousin, an inmate at the institution, from the inmate's housing unit to the sergeant's location for personal reasons.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference. The employee relations officer did not make required entries into the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on November 9, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until January 10, 2017, 62 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-05-24	OIG Case Number 16-0002101-IR	Allegations 1. Neglect of Duty	Findings 1. Unfounded	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 24, 2016, two officers allegedly failed to report that an inmate resisted while the officers applied handcuffs on the inmate.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the department attorney did not adequately consult with the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on September 20, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 7, 2016, 48 days after the date of discovery.</i> ◦ Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney neglected to provide the OIG with written confirmation summarizing critical discussions about the investigative report.</i> ◦ Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase? <i>The department attorney neglected to provide the OIG with written confirmation summarizing critical discussions about the investigative report.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-08	16-0001873-IR	1. Dishonesty 2. Use of Force 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On June 8, 2016, a sergeant and two officers allegedly deployed pepper spray on inmates who were on the ground with hands behind their backs, and the sergeant and one of the officers allegedly deployed the pepper spray from less than six feet. The two officers allegedly failed to report their own uses of force, and the first officer allegedly failed to report the sergeant's use of force. The second officer allegedly falsely reported that he observed inmates fighting. A third officer allegedly failed to submit a report regarding the incident.</p>					
<p>Pre-disciplinary Assessment</p> <p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the department attorney did not attend key interviews.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 8, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 27, 2016, 49 days after the date of discovery.</i> ◦ Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility? <i>The department assigned one attorney to attend several simultaneous interviews conducted by two groups of special agents. Therefore, the department attorney missed one-half of the interviews.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
<p>Case Disposition</p> <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-11	16-0001983-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 11, 2016, an officer allegedly failed to properly conduct inmate counts, resulting in a failure to notice that an inmate had escaped. The officer also allegedly falsely documented conducting the counts.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-07-10	OIG Case Number 16-0001931-IR	Allegations 1. Intoxication 2. Dishonesty	Findings 1. Sustained 2. Not Sustained	Initial Penalty Suspension	Final Penalty Suspension
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On July 10, 2016, an officer was arrested for allegedly driving his vehicle under the influence of alcohol. On July 11, 2016, the officer was allegedly dishonest in a memorandum to the hiring authority regarding his arrest.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 11, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 29, 2016, 49 days after the date of discovery.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation of driving under the influence, but not dishonesty, and issued a three-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board but later withdrew the appeal.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-07-25	OIG Case Number 16-0001925-IR	Allegations 1. Dishonesty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On July 25, 2016, an officer allegedly provided false statements to two lieutenants regarding the confiscation and destruction of inmate property and produced a forged property receipt.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not conduct the investigative findings conference in a timely manner.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 26, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until March 8, 2017, 41 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-29	16-0002007-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On July 29, 2016, a captain allegedly withheld pertinent information from an associate warden about sending a sergeant home and on August 22, 2016, allegedly falsely told the associate warden that he had not issued corrective action against the sergeant. On August 3, 2016, the captain allegedly lied to a sergeant regarding corrective action against an officer and on August 5, 2016, allegedly lied in a memorandum to the associate warden.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the department attorney did not make a timely entry in the case management system regarding relevant dates.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on August 4, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 3, 2016, 60 days after discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney was assigned on November 8, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 30, 2016, 22 days after assignment.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-03	16-0001924-IR	1. Dishonesty 2. Misuse of Authority	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On August 3, 2016, a supervising parole agent allegedly changed a parole agent's statements in a parole violation report and on August 4, 2016, allegedly made a false statement in the parole violation report.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date 2016-09-26	OIG Case Number 16-0002137-IR	Allegations 1. Other Failure of Good Behavior	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 26, 2016, outside law enforcement arrested an officer after he allegedly grabbed his former wife by the arm and tried to pull her out of a car.					
Pre-disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department did not conduct the investigative findings conference in a timely manner.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on November 30, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the investigative findings until January 10, 2017, 41 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date 2016-10-11	OIG Case Number 16-0002157-IR	Allegations 1. Neglect of Duty 2. Dishonesty 3. Discourteous Treatment	Findings 1. Sustained 2. Not Sustained 3. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 11, 2016, an officer allegedly failed to take an inmate to a counseling session, made disparaging remarks about the inmate, and was dishonest to a lieutenant regarding the matter.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on December 21, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the evidence and the findings until January 30, 2017, 40 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation the officer failed to take the inmate to a counseling session, but not the remaining allegations, and imposed a 5 salary reduction for three months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with the policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-18	17-0021919-IR	1. Dishonesty 2. Other Failure of Good Behavior 3. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Sustained	Dismissal	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 18, 2016, an officer allegedly used his State email to send personal messages to his ex-girlfriend. From November 5, 2016, through December 31, 2016, the officer allegedly harassed his ex-girlfriend by sending unwanted text messages using dummy telephone numbers and a dummy social networking site, and registering his ex-girlfriend on a pornographic website without her consent. On January 4, 2017, the officer allegedly intentionally misled a captain regarding his actions.					
Pre-disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. Following a <i>Stelly</i> hearing, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 60-working-day suspension. Due to potential violations of the Public Safety Officers Bill of Rights Act, the OIG concurred with the settlement.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-04	16-0002126-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 4, 2016, an officer allegedly tested positive for marijuana.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-07	16-0002125-IR	1. Controlled Substances	1. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 7, 2016, an officer allegedly tested positive for methamphetamine.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer whereby the officer agreed to resign in lieu of dismissal. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-08	16-0002135-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 8, 2016, a parole agent allegedly tested positive for marijuana.					
Pre-disciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation and served the parole agent with a notice of dismissal. The OIG concurred. However, the parole agent resigned before the disciplinary action took effect. The hiring authority placed a letter in the parole agent's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2016-11-15	OIG Case Number 17-0000108-IR	Allegations 1. Neglect of Duty	Findings 1. Sustained	Initial Penalty Suspension	Final Penalty Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 15, 2016, two officers allegedly left a State van containing weapons and ammunition unlocked and unattended after parking it on a public street near a courthouse.					
Pre-disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations and imposed one-working-day suspensions on each officer. The OIG concurred. Following the <i>Skelly</i> hearings, the hiring authority entered into a settlement agreement with one officer agreeing to remove the disciplinary action from the officer's official personnel file after two years. The OIG did not concur because there were no changed circumstances to warrant a modification. However, the settlement agreement did not merit a higher level of review because the penalty was within departmental guidelines. The second officer filed an appeal with the State Personnel Board. Prior to the hearing, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a letter of instruction. The OIG did not concur because there were no changed circumstances, the misconduct warranted adverse and not corrective action, and the modification created unjustified disparate penalties for the two officers. However, the department did not notify or consult with the OIG prior to entering into the settlement.					
Disciplinary Assessment The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary determinations, modified the penalties without sufficient justification, and did not adequately consult with the OIG.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> o Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on January 11, 2017. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until January 31, 2017, 20 days thereafter.</i> o If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The hiring authority did not identify any new evidence, flaws, or risks justifying the penalty modification.</i> o If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM? <i>The settlement agreement did not include a waiver of the officer's rights and a complete release of the department's liability.</i> o Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement? <i>The hiring authority did not consult with the OIG before entering into a settlement agreement with one of the officers.</i> o If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the decision to modify the penalties because the department did not identify any new evidence, flaws, or risks justifying the modifications.</i> o Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The employee relations officer failed to consult with the OIG before entering into a settlement agreement with one of the officers.</i> o Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The hiring authority failed to consult with the OIG before entering into a settlement agreement with one of the officers.</i> o Was the disciplinary phase conducted with due diligence by the department? <i>The delay is addressed in a prior question.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-15	17-0000109-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 15, 2016, a lieutenant allegedly failed to notify a captain that a State van containing weapons and ammunition had been left unlocked and unattended in a public area near a courthouse.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs refused to add an allegation supported by the evidence. The employee relations officer did not enter relevant dates in the case management system, and the hiring authority did not timely conduct the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs refused to add an allegation for failure to report based on the lieutenant failing to take appropriate and timely action based on his knowledge of the misconduct.</i> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on January 11, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until January 31, 2017, 20 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority amended the allegation to failure to report, sustained the allegation, and imposed a 5 percent salary reduction for six months. The OIG concurred. After the <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement modifying the salary reduction to a three-working-day suspension. The OIG did not concur because the department did not identify any change in circumstances justifying the reduction. However, the OIG did not seek a higher level of review because the modified penalty was within the appropriate range for the misconduct.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority modified the penalty without a change of circumstances and did not timely conduct the disciplinary findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on January 11, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 31, 2017, 20 days thereafter.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The department did not identify any new evidence, flaws, or risks justifying the modification and settlement.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the decision to modify the penalty because the department did not identify any new evidence, flaws, or risks justifying the modification.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The delay is addressed in a prior question.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-04	17-000063-IR	1. Contraband	1. Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					
Incident Summary On January 4, 2017, an officer allegedly possessed a can of beer in his backpack while attempting to enter the institution.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference, and the employee relations officer did not make relevant entries in the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on January 18, 2017. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until March 22, 2017, 63 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2017-02-07	OIG Case Number 17-0022168-IR	Allegations 1. Dishonesty 2. Intoxication	Findings 1. Sustained 2. Sustained	Initial Penalty Dismissal	Final Penalty Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On February 7, 2017, outside law enforcement arrested a sergeant after he allegedly drove a personal vehicle into a pole while under the influence of alcohol. The sergeant was also allegedly dishonest to outside law enforcement.					
Pre-disciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not conduct the investigative findings conference in a timely manner.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on March 22, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the investigative findings until June 2, 2017, 72 days thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. However, the sergeant retired before the disciplinary action took effect. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner, and the employee relations officer did not properly complete a form.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on March 22, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 2, 2017, 72 days thereafter.</i> ◦ Was the CDCR Form 403 documenting the penalty properly completed? <i>The employee relations officer did not document the penalty determination in the form.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The delay is addressed in a prior question.</i> 					

Appendix B Disciplinary Phase Cases

Central

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-07-08	14-0002449-IR	1. Insubordination 2. Discourteous Treatment 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	No Change
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On July 8, 2014, an officer was allegedly dishonest when he claimed a pre-scheduled medical appointment prevented him from working an involuntary overtime shift. The officer also allegedly failed to provide a physician's note for the appointment and was discourteous to a sergeant after the sergeant ordered the officer to provide the physician's note.					
Case Disposition The hiring authority sustained allegations the officer was insubordinate and discourteous for failing to provide a physician's note, but not that the officer was dishonest, and imposed a 10 percent salary reduction for four months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty. The officer filed a petition for rehearing with the State Personnel Board. The State Personnel Board denied the petition.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference, and the department attorney did not adequately cooperate with the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 5, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until March 9, 2015, 32 days thereafter.</i> Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The department attorney failed to respond to several OIG inquiries regarding whether the officer filed a petition for writ of mandate.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The delay is addressed in a prior question.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-09-12	14-0002820-IR	1. Dishonesty 2. Failure to Report Use of Force 3. Dishonesty 4. Failure to Report Use of Force	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On September 12, 2014, a lieutenant and three officers allegedly failed to report using and witnessing force after dragging and pulling a handcuffed inmate down a hallway. Three sergeants, five other officers, and a nurse allegedly failed to report witnessing the use of force. The lieutenant and one of the sergeants were allegedly dishonest when reporting no force was used.					
Case Disposition The hiring authority sustained the allegations against the lieutenant and dismissed him. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. The State Personnel Board dismissed the appeal when he failed to appear for the pre-hearing settlement conference. The lieutenant filed a petition for writ of mandate with Superior Court, which dismissed the petition for failure to appear. The hiring authority sustained the allegation against one sergeant for failure to report use of force, but not dishonesty, and imposed a 10 percent salary reduction for 13 months. The OIG concurred. After the <i>Skelly</i> hearing, the department entered into a settlement agreement with the sergeant reducing the penalty to a 10 percent salary reduction for six months. The OIG did not concur but did not seek a higher level of review because the discipline remained within departmental guidelines. The hiring authority sustained allegations against three officers for failing to document their own and others' uses of force and imposed one-working-day suspensions against each. The OIG concurred. The officers did not file appeals with the State Personnel Board. The hiring authority sustained the allegations against two other officers for failing to document the use of force they witnessed and imposed letters of reprimand on each, and the OIG concurred. The officers did not file appeals with the State Personnel Board. The hiring authority found insufficient evidence to sustain the allegations against the second and third sergeants, three officers, and the nurse, and the OIG concurred.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not accurately document the penalty determination and entered into a settlement agreement that did not comply with policy, and the department attorney did not prepare the disciplinary action in compliance with policy.					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Was the CDCR Form 403 documenting the penalty properly completed? <i>The form documenting disciplinary determinations did not identify mitigating factors for two of the officers.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary actions did not advise the lieutenant, sergeant, and officers of their right to respond to an uninvolved manager.</i> ◦ Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The final disciplinary actions did not advise the lieutenant, sergeant, and officers of their right to respond to an uninvolved manager.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The agreement to modify the sergeant's penalty was not consistent with policy because the hiring authority did not identify any new evidence, flaws, or risks to support the modification.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement for the sergeant because the hiring authority did not identify any new evidence, flaws, or risks to support the modification.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-03-04	15-000829-IR	1. Neglect of Duty 2. Discourteous Treatment 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Demotion	Demotion
Case Type: Administrative Investigation					
Incident Summary On March 4, 2015, a lieutenant allegedly raised his voice and used profanity toward a captain, was allegedly dishonest when he documented his work hours, and delayed completing his work to obtain overtime.					
Case Disposition The hiring authority sustained allegations the lieutenant was discourteous and improperly completed his timesheet, but not the remaining allegations, and demoted the lieutenant to officer. The OIG did not concur with the decision to not sustain a dishonesty allegation or the penalty but did not seek a higher level of review due to conflicting evidence. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the demotion.					
Disciplinary Assessment The department's handling of the disciplinary process was substantively insufficient because the department attorney provided poor legal advice and prepared a disciplinary action that did not comply with policy, and the hiring authority did not sustain a dishonesty allegation that was warranted by the falsified timesheet.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations? <i>The department attorney provided poor advice when recommending sustaining neglect of duty instead of dishonesty and a demotion instead of dismissal.</i> ◦ Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline? <i>The hiring authority selected a neglect of duty charge instead of dishonesty.</i> ◦ Did the HA who participated in the disciplinary conference select the appropriate penalty? <i>Based on the allegation sustained, a demotion was the appropriate penalty, but the hiring authority should have sustained a dishonesty allegation, which would have potentially warranted a different penalty.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action did not advise the lieutenant of his right to respond to an uninvolved manager.</i> ◦ Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The final disciplinary action did not advise the lieutenant of his right to respond to an uninvolved manager.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-03-27	15-0001846-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Dishonesty 4. Unreasonable Use of Force 5. Failure to Report Use of Force 6. Neglect of Duty 7. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained 7. No Finding	Salary Reduction	Letter of Reprimand

