

Robert A. Barton
Inspector General

Office of the Inspector General

SEMI-ANNUAL REPORT

July – December 2015

Volume I



March 2016

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

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Robert A. Barton
Inspector General

Roy W. Wesley
Chief Deputy Inspector General

Shaun R. Spillane
Public Information Officer

March 2016



Foreword

This 22nd Semi-Annual Report covers the period of July through December 2015. Pursuant to California Penal Code Section 6133 et seq., the Office of the Inspector General (OIG) is required to report semi-annually on its oversight of the Office of Internal Affairs investigations and the employee discipline process within the California Department of Corrections and Rehabilitation (CDCR or the department). The OIG's Semi-Annual Reports have primarily served this purpose.

In addition to its oversight of CDCR's employee discipline process, the OIG also uses a real-time monitoring model to provide oversight and transparency in several other areas within the State prison system, including use of force, contraband surveillance watch, critical incidents, and complaint intake. Therefore, the OIG publishes the Semi-Annual Report in a two-volume format to allow readers to more easily distinguish the various categories of oversight activity.

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

— **ROBERT A. BARTON, INSPECTOR GENERAL**

VOLUME I

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Discipline Monitoring Activities

The Discipline Monitoring Unit of the Office of the Inspector General (OIG) is responsible for monitoring the 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 office believes the disposition and level of discipline should be.

There are two assessments for each case, a procedural and a substantive assessment. 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 process are unacceptable. The substantive assessment rates whether the investigation accomplished the goal of the investigative phase to provide the hiring authority with the information needed to make an appropriate decision. The substantive assessment also rates whether the hiring authority, in the OIG's opinion, made the correct decision.

The OIG reports each administrative case in two separate phases, the Pre-Disciplinary and the Disciplinary Phase. If the administrative investigation is completed and the hiring authority makes a decision regarding the investigation and allegations, the case is found in Appendix A1, titled Pre-Disciplinary Phase. This appendix also includes cases where the hiring authority did not sustain allegations.

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 either Appendix B, titled Disciplinary Phase, or Appendix C, titled Combined Phase Cases. Both have the Pre-Disciplinary and Disciplinary Phases concluded during the six-month reporting period.

Both the Pre-Disciplinary and Disciplinary Phase appendices also include cases in which the Office of Internal Affairs approved direct disciplinary action without a full investigation because it deemed the facts sufficiently established that no investigation is needed. Sometimes these cases involve an interview of only the subject(s) of the investigation. The OIG also monitors and assesses these cases.

Appendices B and C also contain information regarding the imposed penalties. Although there may be different penalties for different employees in one case, the OIG reports only the highest initial and the highest final penalty for sustained allegations for any of the employees involved in the case. The initial penalty is the penalty the hiring authority initially selected. The final penalty might be different due to new information that causes a hiring authority to modify the penalty, a

settlement (a mutual agreement between the department and employee), or a State Personnel Board decision after hearing. Regardless, the final penalty reported is the highest penalty for allegations sustained against any of the employees.

If the department conducted a criminal investigation, the case is reported in Appendix A2, 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 293 monitored cases the OIG closed during the reporting period of July 1, 2015, through December 31, 2015, 283 of which involve alleged administrative misconduct. This includes cases for which the department conducted an internal affairs investigation as well as those cases in which the department determined there was sufficient evidence to impose discipline without an investigation or only with an interview of the subject(s) of the investigation. The remaining ten cases pertain to alleged criminal behavior.

The number of cases reported only reflects the number of cases the OIG monitored and that concluded during this period. Because the OIG is sensitive to protecting the integrity of the process, the OIG only reports those cases that have completed a phase.

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 Panel, which determines whether an internal investigation is warranted, whether enough information exists for the department to proceed without an investigation, whether an interview of the subject(s) is needed, or whether there is insufficient evidence of misconduct. 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 to accept for monitoring:

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

Once 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 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 of the report. Policy requires the hiring authority to consult with the assigned Special Assistant Inspector General regarding the findings and discipline decision. If the Special Assistant Inspector General believes the hiring authority's decision is unreasonable, the OIG may elevate the matter to the next supervisory level through an executive review process.¹

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 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 continues to monitor the case until final resolution.

Cases are assessed sufficient or not based upon the performance of the department as a whole. It is up to the department to determine which entity or entities within the department is responsible if it chooses to do so. It can easily be determined from comments in the appendices.