Case Type: Administrative Investigation

Incident Summary

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

Case Disposition

The hiring authority sustained the allegation the lieutenant failed to properly supervise preparation for the cell extraction, but not the remaining allegation, and imposed a 5 percent salary reduction for 12 months. The hiring authority sustained allegations the two sergeants used unreasonable force and failed to stop the officers' unreasonable force, but not the remaining allegations, and imposed 5 percent salary reductions for 12 months on each. The hiring authority sustained an allegation that one officer used unreasonable force and imposed a letter of reprimand. The hiring authority sustained allegations that two other officers used unreasonable force, but not dishonesty, and imposed 5 percent salary reductions for six months on each. The hiring authority sustained two allegations that two additional officers used unreasonable force, but not that they failed to properly document the use of force, and imposed 5 percent salary reductions for six months on each. The hiring authority sustained allegations that two officers failed to properly record the cell extraction and imposed 5 percent salary reductions for three months on each. The hiring authority found insufficient evidence to sustain the allegations against the associate warden and the remaining officer. The OIG concurred with the hiring authority's determinations. Following the disciplinary findings conference, the department attorney did not agree with the hiring authority's finding that the two sergeants and five officers used unreasonable force and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the two sergeants and five officers did not use unreasonable force but found the two sergeants did not wear the appropriate equipment during the cell extractions, and modified the penalty against the sergeants to letters of reprimand. The OIG did not concur but did not seek a higher level of review due to the impending deadline to impose discipline. The lieutenant, two sergeants, and two officers filed appeals with the State Personnel Board. Prior to their hearings, the department entered into settlement agreements with each due to the poorly drafted disciplinary actions. The department reduced the penalty against the lieutenant to a letter of reprimand, the penalties against the two officers to letters of instruction, and dismissed the disciplinary actions against the sergeants. The OIG did not concur but did not seek a higher level of review due to the flaws in the disciplinary actions.

Disciplinary Assessment

The department did not comply with policies and procedures governing the disciplinary process because the department attorney drafted legally insufficient disciplinary actions resulting in unnecessary disciplinary modifications, prepared insufficient pre-hearing settlement conference statements, and did not adequately cooperate with the OIG.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?**
The department attorney did not provide the OIG with draft disciplinary actions for review.
- **Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?**
The disciplinary actions served on the two sergeants cited irrelevant policies, and the disciplinary actions served on the lieutenant and two officers lacked sufficient specificity. The disciplinary actions served on the lieutenant, sergeants, and officers also failed to advise them of the right to respond to an uninvolved manager.
- **Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?**
The pre-hearing settlement conference statements did not identify inmate witnesses, provide a summary of expert witness testimony, or list all relevant documents.
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney did not provide the OIG with draft letters of intent or disciplinary actions for review and neglected to respond to the OIG's request to discuss insufficient pre-hearing settlement conference statements. Also, the department attorney failed to inform the OIG of hearing date and time changes, causing the OIG unnecessary travel and a late appearance.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-07-01	15-0002285-IR	1. Discrimination/Harassment 2. Discrimination/Harassment	1. Sustained 2. Not Sustained	Suspension	Suspension
Case Type: Administrative Investigation					
Incident Summary Between July 1, 2015, and September 21, 2015, an officer allegedly repeatedly made inappropriate sexual comments to and inappropriately touched a certified nursing assistant. Between September 1, 2015, and September 21, 2015, the officer allegedly behaved in the same manner toward a second certified nursing assistant.					
Case Disposition The hiring authority sustained the allegations involving one of the certified nursing assistants, but not the second certified nursing assistant, and imposed a 26-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer agreeing to remove the disciplinary action from the officer's official personnel file after six months. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the length of the suspension remained unchanged and the disciplinary action could still be used for progressive discipline.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority entered into a settlement agreement that was not consistent with policy, and the department attorney was not fully prepared at the pre-hearing settlement conference and did not adequately cooperate with the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case? <i>The department attorney was not adequately prepared to respond to the administrative law judge's questions regarding a witness's anticipated testimony.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The hiring authority did not identify any new evidence, flaws, or risks to support the modification.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the modified penalty because the hiring authority did not identify any new evidence, flaws, or risks to support the modification.</i> ◦ Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The department attorney did not provide the OIG with a draft of the settlement agreement for review.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-08-08	15-0002382-IR	1. Neglect of Duty 2. Dishonesty 3. Misuse of State Equipment or Property	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On August 8, 2015, an officer allegedly failed to check for an unobstructed view into an inmate's cell, confirm the inmate was alive, and falsely reported he observed the inmate alive when the inmate was actually unresponsive with a sheet around his neck. A second officer allegedly failed to conduct required security checks and falsified a record of security checks. A licensed psychiatric technician and third officer allegedly falsified their reports regarding their response to the inmate's cell. A nurse allegedly failed to take required equipment to the scene and falsified his report. On January 27, 2016, a fourth officer was allegedly dishonest during his interview with the Office of Internal Affairs.					
Case Disposition The hiring authority sustained allegations against two officers for failing to conduct adequate cell checks. The hiring authority imposed a 10 percent salary reduction for six months against one officer and a 10 percent salary reduction for 24 months against the second officer because his failure to conduct cell checks was closer in time to the inmate's death. After the first officer's <i>Stelly</i> hearing, the hiring authority discovered the first officer did not have a duty to conduct cell checks. Due to this information, the hiring authority withdrew this officer's disciplinary action. The hiring authorities found insufficient evidence to sustain the remaining allegations against the officers, nurse, and psychiatric technician. The OIG concurred with the hiring authorities' determinations. The second officer filed an appeal with the State Personnel Board but withdrew the appeal.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department attorney did not prepare disciplinary actions in compliance with policy. The department delayed conducting the disciplinary findings conference.					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on July 12, 2016. However, the hiring authority for the officers did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 27, 2016, 15 days thereafter.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action cited inappropriate legal authority and did not advise the officers of the right to respond to a manager who was not involved in the investigation.</i> ◦ Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The final disciplinary action cited inappropriate legal authority and did not advise the officers of the right to respond to a manager who was not involved in the investigation.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The delay is addressed in a prior question.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-11	15-0002924-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Unreasonable Use of Force 4. Failure to Report Use of Force 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Salary Reduction	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On November 11, 2015, an officer allegedly failed to report grabbing an inmate's wrist and forcing the inmate to the ground. A lieutenant allegedly ordered officers to use scissors to remove a second inmate's clothing when no imminent threat was present, a second officer allegedly retrieved the scissors and leg restraints, a sergeant allegedly cut the second inmate's shirt and removed it, and a third and fourth officer allegedly removed the second inmate's pants and applied leg restraints.					
Case Disposition The hiring authority sustained the allegations against the lieutenant and sergeant and issued a 10 percent salary reduction for six months to the lieutenant and a letter of reprimand to the sergeant. The OIG concurred except for the hiring authority's determination regarding the sergeant's penalty. The OIG did not seek a higher level of review because the penalty was within departmental guidelines. The hiring authority found insufficient evidence to sustain the allegations against the officers, and the OIG concurred. Following a <i>Stelly</i> hearing, the hiring authority withdrew the letter of reprimand issued to the sergeant and issued a letter of instruction. The lieutenant filed an appeal with the State Personnel Board. Prior to a hearing, the hiring authority entered into a settlement agreement with the lieutenant reducing the penalty to a letter of reprimand. The OIG did not concur with either decision but did not seek a higher level of review due to conflicting evidence.					
Disciplinary Assessment The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not select the appropriate penalty, neglected to timely serve the disciplinary action, and reduced the penalties without sufficient justification. Also, the department attorney did not adequately cooperate with the OIG.					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the HA who participated in the disciplinary conference select the appropriate penalty? <i>The hiring authority issued a letter of reprimand to the sergeant when a salary reduction was more appropriate.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The settlement agreement for the lieutenant was not consistent with policy because the hiring authority did not identify any new evidence, flaws, or risks to justify the reduction.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the penalty reductions because the hiring authority did not identify any new evidence, flaws, or risks to support the reductions.</i> ◦ Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The department attorney did not provide drafts of the lieutenant's revised disciplinary action and the settlement agreement to the OIG for review.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on October 13, 2016. However, the department did not serve the disciplinary actions until December 5 and 6, 2016, 53 and 54 days later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-01-08	16-0000764-IR	1. Discourteous Treatment 2. Dishonesty	1. Sustained 2. Unfounded	Suspension	Suspension

Case Type: Administrative Investigation

Incident Summary

On January 8, 2016, a captain allegedly pulled a scarf that an officer was wearing around the neck. On January 9, 2016, the officer, a second officer, and a sergeant were allegedly dishonest when reporting the incident.

Case Disposition

The hiring authority sustained the allegations against the captain and determined a 60-working-day suspension was the appropriate penalty. The OIG concurred. However, the captain resigned before disciplinary action could be imposed. The hiring authority placed a letter in the captain's official personnel file indicating he resigned pending disciplinary action. The hiring authority determined the investigation of the sergeant and two officers conclusively proved the misconduct did not occur. The OIG concurred.

Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the department attorney provided poor legal advice to the hiring authority.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

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

The department attorney failed to advise the hiring authority the captain was previously disciplined and the prior discipline would impact the penalty in this case. The department attorney initially advised the hiring authority the captain should receive a letter of reprimand and then recommended a low level salary reduction when a suspension was more appropriate.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-21	16-0001705-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 21, 2016, two officers allegedly solicited prostitution from an undercover outside law enforcement officer.

Case Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months against each officer. Both officers filed appeals with the State Personnel Board. Both officers later withdrew their appeals.

Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority did not notify the department attorney and the OIG of the *Skelly* hearings.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- If there was a *Skelly* hearing, was it conducted pursuant to DOM?