¹ Pursuant to Department Operations Manual, Chapter 3, Article 22, Section 33030.14, when there is a disagreement over a hiring authority's decision concerning findings, penalty, or settlement, the OIG, or other designated stakeholders, can elevate that decision to a higher level of supervisorial or managerial review.

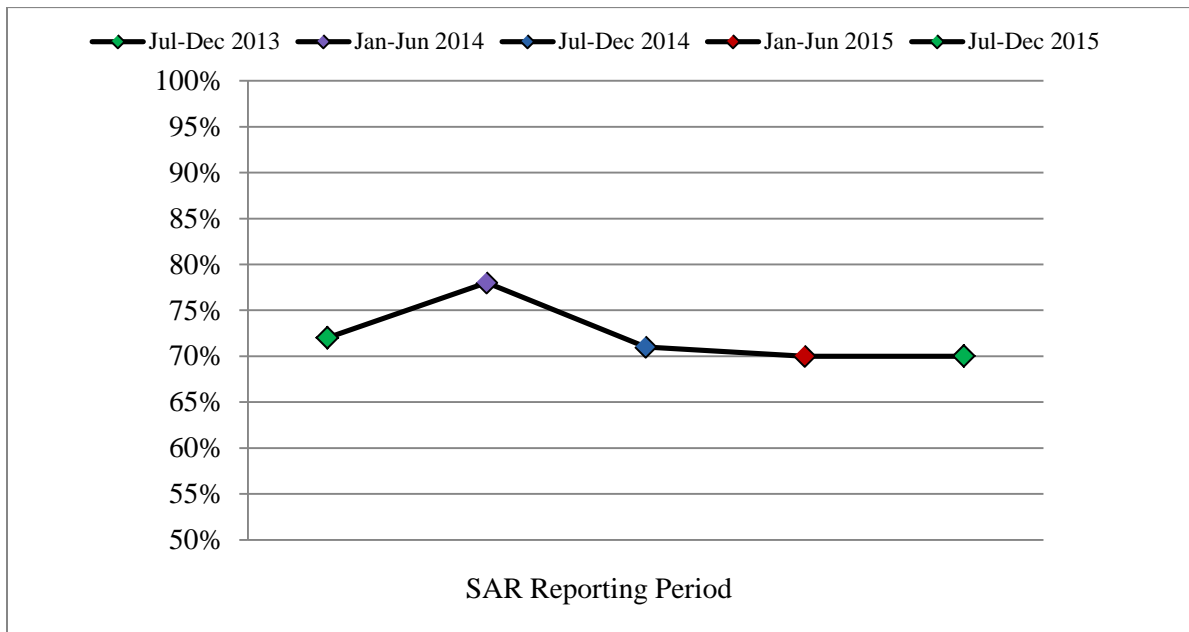
Monitoring the Pre-Disciplinary Phase

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 to sustain any of the allegations. This phase involves hiring authorities, the Office of Internal Affairs Central Intake Panel, assigned investigators from the Office of Internal Affairs, and department attorneys, if assigned.² It is not purely an investigative phase, although an investigation may be, and 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. Based on the OIG’s prior recommendation, the department adopted a standard requiring case referral within 45 days from the date the hiring authority discovers potential misconduct. Consistent with the last reporting period of January through June 2015, the hiring authority timely referred 71 percent of the cases the OIG monitored during the current reporting period of July through December 2015. Chart 1 below displays the number of cases referred to the Office of Internal Affairs Central Intake Panel within 45 days during the past five reporting periods. Timely referrals are the first step to ensuring completion of a thorough and timely investigation. Since 2014, there has been a slight decline in the timeliness of hiring authority referrals.

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



² 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.”