*The hiring authority did not provide the department attorney or the OIG with notice of the *Skelly* hearing.*

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

*The hiring authority did not advise the department attorney and the OIG of the date and times of the *Skelly* hearings for both officers.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-11	16-0001957-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 11, 2016, an officer was allegedly dishonest with outside law enforcement when falsely reporting he was the victim of a hit-and-run accident.					
Case Disposition The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the agreement ensured the officer would no longer work for the department.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct a timely disciplinary findings conference, the department attorney did not prepare an adequate disciplinary action, and the department did not appropriately conduct the <i>Skelly</i> hearing.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on September 28, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until October 21, 2016, 23 days thereafter.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary did not cite appropriate legal authority for protecting confidential peace officer information and did not inform the officer he had a right to respond to a manager not involved in the investigation.</i> ◦ Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The disciplinary action served on the officer did not cite appropriate legal authority for protecting personal peace officer information and did not inform the officer he had a right to respond to a manager not involved in the investigation.</i> ◦ If there was a Skelly hearing, was it conducted pursuant to DOM? <i>The employee relations officer conducted the Skelly hearing, substantially diminishing the Skelly officer's role.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The delay is addressed in a prior question.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-18	16-0001995-IR	1. Dishonesty 2. Criminal Act 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 18, 2016, outside law enforcement discovered an officer allegedly intoxicated while asleep on a sidewalk and arrested him on a warrant for a prior domestic violence incident. On August 21, 2016, the officer was allegedly dishonest to his hiring authority.					
Case Disposition The hiring authority sustained allegations the officer was drunk in public and dishonest to the hiring authority, but not the remaining allegation, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. However, the officer failed to appear for a pre-hearing settlement conference, and the State Personnel Board dismissed his appeal.					
Disciplinary Assessment Overall, the department sufficiently complied with the policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-17	16-0002005-IR	1. Failure to Report 2. Discourteous Treatment 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 17, 2016, a sergeant was arrested after he allegedly yelled expletives at his wife and threatened her son.					
Case Disposition The hiring authority sustained the allegation the sergeant was discourteous and added and sustained an allegation the sergeant failed to report his arrest, and imposed a 5 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the remaining allegation. The OIG concurred. At the <i>Skelly</i> hearing, the sergeant presented evidence showing he reported his arrest. Due to this mitigating information, the department entered into a settlement agreement with the sergeant reducing the penalty to a 5 percent salary reduction for three months. The OIG concurred due to the information learned at the <i>Skelly</i> hearing.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or serve the disciplinary action in accordance with policy.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on October 19, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until November 22, 2016, 34 days thereafter.</i> Was the disciplinary phase conducted with due diligence by the department? <i>One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on November 22, 2016. However, the department did not serve the disciplinary action until December 28, 2016, 36 days later.</i> 					

Incident Date 2016-10-06	OIG Case Number 16-0002078-IR	Allegations 1. Controlled Substances	Findings 1. Sustained	Initial Penalty Dismissal	Final Penalty Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 6, 2016, an officer allegedly tested positive for marijuana.					
Case Disposition The hiring authority sustained the allegation and served the officer with a dismissal. The OIG concurred. The officer resigned on the day the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating the officer resigned under unfavorable circumstances.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and did not serve the disciplinary action in accordance with policy. The department attorney did not properly draft the disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on November 16, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until 23 days thereafter.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action did not advise the officer of her right to respond to an uninvolved manager.</i> ◦ Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The disciplinary action served on the officer did not advise the officer of her right to respond to an uninvolved manager.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>One delay is addressed in a prior question. In addition, the hiring authority did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on December 9, 2016. However, the department did not serve the disciplinary action until January 20, 2017, 42 days later.</i> 					

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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2012-09-01	14-0002850-IR	1. Dishonesty 2. Battery 3. Neglect of Duty 4. Neglect of Duty-Distracted from Duty 5. Dishonesty 6. Sexual Misconduct 7. Failure to Report 8. Neglect of Duty 9. Neglect of Duty-Distracted from Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained 9. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between September 1, 2012, and March 1, 2013, two sergeants and five officers allegedly played toilet paper basketball in an administrative segregation unit and failed to report the misconduct. One of the officers allegedly removed her stab vest and pulled up her shirt to expose her bra, and on a separate occasion, exposed her genitals to the officers and one of the sergeants. The same sergeant and female officer allegedly had a sexual relationship, both on and off institutional grounds, and neither reported the relationship. In May 2014, the same sergeant allegedly grabbed an office technician's buttocks and genitals. The female officer was allegedly dishonest to the employee relations officer on September 23, 2014, and to the Office of Internal Affairs on June 17, 2015. On July 9, 2015, the same sergeant was allegedly dishonest to the Office of Internal Affairs.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the first sergeant, except that he engaged in a sexual relationship with the female officer on duty, and dismissed him. The hiring authority sustained the allegations against the first officer, except that she exposed her genitals, engaged in a sexual relationship with the sergeant on duty, and was dishonest to the employee relations officer, and dismissed her. The hiring authority sustained allegations that the other four officers played games while on duty, but not the remaining allegation. The hiring authority issued letters of instruction to three of the officers and a letter of reprimand to the other officer because he failed to take responsibility for his misconduct. The hiring authority found insufficient evidence to sustain the allegations against the second sergeant. The OIG concurred with the hiring authority's determinations. The first and fifth officers did not file appeals with the State Personnel Board. The first sergeant filed an appeal. Following a hearing, the State Personnel Board upheld all of the allegations, except two dishonesty allegations regarding statements the sergeant made during his Office of Internal Affairs interview, and upheld the dismissal.</p>					
<p>Disciplinary Assessment</p> <p>The department's handling of the disciplinary process was substantively insufficient because the department attorney did not present sufficient evidence during the State Personnel Board hearing to prove two dishonesty allegations.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Insufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> Did the department's advocate present the necessary available evidence regarding the allegations at the hearing? <i>The department attorney did not present sufficient evidence to establish the sergeant knew the officer removed her bra and two other officers complained and therefore, failed to establish the sergeant was dishonest during his interview with the Office of Internal Affairs regarding those facts.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2013-01-01	16-0001291-IR	1. Neglect of Duty 2. Misuse of State Equipment or Property 3. Sexual Misconduct 4. Discrimination/Harassment 5. Failure to Report 6. Misuse of Authority 7. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained	Suspension	Suspension
Case Type: Administrative Investigation					
Incident Summary On January 1, 2013, a correctional administrator allegedly made unwanted sexual advances toward a sergeant and sent her inappropriate email messages from a State computer. On August 9, 2014, the correctional administrator allegedly influenced a disciplinary decision against another sergeant to whom the first sergeant was married and inappropriately shared confidential information with the first sergeant regarding the pending disciplinary action. Also on August 9, 2014, the correctional administrator allegedly engaged in inappropriate sexual activity with the first sergeant, a subordinate, and failed to take appropriate action when the first sergeant reported other staff members' misconduct. On September 13, 2014, the correctional administrator allegedly asked the first sergeant not to report that she had previously reported misconduct to him. On September 30, 2014, the correctional administrator allegedly engaged in sexual activity with the first sergeant while on grounds.					
Case Disposition The hiring authority sustained the allegations that the correctional administrator misused his State computer to send inappropriate messages and that he engaged in sexual activity with a subordinate, but not the remaining allegations, and imposed a 10-working-day suspension. The OIG concurred with the hiring authority's determinations. The correctional administrator did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2013-06-10	14-0001969-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. No Finding	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On June 10, 2013, an Office of Legal Affairs manager allegedly withdrew a disciplinary action against an Office of Correctional Safety parole agent even though there was sufficient evidence to support the disciplinary action and allegedly withdrew the disciplinary action without consulting with the hiring authority, his supervisor, or the OIG. He also allegedly failed to complete a case settlement report and failed to make required entries in the case management system. The Office of Legal Affairs manager was also allegedly dishonest when he claimed to have spoken with the hiring authority, outside law enforcement, and the OIG prior to withdrawing the disciplinary action. On June 11, 2014, the Office of Legal Affairs manager allegedly failed to consult with the OIG prior to entering into a settlement agreement involving an officer. The Office of Legal Affairs manager also allegedly failed to complete a case settlement report and make appropriate entries in the case management system. On June 20, 2014, the Office of Legal Affairs manager allegedly failed to consult with the OIG prior to removing allegations in a disciplinary action involving a parole agent and failed to notify the OIG of the State Personnel Board hearing date and, subsequently, on September 29, 2014, the Office of Legal Affairs manager allegedly failed to consult with the OIG prior to entering into a settlement agreement and failed to complete a case settlement report and make required entries in the case management system. On September 25, 2014, the Office of Legal Affairs manager allegedly failed to consult with the OIG prior to amending a disciplinary action and entering into a settlement agreement in a case involving a supervising parole agent and failed to complete a case settlement report.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained all allegations, except that the Office of Legal Affairs manager failed to complete a case settlement report in the case involving the Office of Correctional Safety parole agent, and imposed dismissal. The hiring authority erroneously added a neglect of duty allegation and, therefore, made no finding on the allegation. The OIG concurred with the hiring authority's determinations. The Office of Legal Affairs manager filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The Office of Legal Affairs manager filed a petition for rehearing, which the State Personnel Board denied.</p>					
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-01-01	16-0001262-IR	1. Dishonesty 2. Failure to Report 3. Controlled Substances 4. Contraband 5. Disclosure of Confidential Information 6. Neglect of Duty 7. Discourteous Treatment 8. Failure to Report 9. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Sustained 8. Not Sustained 9. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
Incident Summary Between January 1, 2014, and December 31, 2015, a sergeant allegedly operated an outside business without departmental permission, participated in a coordinated effort to prevent reporting a coworker's misconduct, and advised the coworker to be dishonest to a supervisor. On March 16, 2014, and January 28, 2015, the sergeant allegedly advised an officer to be dishonest to supervisors about potential misconduct. From July 10, 2015, to February 11, 2016, the sergeant allegedly smuggled marijuana, mobile phones, and chargers into the institution, accepted bribes from wards and their families, and conspired to prevent reporting an officer's misconduct. On September 16, 2015, the sergeant allegedly told a group of wards that another ward provided information about contraband being smuggled into the institution, had that ward assaulted by other wards, taunted him for reporting misconduct, and delayed securing medical attention for his injuries. On October 28, 2015, the sergeant allegedly failed to document finding marijuana on a ward and failed to preserve it as evidence. And, on June 15, 2016, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.					
Case Disposition The hiring authority sustained the allegations, except for two that were improperly worded, and dismissed the sergeant. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. However, pursuant to a settlement agreement, the sergeant resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the sergeant did not work for the department was achieved.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-10-28	15-0000423-IR	1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty 4. Misuse of State Equipment or Property 5. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On October 28, 2014, two investigative services unit officers allegedly communicated with an inmate's wife via text message and failed to take action when they knew the inmate had a mobile phone. One of the officers allegedly threatened the inmate's wife via text message, planted an inmate-manufactured weapon inside the inmate's cell, and failed to document relinquishing custody of the inmate-manufactured weapon he found. An investigative services unit sergeant allegedly failed to document possession of the inmate-manufactured weapon. The second officer allegedly falsely documented that an inmate was not involved in illegal activity. The sergeant, an investigative services unit lieutenant, and a warden allegedly failed to take action when they were aware that officers were allowing inmates to possess mobile phones and communicating with inmates via text message.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the first officer, except that the officer planted a weapon in the inmate's cell, and issued a 10 percent salary reduction for 13 months. The hiring authority sustained the allegations against the second officer, except that he falsely documented that an inmate was not involved in illegal activity, and issued a 10 percent salary reduction for four months. The second officer received a lower penalty than the first officer because he had less experience and a minor role. The hiring authority sustained the allegations against the sergeant, lieutenant, and warden, and issued a 5 percent salary reduction for six months against the sergeant and letters of reprimand against the lieutenant and the warden. The OIG concurred with the hiring authority's determinations. The two officers and the sergeant filed appeals with the State Personnel Board. At the pre-hearing settlement conference for the first officer, the department reached an agreement with the officer reducing the penalty to a 10 percent salary reduction for eight months. The OIG did not concur but did not seek a higher level of review because the penalty was within the disciplinary matrix for the sustained misconduct. Prior to hearing, the hiring authority reached a settlement agreement with the second officer agreeing to remove the disciplinary action from the officer's official personnel file upon written request one year after the effective date. The OIG did not concur but did not seek a higher level of review because the monetary penalty remained the same. Prior to the sergeant's State Personnel Board hearing, the department reached a settlement agreement with the sergeant agreeing to remove the disciplinary action from the sergeant's official personnel file one year after the effective date upon written request. The OIG did not concur but did not seek a higher level of review because the monetary penalty remained the same. Neither the lieutenant nor the warden filed appeals.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies and procedures governing the disciplinary process because the department attorney provided legal advice to the hiring authority that was inconsistent with policy, drafted an inadequate settlement agreement, and did not adequately represent the department during State Personnel Board proceedings or adequately cooperate with the OIG. The hiring authority entered into settlement agreements without sufficient justification.</p>					
Procedural Rating Insufficient			Substantive Rating Insufficient		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations? <i>The department attorney recommended the lieutenant receive a letter of instruction, which is not within the department's disciplinary guidelines for the allegation sustained.</i> ◦ Did the department attorney provide to the HA and OIG written confirmation of penalty discussions? <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority and the OIG.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action for one of the officers identified an incorrect penalty, referenced incorrect post orders and an incorrect date of training records, did not describe the possible harm, did not include all relevant facts, and neglected to contain sufficient detail to inform the officer of the allegations.</i> ◦ Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues? <i>The draft pre-hearing settlement conference statement for one of the officers identified an incorrect penalty of dismissal instead of salary reduction, identified an incorrect incident date, and neglected to include several key witnesses. The pre-hearing settlement conference statements for the second officer and the sergeant also failed to include several key witnesses and did not include all relevant exhibits.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The hiring authority did not identify any new evidence, flaws, or risks to justify the settlements.</i> ◦ If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM? <i>The settlement agreement for the sergeant did not include waiver of back pay or all applicable language for persons over the age of forty.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The hiring authority did not identify any new evidence, flaws, or risks to justify the settlements.</i> ◦ Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing? 					

The department attorney did not oppose a petition one of the officers filed requesting permission to file a late appeal. As a result, the State Personnel Board accepted the officer's untimely appeal.

- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney failed to provide the OIG with draft disciplinary actions with sufficient, reasonable time for review and did not provide the OIG with the case settlement report.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-11-01	16-0000761-IR	1. Failure to Report 2. Over-Familiarity 3. Over-Familiarity	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
Incident Summary In November 2014 and February 10, 2016, an officer allegedly gave speakers to an inmate. On February 15, 2016, the officer allegedly asked another officer not to report his misconduct. On August 10, 2015, the officer allegedly brought food and compact discs into the institution for inmates.					
Case Disposition The hiring authority sustained allegations that the officer gave speakers to an inmate and asked another officer not to report his misconduct, but not the remaining allegations, and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement wherein the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-02-01	16-0000472-IR	1. Neglect of Duty 2. Misuse of State Equipment or Property 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary Between February 1, 2015, and January 31, 2016, an officer allegedly sent inappropriate email messages to a co-worker. On December 25, 2015, the officer allegedly failed to complete a thorough security check, conduct three cell searches, respond when he observed two inmates fighting, notify a sergeant of one of the inmate's injuries, properly secure cell doors, and played an unauthorized game on a State computer.					
Case Disposition The hiring authority sustained the allegations, except that the officer failed to respond to an inmate fight, and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement which permitted early removal of the disciplinary action from the officer's official personnel file. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the disciplinary action could still be used for progressive discipline.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or serve the disciplinary action in accordance with policy. The hiring authority modified the disciplinary action without sufficient justification and the department attorney did not adequately cooperate with the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 30, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until August 10, 2016, 41 days thereafter.</i> ◦ Did the department attorney provide to the HA and OIG written confirmation of penalty discussions? <i>The department attorney did not provide written confirmation of penalty discussions.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The department entered into a settlement agreement without identifying any new evidence, flaws, or risks.</i> ◦ If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021? <i>The department attorney did not provide the OIG with the case settlement report.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks to support the modification.</i> ◦ Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The department attorney did not provide the OIG written confirmation of penalty discussions or the case settlement report.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on August 10, 2016. However, the department did not serve the disciplinary action until September 28, 2016, 49 days later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-05-01	16-0000312-IR	1. Sexual Misconduct 2. Failure to Report	1. Sustained 2. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					
Incident Summary From May 1, 2015, through May 31, 2015, an Office of Internal Affairs office technician allegedly engaged in sexual intercourse multiple times with a 15-year-old girl. On January 13, 2016, outside law enforcement arrested the office technician, but he allegedly failed to report his arrest.					
Case Disposition The hiring authority sustained the allegations and dismissed the office technician. The OIG concurred. The office technician filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement wherein the office technician resigned in lieu of dismissal and agreed not to seek or accept employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the office technician does not work for the department in the future was achieved.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-06-17	15-0001609-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Instruction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On June 17, 2015, a captain allegedly authorized the use of pepper spray on an inmate who could not understand orders during a controlled use of force without prior approval. The captain and a lieutenant allegedly ordered a sergeant to deploy more pepper spray than policy allows, the sergeant allegedly deployed more pepper spray than policy allows, and the lieutenant allegedly failed to prevent the use of pepper spray. A psychiatrist allegedly authorized and a nurse allegedly failed to object to the use of pepper spray.</p>					
<p>Case Disposition</p> <p>The hiring authority for the captain sustained the allegations, except for improperly worded allegations, and determined the captain should receive a letter of instruction. The hiring authority for the lieutenant and sergeant sustained the allegations, except that the lieutenant ordered a sergeant to deploy pepper spray on an inmate who could not understand orders, and issued them both letters of instruction. The hiring authority for the the psychiatrist and nurse found insufficient evidence to sustain the allegations. The OIG concurred with the determinations, except for the decision to issue the captain a letter of instruction and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor decided to issue the captain an official letter of reprimand. The OIG concurred. The captain filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the disciplinary action because the department failed to timely notify the captain of the proposed discipline.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies and procedures governing the disciplinary process because neither hiring authority was prepared at the disciplinary findings conference. The department attorney made a poor recommendation to the hiring authority, and the hiring authority for the captain selected an improper penalty based on the department attorney's recommendation. The department attorney also failed to adequately represent the department at the State Personnel Board hearing, resulting in the State Personnel Board revoking the disciplinary action, and the department attorney's cooperation with the OIG was virtually nonexistent. Despite the OIG's recommendations, the department attorney inappropriately recommended the hiring authority mail the letter of intent to take disciplinary action when established case law requires personal service prior to the deadline to take disciplinary action. As a result of the department attorney's recommendation, the captain did not receive the letter of intent until after the deadline to take disciplinary action.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ If the HA consulted with the OIG concerning the disciplinary determinations, was the HA adequately prepared? <i>Neither hiring authority watched the visual recording of the use of force prior to the findings and penalty conference.</i> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations? <i>The department attorney improperly advised the hiring authority for the captain that corrective action was appropriate instead of disciplinary action.</i> ◦ Did the HA who participated in the disciplinary conference select the appropriate penalty? <i>The hiring authority for the captain selected corrective action for the penalty when disciplinary action was warranted.</i> ◦ Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG? <i>The department attorney did not provide a draft disciplinary action to the OIG for review prior to serving the captain.</i> ◦ Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action? <i>The department attorney inappropriately recommended the department serve the letter of intent to take disciplinary action on the captain by mail, despite knowing he was leaving the state for vacation on June 4, 2016. The OIG recommended the department personally serve the letter of intent. The department mailed the letter of intent on June 3, 2016, and did not personally serve the disciplinary action until June 27, 2016, ten days after the June 17, 2017, deadline to take disciplinary action.</i> ◦ Did the department's advocate adequately subpoena and prepare available witnesses for the hearing? <i>The department attorney did not call any witnesses to testify that the captain was out of state and was therefore unavailable for service of the letter of intent, which is an exception to the deadline to take disciplinary action.</i> ◦ Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing? <i>The department attorney failed to argue the captain was unavailable because he was out of state and therefore subject to the exception to timely service of the disciplinary action.</i> ◦ Did the department's advocate present the necessary available evidence regarding the allegations at the hearing? <i>The department attorney failed to present any evidence that the captain was out of state and was therefore unavailable, which is an exception to the deadline to take disciplinary action.</i> ◦ Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence? <i>The department attorney failed to present evidence that the captain was out of state and therefore unavailable for service of the letter of intent.</i> ◦ Did the department's advocate appropriately represent the department in petition for rehearing proceedings before the SPB? <i>The department attorney failed to present any evidence that the captain was out of state and therefore unavailable for service of the letter of intent.</i> ◦ If an executive review was invoked in the case, did OIG request the executive review? 					

The OIG disagreed with the hiring authority's decision regarding the discipline for the captain because the seriousness of the misconduct warranted disciplinary action instead of corrective action.

- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**

The department attorney neglected to provide the OIG with a draft disciplinary action for review, met with the hiring authority and associate director without notifying the OIG, failed to notify the OIG and provide copies of the captain's discovery request and motion to dismiss, and delayed consulting regarding filing a petition for rehearing.

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

The delays are addressed in prior questions.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-06-20	15-0001822-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					
Incident Summary On June 20, 2015, an officer was allegedly intoxicated in public and involved in a physical altercation. The officer also allegedly groped a woman under her dress and was dishonest to outside law enforcement regarding the incident. On August 19, 2016, the officer suffered an out-of-state conviction for criminal harassment.					
Case Disposition The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-07-13	15-0001821-IR	1. Failure to Report 2. Discourteous Treatment 3. Threat/Intimidation 4. Discourteous Treatment 5. Discourteous Treatment	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Exonerated	Salary Reduction	Modified Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On July 13, 2015, an officer allegedly asked an inmate if an injury to the inmate's lip was from a fight or the result of a sexual act. The officer also allegedly drew and wrote offensive notations on the inmate's bed card, threatened the inmate if he filed a complaint, announced a sexually derogatory comment about the inmate over the building's public address system, and harassed the inmate after he filed a complaint against the officer. A second officer allegedly overheard the first officer's inappropriate comment regarding the inmate's lip but failed to report the misconduct to a supervisor.

Case Disposition

The hiring authority sustained the allegations that the first officer made a discourteous comment about the inmate's lip and uttered a derogatory comment over the public address system, but not the remaining allegations, and imposed a 5 percent salary reduction for nine months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for five months and agreeing to remove the disciplinary action from the officer's official personnel file after 18 months. The OIG did not concur but did not seek a higher level of review because the penalty was within departmental guidelines. The hiring authority sustained the allegation against the second officer and issued a letter of reprimand. The OIG concurred. The second officer filed an appeal with the State Personnel Board but later withdrew his appeal.

Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the department attorney did not adequately cooperate or prepare the disciplinary actions in compliance with policy, and the hiring authority settled the case without sufficient cause.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?**
The department attorney did not provide the hiring authority or the OIG written confirmation of the penalty discussions.
- **Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?**
The disciplinary actions did not inform the officers of the right to respond to a manager who was not involved in the investigation.
- **Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?**
The disciplinary actions did not inform the officers of the right to respond to a manager who was not involved in the investigation.
- **If there was a settlement agreement, was the settlement consistent with the DOM factors?**
The department did not identify any new evidence, flaws, or risks justifying the penalty reduction.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the decision to reduce the officer's penalty because the department did not identify any new evidence, flaws, or risks justifying the penalty reduction.
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney did not provide the OIG a copy of the draft settlement agreement.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-08-18	15-0002060-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Suspension
Case Type: Administrative Investigation					
Incident Summary On August 18, 2015, an officer allegedly opened an inmate's cell door without authorization and failed to re-lock the door. The officer also allegedly failed to ensure the locking system was working at all times, report the locking system was malfunctioning, and carry his personal alarm and pepper spray, and was allegedly dishonest about whether the locking system was working properly. On May 23, 2016, the officer was allegedly dishonest in his interview with the Office of Internal Affairs.					
Case Disposition The hiring authority sustained all allegations, except that the officer failed to re-lock the door and was dishonest about whether the locking system was working properly, and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Due to evidentiary problems, the department entered into a settlement agreement with the officer reducing the penalty to a one-year suspension, removing the dishonesty allegation from the disciplinary action, and agreeing to not seek restitution from the officer for damage caused to the institution due to the inmate being out of the cell. The officer agreed to not work on the night shift for three years. The OIG concurred with the settlement because during hearing preparation the department attorney determined that three witnesses would provide credible testimony that, if relied upon by the administrative law judge, would result in the dishonesty allegation being not sustained.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-08-26	15-0002256-IR	1. Dishonesty 2. Insubordination/Willful Disobedience 3. Dishonesty 4. Insubordination/Willful Disobedience	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Suspension

Case Type: Direct Action with Subject-Only Interview

Incident Summary
 On August 26, 2015, an officer allegedly failed to follow a sergeant's instruction to report for a random drug test and was allegedly dishonest when she told the sergeant that she immediately went to and tried to call the test site and that she was unable to contact the sergeant. On March 25, 2016, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.

Case Disposition
 The hiring authority sustained the allegations, except that she was dishonest in claiming she tried to call the test site and was unable to reach her supervisor, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a one-month suspension and removing the remaining dishonesty allegations. The officer waived all back pay. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the officer had corrected her dishonest statements shortly after making them and the penalty was still significant.

Disciplinary Assessment
 The department did not comply with policies and procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference, removed an allegation the evidence supported, and significantly reduced the penalty. The department attorney did not document penalty discussions.

Procedural Rating Insufficient	Substantive Rating Insufficient
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Assessment Questions