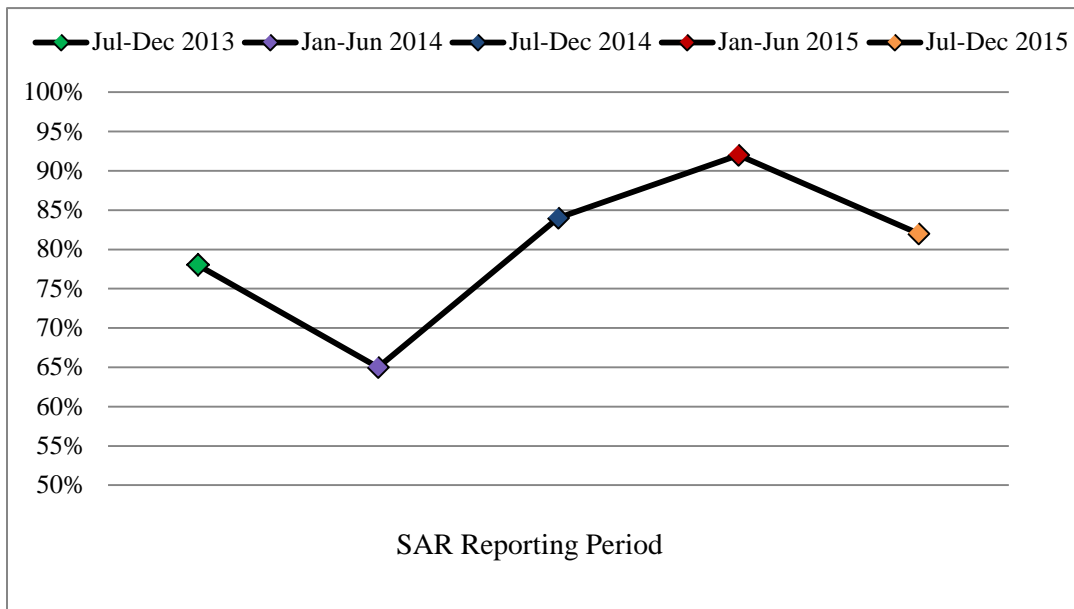
MONITORING THE OFFICE OF INTERNAL AFFAIRS CENTRAL INTAKE PANEL

The Office of Internal Affairs Central Intake Panel meets weekly to review referrals for investigation submitted from throughout the department. Special Assistant Inspectors General from the OIG's Discipline Monitoring Unit review the referrals and attend each weekly meeting. The Special Assistant Inspector General makes recommendations to the department regarding whether the department should investigate a matter, the level of investigation needed, and which cases the OIG will accept for monitoring. In this six-month reporting period, the OIG reviewed 1,132 cases forwarded to the Office of Internal Affairs Central Intake Panel for evaluation. Of the total number of cases reviewed, the OIG agreed with the Office of Internal Affairs' initial determination in over 98 percent of the cases. Additionally, the Office of Internal Affairs opened 985 cases, of which the OIG accepted 293 for monitoring.

The OIG reviewed 1,132 cases referred to the Office of Internal Affairs. Of those, the Office of Internal Affairs opened 985 cases. The OIG agreed with the Office of Internal Affairs' decision in 98% of the cases.

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 last reporting period of January through June 2015, the Office of Internal Affairs Central Intake Panel timely addressed 92 percent of the monitored cases. During this reporting period of July through December 2015, the percentage decreased to 82 percent. Chart 2 below shows 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 also critical to completing a timely investigation.

Chart 2: Percent of Cases with Timely Determinations by the Office of Internal Affairs Central Intake Panel



MONITORING THE INVESTIGATION

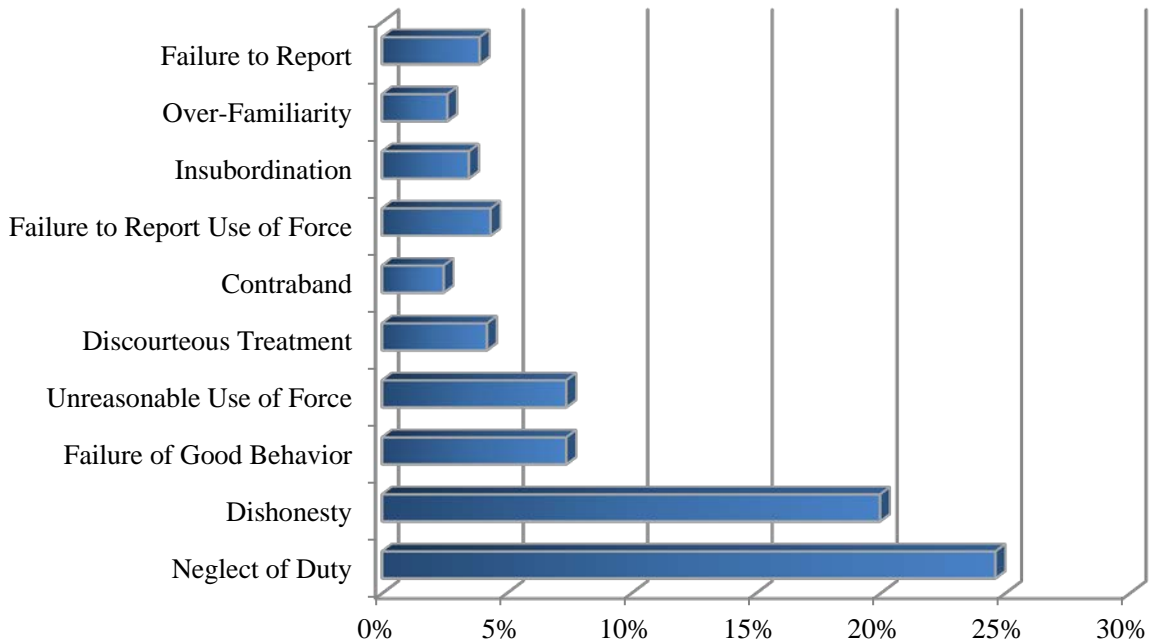
The OIG oversees and monitors the entire investigative process for both administrative and criminal investigations. The OIG monitoring encompasses all participants in this process, including the department hiring authorities, the department investigators, and the department attorneys. Any or all participants may contribute to the rating. The OIG rates the department as a whole and cautions the reader not to assume that an insufficient rating is aimed at any one particular participant. Oversight includes providing recommendations regarding the scope of the investigation, attending interviews, reviewing evidence and investigative reports, and monitoring the timeliness of the investigative process. As noted above, pursuant to Penal Code Section 6133, the OIG reports its expert opinion regarding the quality of the investigation as a whole.