- **Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 17, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 8, 2016, 22 days thereafter.
- **Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?**
The department attorney did not provide written confirmation of penalty discussions.
- **If there was a settlement agreement, was the settlement consistent with the DOM factors?**
The settlement did not appropriately consider the gravity of the misconduct.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with removing one of the dishonesty allegations and the significant penalty reduction.
- **Was the disciplinary phase conducted with due diligence by the department?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-01	15-0002532-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On September 1, 2015, an officer allegedly inappropriately unlocked a door and entered a housing area when the exercise yard door was open. A sergeant allegedly falsely documented that he had previously ordered the officer to review procedures regarding security for the area. The officer and a second officer allegedly falsified their reports regarding the incident. On September 24, 2015, the first officer was allegedly dishonest to a captain. On April 13, 2016, and May 16, 2016, the first officer was allegedly dishonest during interviews with the Office of Internal Affairs.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the first officer, except that his original report was dishonest, and dismissed the officer. The hiring authority found insufficient evidence to sustain the allegations against the sergeant and second officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. However, at the pre-hearing settlement conference, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.</p>					
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-03	15-0002533-IR	1. Failure to Report 2. Neglect of Duty 3. Failure to Report 4. Failure to Report Use of Force 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On September 3, 2015, two officers allegedly used physical force on an inmate and failed to report it. Two other officers observed the use of force and also allegedly failed to report it.					
Case Disposition The hiring authority sustained the allegations against the first and fourth officers and imposed 5 percent salary reductions for one month on each. The hiring authority found insufficient evidence to sustain the allegations against the second and third officers. The OIG concurred with the hiring authority's determinations. The first officer did not file an appeal with the State Personnel Board. The fourth officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement reducing the fourth officer's penalty to a letter of reprimand and removing it from the officer's official personnel file. The OIG did not concur with the settlement; however, the settlement terms did not merit a higher level of review because the penalty reduction was within departmental guidelines.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department attorney provided improper legal advice to the hiring authority, and the department entered into a settlement agreement without sufficient justification.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations? <i>The department attorney provided advice to the hiring authority that was not legally supported that the department was precluded from taking disciplinary action because job training was already provided to the officers. The OIG disagreed with the department attorney's analysis and the hiring authority imposed discipline as the OIG recommended.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The department did not identify any new evidence, flaws, or risks justifying the settlement.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the decision to reduce the officer's penalty because the department did not identify any new evidence, flaws, or risks justifying the reduction.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-24	15-0002671-IR	1. Failure to Report Use of Force 2. Insubordination/Willful Disobedience 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On September 24, 2015, an officer allegedly failed to report his own use of force as well as force he witnessed. On September 25, 2015, a second officer allegedly failed to timely report an unreasonable use of force reported to him. On May 17, 2016, the first officer allegedly violated an order from the Office of Internal Affairs to not discuss the investigation.					
Case Disposition The hiring authority sustained the allegations against the first officer and imposed a 5 percent salary reduction for 24 months. The hiring authority found insufficient evidence to sustain the allegation against the second officer. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer provided new information that he sought on-the-job training and counseling from supervisors after the incident regarding use-of-force reports and that he had a better understanding of reporting requirements, thereby reducing the likelihood of recurrence. Based on the new information, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 18 months. The OIG concurred based on the new information and the penalty remained within departmental guidelines.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department did not serve the disciplinary action in accordance with policy. The department attorney inaccurately documented penalty discussions.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the department attorney provide to the HA and OIG written confirmation of penalty discussions? <i>The department attorney's written confirmation of the penalty discussions included inaccurate information regarding the factors the hiring authority considered.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on September 16, 2016. However, the department did not serve the disciplinary action until November 2, 2016, 47 days later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-24	15-0002773-IR	1. Unreasonable Use of Force 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On September 24, 2015, an officer allegedly pushed an inmate to the ground while responding to an incident and was dishonest in his report regarding the matter.					
Case Disposition The hiring authority sustained the allegation that the officer pushed the inmate, but not the remaining allegation, and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for six months. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the penalty was within the department's penalty guidelines.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely consult regarding the disciplinary determinations and reduced the penalty without a reasonable basis. Also, the department attorney did not timely provide legal advice to the hiring authority or adequately cooperate with the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 5, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 26, 2016, more than two months thereafter.</i> ◦ Did the department attorney provide to the HA and OIG written confirmation of penalty discussions? <i>The department attorney did not provide the OIG with written confirmation of penalty discussions.</i> ◦ Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed? <i>The department attorney did not provide the OIG with a draft pre-hearing settlement conference statement before filing.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The department did not identify any new evidence, flaws, or risks justifying the reduction.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the decision to reduce the officer's penalty because the department did not identify any new evidence, flaws, or risks justifying the reduction.</i> ◦ Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The department attorney did not provide the OIG critical documents.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>One delay is addressed in a prior question. In addition, the department attorney delayed almost two months before providing final legal advice to the hiring authority regarding the investigative findings thereby causing an unnecessary delay in concluding the disciplinary findings conference.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-25	15-0002453-IR	1. Dishonesty 2. Failure to Report 3. Misuse of Authority 4. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
Incident Summary On September 25, 2015, a sergeant allegedly falsified an incident report and a rules violation report and ordered two officers to falsify their incident reports. One of the officers allegedly falsified his incident report and a holding cell log and failed to report the sergeant's misconduct. A lieutenant allegedly allowed the sergeant and officer to falsify their reports and falsified his own report.					
Case Disposition The hiring authority sustained the allegations against the sergeant and the officer and dismissed them. The hiring authority found insufficient evidence to sustain the allegations against the lieutenant. The OIG concurred. The officer and sergeant filed appeals with the State Personnel Board. However, pursuant to settlement agreements, the sergeant and officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the sergeant and officer did not work for the department was achieved.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-27	15-0002386-IR	1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Suspension	Modified Suspension
Case Type: Administrative Investigation					
Incident Summary On September 27, 2015, an officer allegedly failed to sign his post orders, conduct security checks, and conduct a proper inmate count. On September 28, 2015, a second and third officer also allegedly failed to sign their post orders and conduct security checks. On May 17, 2016, the third officer allegedly failed to appear for an interview with the Office of Internal Affairs.					
Case Disposition The hiring authority sustained the allegations against the first officer, except regarding the inmate count, and issued a letter of reprimand. The officer did not file an appeal with the State Personnel Board. The hiring authority sustained the allegation against the second officer for failing to sign a post order, but not the remaining allegation, and issued a letter of instruction. The hiring authority sustained the allegations against the third officer, except that he failed to conduct a security check, and imposed a 22-working-day suspension. The OIG concurred with the hiring authority's determinations. The third officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority agreed to reduce the penalty to a 20-working-day suspension and the disciplinary action could be removed after 18 months. The OIG concurred because the officer expressed remorse and accepted responsibility for his actions.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner, and the disciplinary actions did not comply with policy.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on August 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until September 12, 2016, 33 days thereafter.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary actions did not inform the officers of their right to respond to a manager who was not involved in the investigation.</i> ◦ Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The final disciplinary actions did not inform the officers of their right to respond to a manager who was not involved in the investigation.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>The delay is addressed in a prior question.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-15	16-000777-IR	1. Dishonesty	1. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary On October 15, 2015, an ombudsman allegedly provided false information and omitted information on an employment background investigation questionnaire regarding acts of child molestation involving his siblings and possession of child pornography. On November 2, 2015, the ombudsman allegedly provided false information and omitted material information during a background investigation interview. On March 22, 2016, the ombudsman was allegedly dishonest during his interview with the Office of Internal Affairs.</p>					
<p>Case Disposition The hiring authority sustained the allegations and dismissed the ombudsman. The OIG concurred. The ombudsman filed an appeal with the State Personnel Board. However, pursuant to a settlement agreement, the ombudsman resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the ombudsman did not work for the department was achieved.</p>					
<p>Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-15	16-0001803-IR	1. Dishonesty 2. Retaliation 3. Neglect of Duty 4. Retaliation 5. Neglect of Duty 6. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Suspension

Case Type: Administrative Investigation

Incident Summary

Between October 15, 2015, and November 17, 2015, two officers and a cook allegedly used racial or religious slurs toward an inmate, the cook allegedly failed to follow religious meal preparation procedures, and the first officer allegedly failed to report his concerns about the inmate's safety. On November 17, 2015, the first officer and the cook allegedly removed the inmate from his job in the kitchen because the inmate filed an appeal and complained about staff misconduct. On October 21, 2015, a third officer allegedly made a discourteous statement toward one inmate and racial and religious slurs toward another inmate. On October 11, 2016, the first officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Case Disposition

The hiring authority sustained allegations that the first officer retaliated against an inmate, failed to report safety concerns, and was dishonest to the Office of Internal Affairs and dismissed him. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations. After a *Stelly* hearing, the department entered into a settlement agreement with the officer reducing the penalty to a 60-working-day suspension, transferring him from his current post, and removing his right to bid for posts for one year. The department also agreed to remove the disciplinary action from the officer's official personnel file after two years. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty was still within the range of penalties the disciplinary guidelines allow and the likelihood of recurrence was low because the officer would be removed from his post.

Disciplinary Assessment

The department's handling of the disciplinary process was substantively insufficient because the hiring authority entered into a settlement agreement reducing a penalty without sufficient consideration of the misconduct. The department attorney did not provide written confirmation of penalty discussions.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?**
The department attorney did not provide the hiring authority or the OIG written confirmation of penalty discussions.
- **If there was a settlement agreement, was the settlement consistent with the DOM factors?**
The hiring authority reduced the penalty without giving sufficient weight to the seriousness of the misconduct.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with reducing the penalty from dismissal to a suspension because the sustained misconduct warranted dismissal.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-04	16-0000205-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On November 4, 2015, two officers allegedly failed to observe that two inmates were stabbing a third inmate multiple times on the exercise yard.					
Case Disposition The hiring authority sustained the allegation against one of the officers and imposed a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegation against the other officer. The OIG concurred with the hiring authority's determinations. The first officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-13	16-0001801-IR	1. Neglect of Duty 2. Failure to Report 3. Unreasonable Use of Force 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On November 13, 2015, two officers allegedly punched, kicked, and choked an inmate, and failed to accurately report the use of force. A lieutenant allegedly discarded a visual recording of the incident and failed to ensure a video-recorded interview of the inmate was performed. On December 2, 2015, a second lieutenant allegedly failed to identify that the inmate alleged unreasonable use of force, and failed to ensure a video-recorded interview of the inmate was performed and the visual recording of the incident was preserved. On December 3, 2015, a captain also allegedly failed to identify that the inmate alleged unreasonable use of force, and allegedly failed to ensure a video-recorded interview of the inmate was performed and the visual recording of the incident was preserved. On December 8, 2015, a sergeant allegedly failed to perform a video-recorded interview of the inmate and failed to complete required documentation. On December 28, 2015, the sergeant allegedly coerced the inmate to prevent reporting the officers' misconduct, and a second sergeant allegedly failed to report that the first sergeant coerced the inmate to not report the alleged unreasonable use of force.					
Case Disposition The hiring authority sustained the allegations against the first sergeant that he failed to conduct a video-recorded interview and failed to complete documentation, but not that he coerced the inmate to prevent reporting, and sustained all allegations against both lieutenants and the captain. The hiring authority issued letters of reprimand to the sergeant, lieutenants, and captain. The hiring authority found insufficient evidence to sustain the allegations against the officers and the second sergeant. The OIG concurred with the hiring authority's determinations. After a <i>Stelly</i> hearing, the hiring authority reduced the captain's penalty to a letter of instruction because the captain expressed remorse and demonstrated that he had corrected the practice that led to the misconduct. The OIG concurred. The second lieutenant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the lieutenant reducing the penalty to a letter of instruction. The OIG concurred with the settlement because the lieutenant wrote an unsolicited memorandum to the hiring authority taking responsibility and expressing remorse for his misconduct. The first lieutenant did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-24	16-0000271-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On November 24, 2015, five officers allegedly inappropriately entered the cell of an inmate who was refusing a bed move instead of conducting a controlled cell extraction. A sergeant allegedly failed to order a controlled cell extraction, failed to supervise the incident, and was dishonest in his reporting of the incident.					
Case Disposition The hiring authority sustained the allegations, except that the sergeant was dishonest, imposed a 10 percent salary reduction for 12 months on the sergeant and issued letters of reprimand to the officers. The OIG concurred with the hiring authority's determinations. The sergeant and four of the officers accepted responsibility and expressed remorse at their <i>Skelly</i> hearings. The department entered into settlement agreements wherein the hiring authority withdrew the four officers' letters of reprimand and issued letters of instruction. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing. The fifth officer did not file an appeal with the State Personnel Board. The sergeant filed an appeal with the State Personnel Board. At the hearing, the department entered into a settlement agreement with the sergeant modifying the salary reduction to 10 percent for eight months. The OIG did not concur but did not seek a higher level of review.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference, entered into a settlement agreement with the sergeant the <i>Skelly</i> factors did not justify, and neglected to serve the disciplinary actions according to policy. The employee relations officer did not adequately cooperate with the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> o Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 27, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until October 12, 2016, 77 days thereafter.</i> o Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary actions did not advise the sergeant and officers of the right to respond to an uninvolved manager.</i> o Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The final disciplinary actions did not advise the sergeant and officers of the right to respond to an uninvolved manager.</i> o If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The department entered into a settlement agreement with the sergeant reducing the penalty more than the <i>Skelly</i> factors warranted.</i> o If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur because the hiring authority reduced the sergeant's penalty more than the <i>Skelly</i> factors justified.</i> o Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>Despite repeated requests, the employee relations officer did not timely provide the OIG requested documents.</i> o Was the disciplinary phase conducted with due diligence by the department? <i>One delay is addressed in a prior question. In addition, the department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on October 11, 2016. However the department did not serve the disciplinary actions until November 22, 2017, 42 days later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-27	16-000264-IR	1. Neglect of Duty 2. Other Failure of Good Behavior 3. Weapons	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 27, 2015, an officer allegedly possessed a firearm while intoxicated, left the firearm unsecured in the center console of his vehicle in plain view, and needed outside law enforcement to take him to his residence because he was unable to care for himself.					
Case Disposition The hiring authority sustained the allegations, except for being in possession of a firearm while intoxicated, and imposed a 5 percent salary reduction for nine months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-12-16	16-0001226-IR	1. Neglect of Duty 2. Medical-Undetermined/Other 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On December 16, 2015, a physician allegedly performed a body cavity search of an inmate for possible contraband without approval and without using the proper equipment, and failed to document the search.					
Case Disposition The hiring authority sustained the allegation that the physician failed to document his interaction with the inmate, but not the remaining allegations, and imposed a 5 percent salary reduction for six months. The OIG concurred except for the decision to not sustain the allegation that the physician violated policy regarding body cavity searches. The OIG did not seek a higher level of review because the hiring authority imposed a penalty that was within departmental guidelines. The physician filed an appeal with the State Personnel Board. The department misplaced the State Personnel Board notices of appeal and learned of State Personnel Board proceedings eight days before the pre-hearing settlement conference. Because of the department's lack of awareness regarding the appeal and the legal implications, the department entered into a settlement agreement with the physician reducing the penalty to a 5 percent salary reduction for two months and agreed to remove the disciplinary action from the physician's official personnel file after one year. Although the department did not consult with the OIG regarding the appeal or settlement, the OIG concurred with the settlement because the department attorney's failure to timely file a critical document with the State Personnel Board severely undermined the department's case.					
Disciplinary Assessment The department did not comply with policies and procedures governing the disciplinary process because the department misplaced State Personnel Board documents, the department attorney did not timely file a pre-hearing settlement conference statement, inaccurately documented the OIG's involvement during settlement negotiations, and prepared a legally insufficient draft disciplinary action. The department attorney and hiring authority did not adequately consult with the OIG.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The department attorney failed to identify the physician as a manager in the draft disciplinary action.</i> ◦ Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues? <i>The department attorney failed to timely file a pre-hearing settlement conference statement because the department misplaced notices from the State Personnel Board.</i> ◦ If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021? <i>The department attorney inaccurately reflected contacting the OIG during the settlement discussions at the pre-hearing settlement conference.</i> ◦ Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement? <i>The department did not consult with the OIG before modifying the penalty or entering into a settlement agreement.</i> ◦ Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The department attorney and employee relations officer failed to consult with the OIG regarding the State Personnel Board appeal, the setting of the pre-hearing settlement conference, the department's motion to file a late pre-hearing settlement conference statement, the penalty modification, and the settlement.</i> ◦ Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The hiring authority failed to consult with the OIG regarding modifying the penalty and the settlement.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-01-08	16-000680-IR	1. Discourteous Treatment 2. Discrimination/Harassment	1. Sustained 2. Not Sustained	Counseling	Counseling

Case Type: Administrative Investigation

Incident Summary

From January 8, 2016, through January 20, 2016, an associate warden and a captain allegedly harassed a lieutenant and referred to him as a "rat." On January 25, 2016, another lieutenant allegedly taped a picture of a cheese wedge on the window of the first lieutenant's office.

Case Disposition

The hiring authority sustained the allegation against the lieutenant and issued an employee counseling record. The hiring authority found insufficient evidence to sustain the allegations against the associate warden and the captain. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority did not adequately cooperate with the OIG and the department attorney did not provide the OIG with written confirmation of penalty discussions.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?**
The department attorney did not provide the OIG with written confirmation of penalty discussions.
- **Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The hiring authority did not provide the OIG with a draft of the employee counseling record for review before serving it on the lieutenant.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-03	16-0001215-IR	1. Driving Under the Influence 2. Other Failure of Good Behavior 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action with Subject-Only Interview

Incident Summary

On March 3, 2016, an officer was arrested for allegedly driving under the influence of alcohol. The officer was also allegedly in possession of a firearm and ammunition while under the influence and dishonest to outside law enforcement when he denied drinking alcohol.

Case Disposition

The hiring authority sustained the allegations, except dishonesty, and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-15	16-0001331-IR	1. Insubordination/Willful Disobedience 2. Intoxication 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Suspension	Suspension

Case Type: Direct Action with Subject-Only Interview

Incident Summary

On March 15, 2016, an officer was arrested after he allegedly choked and pushed his minor daughter while intoxicated and subsequently allegedly failed to submit a memorandum regarding the incident as a lieutenant had directed. On July 13, 2016, the officer pled guilty to infliction of injury on a child.

Case Disposition

The hiring authority sustained the allegations, imposed a 60-working-day suspension, and served a non-punitive separation based on the officer's failure to meet minimum qualifications of the job due to the guilty plea that prevented him from possessing a firearm. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the officer withdrew his plea and entered a plea to an offense that did not prevent him from possessing a firearm. Based on the changed plea, the department entered into a settlement agreement withdrawing the non-punitive separation. The OIG concurred with the settlement based on the change in circumstances. Although the hiring authority withdrew the non-punitive termination, the suspension remained.

Disciplinary Assessment

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

Procedural Rating
Sufficient

Substantive Rating
Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-07	16-0001645-IR	1. Failure to Report 2. Neglect of Duty 3. Failure to Report 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On April 7, 2016, an officer allegedly exceeded the speed limit while driving a State vehicle. A second officer allegedly failed to timely report the first officer's speeding and attempted to photograph or visually record the first officer. The second officer also allegedly was asleep on duty and attempted to dissuade the first officer from reporting his sleeping.

Case Disposition

The hiring authority sustained allegations that the second officer attempted to photograph or visually record the first officer and attempted to dissuade the first officer from reporting misconduct, but not the remaining allegations, and imposed a 10 percent salary reduction for 20 months. The hiring authority found insufficient evidence to sustain the allegation against the first officer. The OIG concurred with the hiring authority's determinations. The second officer filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the officer submitted a letter to the hiring authority expressing remorse and apologizing for his actions. Based on this new information, the hiring authority reached a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 15 months. The OIG concurred based on the new information.

Disciplinary Assessment

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

Procedural Rating
Sufficient

Substantive Rating
Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-18	16-0001725-IR	1. Neglect of Duty 2. Dishonesty 3. Unreasonable Use of Force 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action with Subject-Only Interview

Incident Summary
 On April 18, 2016, an officer allegedly pushed an inmate to the ground while responding to an alarm, failed to report pushing the inmate to the ground, and was dishonest in his report regarding the incident.

Case Disposition
 The hiring authority sustained the allegation that the officer failed to report his use of force, but not that he was dishonest or used unreasonable force, and imposed a 10 percent salary reduction for six months. The OIG did not concur with the failure to sustain dishonesty or unreasonable use of force but did not seek a higher level of review. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for four months because the officer accepted responsibility. The OIG did not concur with the settlement but did not seek a higher level of review.

Disciplinary Assessment
 The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or select the appropriate penalty and reduced a penalty that was already too low. The department attorney provided poor legal advice.

Procedural Rating	Substantive Rating
Insufficient	Insufficient

Assessment Questions

- o **Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until October 12, 2016, 48 days thereafter.
- o **Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?**
The department attorney did not recommend a penalty consistent with dishonesty and unreasonable use of force despite a preponderance of the evidence supporting these allegations and corresponding penalty.
- o **Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?**
The hiring authority did not select dishonesty or unreasonable use of force despite a preponderance of the evidence supporting these allegations.
- o **If there was a settlement agreement, was the settlement consistent with the DOM factors?**
The initial penalty did not reflect the severity of the misconduct. Therefore, a reduction was not warranted.
- o **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the modification because the initial penalty did not reflect the seriousness of the misconduct. Therefore, a reduction was inappropriate.
- o **Was the disciplinary phase conducted with due diligence by the department?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-07	16-0001870-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					
Incident Summary On June 7, 2016, an officer allegedly forcibly pulled a wheelchair-bound inmate into his cell when the inmate posed no imminent threat.					
Case Disposition The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference, the disciplinary action did not include all notice as described in departmental policy, and the department did not serve the disciplinary action in accordance with policy.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on August 24, 2016. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until November 22, 2016, 90 days thereafter.</i> ◦ Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ Was the disciplinary phase conducted with due diligence by the department? <i>One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on November 22, 2016. However, the department did not serve the disciplinary action until January 25, 2017, 64 days later.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-01	16-0001856-IR	1. Weapons 2. Intoxication 3. Neglect of Duty 4. Discourteous Treatment 5. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary Between July 1, 2016, and July 3, 2016, an officer allegedly failed to qualify for and obtain certification to carry a firearm while off duty and submit an annual firearms certification form. On July 3, 2016, the officer was arrested for public intoxication. At the time of his arrest, the officer was allegedly in possession of a concealed weapon while intoxicated and without a valid permit, and was allegedly discourteous to outside law enforcement.					
Case Disposition The hiring authority sustained the allegations and imposed a 10 percent salary reduction for ten months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-06	16-0001972-IR	1. Misuse of Authority 2. Driving Under the Influence	1. Sustained 2. Sustained	Dismissal	Demotion
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 6, 2016, a sergeant was arrested for allegedly driving under the influence of alcohol and allegedly misused her authority when she identified herself as a sergeant to obtain leniency.					
Case Disposition The hiring authority sustained the allegations and served the officer with notice of dismissal and non-punitive termination. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the sergeant provided evidence of attendance in substance abuse counseling, continued sobriety, and restored driving privileges. Based on the new information, the department entered into a settlement agreement with the sergeant withdrawing the non-punitive termination and reducing the penalty to a demotion plus a 60-working-day suspension. The sergeant agreed to provide continued proof of substance abuse counseling and submit to random drug and alcohol testing for three years. The OIG concurred with the settlement agreement based on the new information and the penalty remained within departmental guidelines.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-14	16-0001942-IR	1. Dishonesty 2. Insubordination/Willful Disobedience 3. Intoxication 4. Discourteous Treatment 5. Other Failure of Good Behavior 6. Discourteous Treatment 7. Intoxication	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Unfounded	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On August 14, 2016, outside law enforcement arrested an officer for allegedly driving under the influence. The officer was also allegedly dishonest to outside law enforcement, uttered profanities at emergency first responders, pushed one of the responders on the chest, went to another officer's residence and pounded on the door while yelling, resulting in outside law enforcement response, and violated the terms of his probation by driving under the influence of alcohol. On August 30, 2016, the officer allegedly violated a court order by failing to appear in court, resulting in a misdemeanor warrant for his arrest being issued on September 22, 2016.					
Case Disposition The hiring authority sustained the allegations, except for creating a disturbance at another officer's residence, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. On the day of the hearing, pursuant to a settlement agreement the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-27	16-0002074-IR	1. Dishonesty 2. Driving Under the Influence	1. Sustained 2. Sustained	Dismissal	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 27, 2016, an officer was arrested for allegedly driving under the influence of alcohol and was allegedly dishonest to outside law enforcement.					
Case Disposition The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. At a pre-hearing settlement conference, the officer produced new evidence regarding a traumatic event that triggered his substance abuse problem, the probability that the event and drinking reduced the likelihood he was intentionally dishonest, and evidence of his progress in a post-offense counseling and recovery program. Based on the new information, the hiring authority entered into a settlement agreement with the officer removing dishonesty from the disciplinary action and modifying the dismissal to a six-month suspension. The officer agreed to submit to alcohol testing at work, provide proof of regular attendance in a recovery program, and agreed he would be dismissed from the department if he violated the settlement terms. The OIG concurred based on the new information and settlement terms.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-18	16-0002096-IR	1. Discourteous Treatment 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 18, 2016, an officer was arrested for alleged public intoxication and possession of an open container in a vehicle. The officer also allegedly created a disturbance at a gas station, chastised a private citizen, and knocked a hat out of the citizen's hand.					
Case Disposition The hiring authority sustained the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-19	15-0002768-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Suspension	Suspension
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On October 19, 2016, an Office of Correctional Safety senior special agent allegedly failed to review, approve, and update a special operations plan pertaining to an operation that endangered the public and resulted in a parolee being shot. The senior special agent also allegedly failed to ensure agents under his supervision were properly briefed when the plan changed and that they followed policies, procedures, and training. A special agent also allegedly failed to complete and update the special operations plan and ensure that other agents were properly briefed when the plan changed. The special agent and a second special agent allegedly mishandled crime scene evidence, failed to follow policies, procedures, and training to protect the public and the parolee, and failed to ensure other agents adhered to policies, procedures, and training.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the senior special agent and first special agent and imposed 90-working-day suspensions on each. The hiring authority sustained the allegations against the second special agent, except that he mishandled evidence and an improperly worded allegation, and imposed a 90-working-day suspension. The department attorney did not agree with the penalties and elevated the matter to the hiring authority's supervisor. The OIG concurred with the hiring authority's determinations regarding the allegations but not with penalty determinations and joined the department attorney's decision to seek a higher level of review. The department attorney, the department attorney's supervisor, and the OIG recommended dismissal. At the higher level of review, the hiring authority's supervisor determined the allegations and penalties would remain as initially determined. The senior special agent and special agents filed appeals with the State Personnel Board. The first special agent retired and failed to appear for his pre-hearing settlement conference. Therefore, the administrative law judge deemed the appeal withdrawn. Prior to the State Personnel Board hearing for the senior special agent and second special agent, the department entered into settlement agreements reducing the penalties to 45-working-day suspensions, paying each 45 days of back pay, and agreeing to remove the disciplinary actions from their official personnel files 18 months after the effective date. The OIG did not concur with the settlement terms but did not seek a higher level of review.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies and procedures governing the disciplinary process because the hiring authority and hiring authority's supervisor did not identify a penalty that reflected the serious consequence that occurred, multiple acts of misconduct, and potential harm to the public and other law enforcement officers. Also, the department entered into settlement agreements without sufficient justification and contrary to the department attorney's recommendation.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the HA who participated in the disciplinary conference select the appropriate penalty? <i>The hiring authority improperly selected suspensions rather than dismissals as the appropriate penalties.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The hiring authority settled the cases without new evidence, flaws, or risks, and contrary to the department attorney's recommendation to proceed with the State Personnel Board hearing.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>Based on the multiple acts of misconduct, serious consequences that occurred, potential harm and risk to the public and other law enforcement officers, and failure to identify any changed circumstances, the OIG did not concur with the decision to modify the penalties.</i> ◦ If an executive review was invoked, was the appropriate decision made? <i>The hiring authority's supervisor improperly identified suspensions rather than dismissals as the proper penalties.</i> 					