ALLEGATION TYPE DISTRIBUTION

The OIG continues to focus a large portion of its monitoring activities on cases involving core *Madrid* issues. The core *Madrid* allegations involve unreasonable use of force, officer dishonesty, failure to report misconduct, and code of silence. Cases involving peace officers or sworn staff are given priority for monitoring. In this reporting period, the OIG monitored cases involving 546 sworn officers, representing 96 percent of all subjects reported in the monitoring tables. This is an increase from the last reporting period of 88 percent sworn officers.

Chart 3 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 many allegations of misconduct. Therefore, the number of allegations exceeds the number of cases reported. In addition, there are numerous allegation types that cannot be classified into narrow categories and, therefore, are not captured in Chart 3. However, the chart on the following page 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 closed during the reporting period, except for criminal investigation cases.

Chart 3: Allegations in Cases Monitored and Closed by the OIG July–December 2015



In the majority of cases, the Office of Internal Affairs identifies allegations properly. However, there are some recurring problems with how the Office of Internal Affairs classifies certain allegations. This misidentification occurs during the Office of Internal Affairs Central Intake process or during the investigations conducted by Office of Internal Affairs special agents from the regional offices. The problem arises largely because the allegations in the Office of Internal Affairs case management system do not parallel those in the departmental matrix.³ For example, in cases involving spousal abuse, the OIG recommends that the correct allegation should be “domestic violence,” an allegation in the matrix. However, the Office of Internal Affairs classifies the allegation as “other failure of good behavior” because the department’s computer system does not include a “domestic violence” allegation, even though the department’s disciplinary matrix specifically identifies domestic violence as misconduct and provides for a recommended penalty in cases involving domestic violence.

A similar example is “code of silence” versus “failure to report.” The department’s case management system database does not include a “code of silence” allegation despite the fact it is a core *Madrid* concern and is also specifically identified in the disciplinary matrix. Instead, the Office of Internal Affairs classifies such allegations as “failure to report” or “dissuading a witness.”

While the Office of Internal Affairs asserts that the hiring authority is able to add or change allegations, hiring authorities are frequently reluctant to do so, relying on decisions made during the Office of Internal Affairs Central Intake process. Therefore, the OIG recommends that the Office of Internal Affairs modify the allegations in its case management system to mirror those in the departmental matrix.

³ The CDCR “Employee Disciplinary Matrix” is set out in Department Operations Manual, Chapter 3, Article 22, Section 33030.19.

MONITORING THE HIRING AUTHORITY’S FINDINGS DETERMINATION

After the Office of Internal Affairs returns a case to the hiring authority either after investigation or without an investigation, the hiring authority must first decide which, if any, allegations should be sustained. 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 enough 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 it is an OIG-monitored case. The hiring authority considers each case on its own merits to determine whether to sustain allegations.