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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2007-01-02	16-0001701-IR	1. Dishonesty 2. Dishonesty	1. Sustained 2. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary On January 2, 2007, an officer allegedly secured employment with the department under false pretenses by failing to disclose on his employment application that he had unsuccessfully applied for employment with other law enforcement agencies, been convicted of a misdemeanor, been placed on probation and a court-ordered diversion program, attended college, had an outstanding warrant, failed to appear for or violated terms of a court order, and had been questioned, cited, detained, fingerprinted, or investigated by outside law enforcement. On August 4, 2016, the officer was allegedly dishonest to the Office of Internal Affairs.</p>					
<p>Case Disposition The hiring authority sustained all allegations, except that the officer failed to appear for or violated terms of a court order, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the hiring authority entered into a settlement agreement whereby the officer resigned in lieu of dismissal. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.</p>					
<p>Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-08-11	16-0000920-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary On August 11, 2015, an officer allegedly failed to report his involvement in a use-of-force incident. On August 26, 2015, a lieutenant allegedly wrote and signed a false report in a second officer's name regarding the use-of-force incident.</p>					
<p>Case Disposition The hiring authority sustained the allegations against the lieutenant and served the lieutenant with a notice of dismissal. The OIG concurred. However, the lieutenant resigned before the disciplinary action took effect. The hiring authority placed a letter in the lieutenant's official personnel file indicating he resigned pending disciplinary action. The hiring authority found insufficient evidence to sustain the allegation against the officer. The OIG concurred.</p>					
<p>Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-15	16-0000202-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Unreasonable Use of Force	1. Sustained 2. Sustained 3. Not Sustained	Suspension	Suspension
Case Type: Administrative Investigation					
Incident Summary On October 15, 2015, three officers allegedly deployed pepper spray on an inmate when there was no imminent threat. One of the officers and a fourth officer allegedly struck the inmate with a baton when there was no imminent threat.					
Case Disposition The hiring authority sustained the allegation against the first officer and imposed a two-working-day suspension. The hiring authority found insufficient evidence to sustain the allegation against the second officer, but added and sustained neglect of duty for approaching the cell and imposed a two-working-day suspension. The OIG concurred with the hiring authority's determinations except for the decision to not sustain unreasonable use of force against the second officer. The OIG did not seek a higher level of review because the hiring authority imposed an appropriate penalty. The hiring authority found insufficient evidence to sustain the allegations against the third and fourth officers. The OIG did not concur but did not seek a higher level of review because the actions were not egregious based on the circumstances. The first officer did not file an appeal with the State Personnel Board. The second officer filed an appeal with the State Personnel Board. Following a hearing where the department attorney sufficiently represented the department, the State Personnel Board revoked the officer's suspension. The administrative law judge determined that based on the circumstances, the officer acted reasonably in response to an imminent threat.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the employee relations officer failed to notify the OIG of the <i>Skelly</i> hearing.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The employee relations officer failed to notify the OIG of the Skelly hearing, preventing the OIG from monitoring the hearing.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-29	16-0000326-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On October 29, 2015, a lieutenant allegedly failed to follow the department's report clarification request procedures and wrote a report for an officer without the officer's knowledge.					
Case Disposition The hiring authority sustained the allegations and served the lieutenant with a notice of dismissal. The OIG concurred. However, the lieutenant resigned before the disciplinary action took effect. The hiring authority placed a letter in the lieutenant's official personnel file indicating that he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-21	16-000392-IR	1. Failure to Report 2. Neglect of Duty 3. Discourteous Treatment 4. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On November 21, 2015, a lieutenant and sergeant allegedly failed to adequately investigate an inmate's alleged indecent exposure to an officer. The lieutenant also allegedly failed to report the indecent exposure and made derogatory comments to another officer regarding the incident. On November 23, 2015, the lieutenant allegedly falsely told another lieutenant he was unaware of the incident.					
Case Disposition The hiring authority sustained the allegation against the sergeant and issued a letter of instruction. The hiring authority also sustained the allegations against the lieutenant, except for dishonesty, and imposed a 10 percent salary reduction for 12 months and removed his right to bid for positions. The OIG concurred with the hiring authority's determinations except for the decision to not sustain the dishonesty allegation as to the lieutenant. The OIG did not seek a higher level of review because the hiring authority's interpretation of the evidence was also reasonable. The lieutenant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement maintaining the salary reduction but returning the lieutenant's right to bid for positions. The OIG did not concur with the settlement because there were no changed circumstances supporting the settlement. However, the settlement terms did not merit a higher level of review because the salary reduction remained the same and was within the appropriate range for the misconduct.					
Disciplinary Assessment The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not sustain dishonesty or select the appropriate penalty, and settled the case without sufficient justification.					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline? <i>The hiring authority did not sustain dishonesty despite evidence supporting the allegation.</i> ◦ Did the HA who participated in the disciplinary conference select the appropriate penalty? <i>The hiring authority did not impose the proper penalty of dismissal because the hiring authority failed to sustain dishonesty, which the evidence supported.</i> ◦ If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The department did not identify any new evidence, flaws, or risks justifying the settlement.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the modification because the department did not identify any new evidence, flaws, or risks justifying the settlement.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-12-15	16-0001981-IR	1. Assault 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 15, 2015, a youth counselor allegedly slapped his wife and threw food in her face, resulting in his arrest for domestic violence.					
Case Disposition The hiring authority sustained the allegations and imposed a 10 percent salary reduction for three months. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board but later withdrew the appeal.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-12-18	16-0000550-IR	1. Neglect of Duty 2. Discourteous Treatment	1. Sustained 2. Sustained	Salary Reduction	Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 18, 2015, a youth counselor, in front of wards and officers, allegedly called a ward a derogatory term for those who report misconduct.					
Case Disposition The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. Following a hearing where the department attorney adequately represented the department, the State Personnel Board modified the penalty to a letter of reprimand. The administrative law judge made a credibility determination and ruled the evidence insufficient to counter the youth counselor's version of events.					
Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the department attorney was not adequately prepared at the pre-hearing settlement conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> Did the department's advocate who appeared at the pre-hearing settlement conference have full settlement authority or the ability to obtain authority immediately by telephone? <i>Despite the OIG's recommendation, the department attorney did not make prior arrangements with the hiring authority to discuss settlement options or to obtain authority immediately by telephone. At the hearing, the department attorney did not have the hiring authority's contact information and, therefore, was unable to promptly contact the hiring authority.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-05	16-0000922-IR	1. Unreasonable Use of Force 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On February 5, 2016, an officer allegedly improperly deployed pepper spray on an inmate to prevent disposal of contraband. The officer submitted a report regarding the incident and allegedly replaced the report with a false report to justify his use of force. On February 6, 2016, a sergeant allegedly assisted the officer with writing the false report and failed to follow the proper process for obtaining clarification. On February 11, 2016, the officer allegedly wrote a rules violation report based on the false report and on March 5, 2016, allegedly provided false testimony at the rules violation hearing.					
Case Disposition The hiring authority sustained the allegation the officer used unreasonable force, but not the other allegations, and imposed a 5 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the allegations against the sergeant. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-06	16-0002029-IR	1. Misuse of Authority 2. Improper Access to Confidential Information	1. Sustained 2. Sustained	Suspension	Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between February 6, 2016, and September 4, 2016, an officer allegedly inappropriately accessed the confidential records of an inmate, his girlfriend's ex-husband, seven times. On September 29, 2016, the officer allegedly contacted another institution and requested that mailroom staff intercept and alter a letter he had mailed to the inmate.					
Case Disposition The hiring authority sustained the allegations and imposed a 15-working-day suspension. The OIG concurred. Prior to the <i>Skelly</i> hearing, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for seven months. The OIG did not concur because there were no changed circumstances warranting the modification. However, the settlement terms did not merit a higher level of review because the modified penalty was within the appropriate range for the misconduct.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-15	16-0001779-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On May 15, 2016, an officer allegedly carried a concealed weapon while off duty without being qualified to carry it and pointed it at another person.					
Case Disposition The hiring authority sustained the allegations and imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board which he later withdrew.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-04	16-0001814-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On June 4, 2016, an officer was arrested after he allegedly shoved his wife into a wall, grabbed her arms, and pushed her.					
Case Disposition The hiring authority sustained the allegation and imposed a 10 percent salary reduction for 20 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-18	16-0001888-IR	1. Dishonesty 2. Controlled Substances	1. Sustained 2. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					
Incident Summary On July 18, 2016, a youth counselor allegedly tested positive for cocaine. On July 25, 2016, the youth counselor allegedly falsely claimed to outside law enforcement that an unknown person gave him a cigar to smoke and he allegedly did not know it contained a controlled substance.					
Case Disposition The hiring authority sustained the allegations and dismissed the youth counselor. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement wherein the youth counselor resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the youth counselor did not work for the department was achieved.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-27	16-0001894-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On July 27, 2016, an officer allegedly grabbed his fiancée by the neck and threw her down, resulting in an out-of-state conviction on October 27, 2016, for domestic violence.					
Case Disposition The hiring authority sustained the allegations and imposed a 48-working-day suspension. The OIG concurred because the department also issued a non-punitive termination due to the conviction. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the officer withdrew his appeal.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-09	16-0001984-IR	1. Neglect of Duty 2. Other Failure of Good Behavior	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 9, 2016, outside law enforcement arrested an officer after he allegedly assaulted his wife, and allegedly failed to notify the department of his arrest.					
Case Disposition The hiring authority sustained the allegation the officer failed to notify the department of his arrest, but not that he assaulted his wife, and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Appendix C Investigative Phase Cases

Central

Incident Date 2012-12-29	OIG Case Number 17-0022746-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary Between December 29, 2012, and August 16, 2014, an officer allegedly threatened, intimidated an inmate, and touched the inmate's buttocks and breasts. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence and because the officer retired from the department. The hiring authority placed a letter in the officer's official personnel file indicating he retired under unfavorable circumstances.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Investigative Assessment The department did not comply with procedures governing the investigative process because the special agent inappropriately included administrative allegations in the criminal investigative report.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The investigative draft report contained administrative allegations in a criminal investigation report.</i> ◦ Was the final investigative report thorough and appropriately drafted? <i>The final criminal report contained the same inappropriate administrative allegations present in the draft report, despite the OIG's recommendations to remove the administrative allegations.</i> 			

Incident Date 2016-02-05	OIG Case Number 16-0001469-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
Incident Summary Between February 5, 2016, and February 26, 2016, an officer allegedly conspired with inmates to bring mobile phones and drugs into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The officer resigned before the Office of Internal Affairs completed the investigation. Therefore, the Office of Internal Affairs did not open an administrative investigation. The hiring authority placed a letter in the officer's official personnel file indicating he resigned under adverse circumstances.			
Procedural Rating Insufficient		Substantive Rating Insufficient	
Investigative Assessment The department did not comply with policies and procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, and the special agent did not adequately prepare for all aspects of the investigation, adequately cooperate with the OIG, or complete the investigation in a timely manner, and the deadline for filing misdemeanor criminal charges expired before the Office of Internal Affairs completed the investigation.			
Assessment Questions <ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 2, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 20, 2016, 49 days after the date of discovery.</i> ◦ Did the special agent adequately prepare for all aspects of the investigation? <i>The special agent began the investigation and drafted a search warrant affidavit without knowing the investigative services unit already conducted extensive investigative activities, including serving a search warrant. The special agent also did not use departmental resources to identify inmate visitors and relatives sending money to the officer's account and refused to investigate the sources as suspects until the OIG recommended doing both activities.</i> ◦ Did the department complete its investigation within six months of the date of discovery of the alleged misconduct? <i>The department learned of the alleged misconduct on March 2, 2016, but the Office of Internal Affairs did not complete its investigation until April 25, 2017, more than thirteen months thereafter.</i> ◦ Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed? <i>The deadline for filing misdemeanor charges expired 54 days before the Office of Internal Affairs completed its investigation. The district attorney's office filed felony charges.</i> ◦ Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent initially said he did not care about OIG recommendations and only cooperated after his supervisors directed him to do so. The special agent told the hiring authority the OIG was delaying the investigation when, in fact, the special agent caused the delay. The special agent in-charge refused to provide a copy of the court-issued warrant despite legal authority granting the OIG access to the warrant.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 			

Incident Date	OIG Case Number	Case Type	Allegations
2016-05-01	16-0001881-IR	Criminal Investigation	1. Criminal Act
Incident Summary Between May 1, 2016, and August 1, 2016, an officer allegedly engaged in a sexual relationship with an inmate. The officer also allegedly conspired with and received bribes from an inmate to introduce mobile phones, heroin, and methamphetamine into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Procedural Rating Insufficient		Substantive Rating Sufficient	
Investigative Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.			
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 8, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 11, 2016, 64 days after the date of discovery.</i> Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The investigative draft report did not include summaries of text messages sent to and from the officer's phone regarding the inmate.</i> Did the department complete its investigation within six months of the date of discovery of the alleged misconduct? <i>The department learned of the alleged misconduct on June 8, 2016, but the Office of Internal Affairs did not complete its investigation until January 20, 2017, more than seven months after the date of discovery.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 			

Incident Date	OIG Case Number	Case Type	Allegations
2016-05-01	16-0001968-IR	Criminal Investigation	1. Other Criminal Act
Incident Summary Between May 1, 2016, and August 1, 2016, an officer allegedly engaged in a sexual relationship with an inmate, conspired with the inmate to introduce contraband into the institution, introduced mobile phones and marijuana into the institution, and released confidential information regarding another inmate to the first inmate. A second officer allegedly conspired with the first officer to release the confidential information. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs opened an administrative investigation, which the OIG accepted for monitoring.			
Procedural Rating Insufficient		Substantive Rating Sufficient	
Investigative Assessment The department did not comply with procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.			
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 25, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 16, 2016, 53 days after the date of discovery.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 			

North

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-01	15-0001652-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>From January 1, 2014, through December 3, 2014, a chaplain allegedly conspired with and accepted bribes from wards and their family members to smuggle mobile phones into the facility. From July 9, 2015, through February 28, 2016, a sergeant allegedly accepted bribes from and conspired with wards and their family members to smuggle marijuana, mobile phones, and chargers into the facility. From July 9, 2015, through February 28, 2016, a youth counselor allegedly conspired with the sergeant for the same purposes. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Insufficient</p>	
<p>Investigative Assessment</p> <p>The department did not comply with policies and procedures governing the investigative process because the Office of Internal Affairs did not complete the investigation prior to the deadline for filing misdemeanor charges.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed? <i>The Office of Internal Affairs did not complete the investigation until February 10, 2017, after the deadline to file misdemeanor charges for offenses occurring from January 1, 2014, through February 9, 2016. The district attorney's office declined to file charges.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 			
Incident Date	OIG Case Number	Case Type	Allegations
2015-11-15	16-0001899-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between November 15, 2015, and August 15, 2016, an officer allegedly conspired with and received bribes from an inmate to introduce mobile phones, marijuana, and methamphetamine into an institution. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Assessment</p> <p>Overall, the department sufficiently complied with policies and procedures governing the investigative process.</p>			

Incident Date 2015-11-28	OIG Case Number 16-0001774-IR	Case Type Criminal Investigation	Allegations 1. Criminal Act
<p>Incident Summary</p> <p>Between November 28, 2015, and February 29, 2016, an officer's wife allegedly possessed an illegal hallucinogenic drug. On February 29, 2016, the wife allegedly placed the drug in the officer's drink, and the officer unknowingly drank it. The Office of Internal Affairs conducted an investigation and found insufficient evidence for a probable cause referral to the district attorney for the case against the officer, but found sufficient evidence for a probable cause referral of the case against the officer's wife. The OIG concurred with the probable cause determinations. The district attorney's office declined to prosecute the case against the officer's wife. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Insufficient</p>	
<p>Investigative Assessment</p> <p>The department did not comply with policies and procedures governing the investigative process. The Office of Internal Affairs opened a criminal investigation on a person not employed by the department and which involved alleged conduct which did not occur on department grounds or property, thereby constituting a waste of resources. The special agent did not inform outside law enforcement of surveillance activities, made inaccurate entries in the case management system, and failed to adequately consult with the OIG.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs decided to conduct a criminal investigation regarding the officer's wife, a person not employed by the department regarding an alleged action she engaged in which did not take place on department grounds or property. The Office of Internal Affairs should have referred the matter regarding the officer's wife to outside law enforcement.</i> ◦ Did the special agent adequately prepare for all aspects of the investigation? <i>The special agent did not notify outside law enforcement when conducting surveillance of the officer's home.</i> ◦ Did the special agent appropriately enter case activity in the case management system? <i>The special agent entered inaccurate and misleading statements in the case management system regarding consultations with the OIG.</i> ◦ Did the department complete its investigation within six months of the date of discovery of the alleged misconduct? <i>The department learned of the alleged misconduct on March 25, 2016, but the Office of Internal Affairs did not complete its investigation until January 10, 2017, more than six months thereafter.</i> ◦ Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent conducted surveillance of the officer's home and attempted to interview the officer's wife without providing sufficient notice to the OIG, preventing real-time monitoring.</i> 			

Incident Date 2016-03-28	OIG Case Number 16-0001896-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
Incident Summary Between March 28, 2016, and April 8, 2016, an officer allegedly communicated with an inmate who possessed a mobile phone and allowed the inmate to touch her buttocks through her clothing. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney's office declined prosecution. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Procedural Rating Insufficient		Substantive Rating Sufficient	
Investigative Assessment The department did not comply with procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not include a summary of critical evidence in the draft investigative report.			
Assessment Questions			
<ul style="list-style-type: none"> ◦ Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 18, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 17, 2016, 60 days after the date of discovery.</i> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The investigative draft report did not include copies of text messages from the mobile phone.</i> ◦ Did the department complete its investigation within six months of the date of discovery of the alleged misconduct? <i>The department learned of the alleged misconduct on June 18, 2016, but the Office of Internal Affairs did not refer the matter to the district attorney's office until January 30, 2017, more than seven months thereafter.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 			

Incident Date	OIG Case Number	Case Type	Allegations
2016-05-05	16-0001948-IR	Criminal Investigation	1. Criminal Act
<p>Incident Summary</p> <p>From May 5, 2016, to August 29, 2016, an officer allegedly conspired with inmates to introduce mobile phones and tobacco into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The officer resigned before the Office of Internal Affairs completed the investigation. The hiring authority placed a letter in the officer's official personnel file indicating he resigned under adverse circumstances. The Office of Internal Affairs did not open an administrative investigation because the officer resigned.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Insufficient</p>	
<p>Investigative Assessment</p> <p>The department did not comply with policies and procedures governing the investigative process because the Office of Internal Affairs did not conduct a thorough investigation and submitted an incomplete investigative report to the district attorney's office, thereby compromising the value of evidence seized and ability to determine the extent of criminal activities. Special agents also did not adequately consult with the OIG, enter critical information in the case management system, or timely file a search warrant return.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the special agent appropriately enter case activity in the case management system? <i>Special agents failed to enter into the case management system the names of persons interviewed during the execution of two search warrants and neglected to describe personal property seized.</i> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>Because the Office of Internal Affairs neglected to conduct a thorough forensic analysis of evidence seized, the investigative draft report did not include any such results. The draft report also failed to include a summary of a critical witness interview and a complete witness list.</i> ◦ Was the final investigative report thorough and appropriately drafted? <i>Because the Office of Internal Affairs neglected to conduct a thorough forensic analysis of evidence seized, the final investigative report did not include any such results.</i> ◦ Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent repeatedly failed to provide draft copies of search warrants for the OIG to review prior to submission to the district attorney's office. The special agent also failed to timely notify the OIG of the date and time of the officer's interview.</i> ◦ Was the investigation thorough and appropriately conducted? <i>The Office of Internal Affairs neglected to have forensic analyses performed on two computers, two personal computers, and 13 mobile phones seized during the investigation. Therefore, the evidentiary value of the evidence seized could not be determined and the extent of criminal activities remained undetected.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs delayed filing one search warrant return with the court until three months after execution of the warrant.</i> 			
Incident Date	OIG Case Number	Case Type	Allegations
2016-06-01	16-0002032-IR	Criminal Investigation	1. Criminal Act
<p>Incident Summary</p> <p>Between June 1, 2016, and September 20, 2016, an office technician allegedly engaged in a sexual relationship with an inmate. Between June 1, 2016, and January 12, 2017, the office technician allegedly exchanged letters and phone calls with the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney's office filed charges against the office technician. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Investigative Assessment</p> <p>The department did not comply with procedures governing the investigative process because the special agent did not adequately update the case management system.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not add new allegations discovered during the course of the investigation in the case management system.</i> 			

Incident Date 2016-06-07	OIG Case Number 16-0001777-IR	Case Type Criminal Investigation	Allegations 1. Criminal Act
Incident Summary On June 7, 2016, an officer allegedly conspired with inmates to introduce contraband and introduced a mobile phone subscriber identification card into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney's office. The OIG concurred. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Procedural Rating Sufficient		Substantive Rating Insufficient	
Investigative Assessment The department's handling of the investigative process was substantively insufficient because the special agent did not conduct the investigation in a timely manner, thereby jeopardizing the safety and security of the institution. The draft investigative report did not include a second witness interview.			
Assessment Questions <ul style="list-style-type: none"> ◦ Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The draft report did not include the inmate's second interview the special agent conducted.</i> ◦ Did the department complete its investigation within six months of the date of discovery of the alleged misconduct? <i>The department learned of the alleged misconduct on June 7, 2016, but did not complete the investigation until February 6, 2017, almost eight months later.</i> ◦ Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>Despite the OIG's repeated recommendations to interview the officer and timely complete the investigation, the special agent delayed and at one point, intended to close the investigation without attempting to interview the officer. During the delay, the officer continued to work near inmates and was captured on a visual recording suspiciously handing an object to an inmate. Only after this information was provided to the Office of Internal Affairs did the special agent attempt to interview the officer.</i> 			

South

Incident Date	OIG Case Number	Case Type	Allegations
2015-12-01	16-0000824-IR	Criminal Investigation	1. Criminal Act

Incident Summary
 From December 1, 2015, to March 11, 2016, an officer allegedly smuggled mobile phones and alcohol into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Procedural Rating Insufficient	Substantive Rating Insufficient
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Investigative Assessment
 The department did not comply with policies and procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs did not adequately conduct the investigation or cooperate with the OIG and did not complete the investigation until after the deadline for filing misdemeanor charges expired.

Assessment Questions

- **Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on December 1, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 11, 2016, 101 days after the date of discovery.
- **Did the department complete its investigation within six months of the date of discovery of the alleged misconduct?**
The department learned of the alleged misconduct on December 1, 2015, but did not complete the investigation until December 22, 2016, more than one year after the date of discovery.
- **Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?**
The deadline for filing misdemeanor charges was December 1, 2016, but the Office of Internal Affairs did not complete the investigation until December 22, 2016, 21 days after the deadline.
- **Did the special agent cooperate with and provide continual real-time consultation with the OIG?**
The special agent did not consult with the OIG before attempting to have a judge sign a search warrant.
- **Was the investigation thorough and appropriately conducted?**
During a large-scale search operation in administrative segregation, special agents allowed inmates suspected of possessing relevant evidence and contraband to leave their cells when they wanted, prior to conducting the search. Due to existing departmental policy restricting forced cell entries, the special agents stood outside the cells and watched the inmates destroy potential evidence without any effort to enter the cells, resulting in potential loss of evidence.
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**
The delays are addressed in prior questions.

Incident Date	OIG Case Number	Case Type	Allegations
2016-04-13	16-0001234-IR	Criminal Investigation	1. Other Criminal Act

Incident Summary
 On April 13, 2016, an officer allegedly received bribes and introduced narcotics and mobile phones into the institution. Between May 1, 2016, and May 10, 2016, the officer allegedly communicated and conspired with inmates, inmate families, and inmate friends to smuggle narcotics and mobile phones into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Procedural Rating Sufficient	Substantive Rating Sufficient
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Investigative Assessment
 The department sufficiently complied with policies and procedures governing the investigative process.

Incident Date 2016-06-20	OIG Case Number 16-0001767-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
Incident Summary On June 20, 2016, an officer allegedly communicated with an inmate by mobile phone and had an unauthorized knife at the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer resigned from the department. The hiring authority placed a letter in the officer's official personnel file indicating she resigned under unfavorable circumstances.			
Procedural Rating Sufficient		Substantive Rating Sufficient	
Investigative Assessment The department sufficiently complied with policies and procedures governing the investigative process.			

Incident Date 2016-07-20	OIG Case Number 16-0001885-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
Incident Summary On July 20, 2016, a sergeant and two officers allegedly struck an inmate with batons, a third and fourth officer allegedly used pepper spray on the inmate, and a fifth officer allegedly discharged a less-lethal round at the inmate. The first sergeant, a second sergeant, and the fourth officer allegedly physically fought with the inmate, causing the inmate to suffer lacerations and broken bones. The inmate allegedly did not present a threat that justified the use of force. The first and second sergeants and the fourth officer allegedly conspired to write false reports and the first sergeant also allegedly attempted to dissuade a nurse from providing truthful information regarding the incident. A captain, a lieutenant, the two sergeants and a third sergeant, the nurse, and the five officers and five additional officers allegedly wrote false reports regarding the incident. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Procedural Rating Sufficient		Substantive Rating Sufficient	
Investigative Assessment The department sufficiently complied with policies and procedures governing the investigative process.			

Incident Date 2016-09-24	OIG Case Number 16-0002008-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
Incident Summary On September 24, 2016, an officer allegedly possessed a knife and brandished it in a threatening manner toward inmates. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative case, which the OIG accepted for monitoring.			
Procedural Rating Sufficient		Substantive Rating Sufficient	
Investigative Assessment The department sufficiently complied with policies and procedures governing the investigative process.			



SEMI-ANNUAL REPORT
January–June 2017
Volume I

OFFICE OF THE INSPECTOR GENERAL

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STATE OF CALIFORNIA
August 2017