TIMELINESS OF COMMENCING AND COMPLETING INVESTIGATIONS

In the past, the OIG reported that the Office of Internal Affairs delayed commencing investigations, resulting in delayed completion of investigations. A core *Madrid* concern was the department’s failure to timely complete investigations, frequently resulting in the statute of limitations precluding imposition of discipline.⁴ While that extreme is now rare, it still occurs. The OIG believes that the statute of limitations should not be the standard driving force for diligently conducting investigations and that the department must change its mindset and focus on completing investigations as soon as possible *after* alleged misconduct is discovered rather than how much time remains before the statute of limitations. Simply meeting the statute of limitations is a very low standard. Public policy and best practices dictate that internal investigations be completed in a much shorter time frame.

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, Chapter 3, Article 22, Section 33030.13, “As soon as operationally feasible, but no more than twenty-one (21) calendar days following receipt of the investigative report, the Vertical Advocate shall review the investigative report and supporting documentation and provide feedback to the assigned investigator.”⁵ The policy also requires that the hiring authority review the investigative report and supporting documentation no more than fourteen (14) calendar days following the receipt of the report. The purpose of the review is to determine whether the investigation is sufficient, whether the allegations are supported, whether the facts support disciplinary action, and the appropriate penalty. None of these provisions reference a statute of limitations. However, the Office of Internal Affairs has, in the past, adopted the statute of limitations as a touchstone for determining timeliness, which has been a fundamental point of disagreement between the OIG and the Office of Internal Affairs.

The Office of Internal Affairs deems an investigation timely if the report is delivered to the hiring authority 14 days *prior to the deadline to take disciplinary action*. The same applies to criminal investigations, which require timely referral to the district attorney’s office for successful criminal prosecution. However, this standard is not based on policy. Moreover, while

⁴ *Madrid v. (Gomez) Cate*, 889 F. Supp. 1146 (N.D. Cal. 1995)

⁵ A department attorney who litigates CDCR employee discipline cases is called a “vertical advocate.”

the OIG previously agreed to assess the department's procedural compliance based on this 14-day standard, the OIG has steadfastly maintained that the 14-day standard, when measured backward from the expiration of the statute, is an inadequate amount of time for the department to complete the required process. It is a poor practice, and is universally unsupported as an industry best practice. Consequently, the OIG is now recommending the Office of Internal Affairs revamp its approaches to conducting investigations, and suggesting a change in its hiring and staffing practices to overcome the chronic understaffing that plagues the Office of Internal Affairs. A discussion of delayed cases is insightful to the rationale behind the OIG's recommendations.

Delayed Investigations During This Reporting Period

During this reporting period, there are a total of 45 cases with delayed investigations. The OIG is reporting three types of delays:

- Cases in which the Office of Internal Affairs did not complete the investigation at least 14 days before the expiration of the statute of limitations;
- Cases in which there was a delay that caused a specific and tangible harm to the investigation; and
- Cases in which there may not have been a specific harm to the investigation, but there were delays because the Office of Internal Affairs did not conduct the first interview of an investigation until six months or more after the incident date and four months or more after the Office of Internal Affairs assigned a special agent to conduct the investigation.

The Office of Internal Affairs did not complete its investigation at least 14 days before the statute of limitations in 18 cases. In two of those cases, both of which involved alleged criminal conduct, the statute expired. In one such case, the Office of Internal Affairs completed its investigation 139 days after the deadline for referring the case to the district attorney's office and, in the second case, completed the investigation 149 days after the deadline. The department's response to the OIG for not completing these investigations timely is that it only investigates felonies, and not misdemeanors. However, the Office of Internal Affairs is a bona fide law enforcement agency whose criminal investigators are tasked with investigating crimes within the prisons, including misdemeanors such as possession of mobile phones in prison⁶ or unlawful communications with an inmate.⁷ Furthermore, there are several criminal acts that the Office of Internal Affairs routinely investigates that are "wobblers," meaning that the charge may be filed either as a felony or as a misdemeanor. The prosecuting agency, not the department, is responsible for deciding which criminal charges to file. By deciding only to investigate and refer felonies, and ignore misdemeanors, the Office of Internal Affairs, in essence, is making the decision regarding which allegations should potentially be filed and is depriving the prosecuting agency, such as a district attorney's office, of the decision to file appropriate charges as it deems necessary. A misdemeanor conviction on a peace officer has serious consequences. By choosing to ignore misdemeanor filing options for prosecutors, the department risks appearing that it is either unfair to the investigated employee who is deprived of a district attorney filing decision to

⁶ California Penal Code Section 4575, 4576

⁷ California Penal Code Section 4570

charge the lesser misdemeanor or, just as problematic, the department is purposefully eliminating the misdemeanor option so prosecutors are forced to charge a felony or nothing at all.

There are five cases the OIG is reporting on which the Office of Internal Affairs did not conduct an investigation with due diligence and a specific harm to the investigation was identified. These are cases wherein, even though the investigation may have been completed within the 14-day standard, the OIG believes the department did not conduct the investigation with due diligence. This is not an abstruse standard to follow and is based on the Department Operations Manual, Chapter 3, Article 14, Section 31140.30, which provides that “[i]nternal affairs investigations shall be conducted with due diligence and completed in a timely manner in accordance with the law, applicable MOUs, and the OIA’s Investigator’s Field Guide.”⁸

This report also contains a third category of delayed cases, namely those cases in which the Office of Internal Affairs did not conduct the first interview until six months or more after the date of the incident and four months or more after the Office of Internal Affairs assigned a special agent to conduct the investigation. In such cases, the overall procedural assessment may be sufficient because the department otherwise complied with the technical requirements of its policies. However, despite the overall sufficient assessment, the OIG believes that such delays are still problematic, are a poor practice, and have the potential to cause significant harm. There are 25 cases in this category. Three of these cases are already included in the first category of cases above, namely that the investigation was not completed at least 14 days before the statute of limitations. Therefore, there are a total of 22 cases in which the Office of Internal Affairs delayed in commencing the investigation, but still completed its investigation at least 14 days before the expiration of the statute of limitations.

As the OIG reported in the last reporting period, delayed investigations can result in faded memories or total loss of witnesses. The OIG is reporting several of those types of cases in this report. The department may release inmates during the pendency of an investigation and subsequently be unable to locate them as witnesses. Staff witnesses may retire or resign, thereby preventing the ability to compel an interview. Absent a policy requiring timely interviews and investigations, the likelihood that inmate statements will continue to be lost will only increase as the department continues to release more inmates earlier and at a faster rate.

Additionally, delays cause the subjects of investigations to wait unnecessarily for resolution of the case thus creating unnecessary and additional anxiety. These employees may also be denied transfers or promotions pending completion of an investigation, which can be especially detrimental to employees who are ultimately exonerated or have no allegations sustained that may have otherwise been granted a transfer or promotion.

Both the department and public are harmed by the hiring authority’s inability to take timely disciplinary action to correct behavior or misconduct. This increases the likelihood of reoccurrence and sends a message that the department is indifferent toward staff misconduct, as well as harm to the career of a subject employee.

⁸ The Office of Internal Affairs Field Guide (May 2008, Version 2) establishes the day-to-day operations within the Office of Internal Affairs and presents a “step-by-step reference for Special Agents (Agents) investigating allegations of misconduct by CDCR employees.”

The public is also financially harmed by delayed investigations, especially in cases where an employee is ultimately terminated. Notwithstanding a subsequent termination, an employee continues to accrue the benefits of a full time civil service employee during the pendency of an investigation, including vacation time, sick leave, medical benefits, paid holidays, and retirement points. This results in a windfall to the terminated employee at public expense. In cases where staff are placed on administrative time off they continue to receive full pay while not working.

The failure to timely complete the required processes increases the likelihood that the department will be precluded from taking disciplinary action or make an incorrect decision. In accordance with the current policy interpretation that the Office of Internal Affairs is permitted to complete its investigation up until 14 days of the deadline for taking disciplinary action, the hiring authority is required to successfully complete all of the following tasks within 14 days or less: review the investigative report; listen to all interview recordings and review all exhibits; consult with the department attorney and the OIG; make a finding on the sufficiency of the investigation and request additional investigation, if necessary; identify the appropriate allegations and make findings as to each allegation; determine the appropriate penalty; ensure the department attorney or employee relations officer drafts a legally sound disciplinary action or letter of intent; and, effectuate timely service, including service of a preliminary notice of disciplinary action in applicable cases.⁹

The Office of Internal Affairs policy limits the hiring authority and department attorney or employee relations officer to 14 days to accomplish the aforementioned legally complex tasks. Juxtaposed with the 30 days the Office of Internal Affairs allows itself to make a simple determination on the hiring authority's initial request to grant or deny an investigation, the 14-day time limit seems arbitrary, imbalanced, and unfair, especially when it is pushed up against the expiration date of the statute of limitations. Fourteen days is not enough time for the hiring authority to request, receive, and consider additional investigation. Failure to meet the statute of limitations places the blame on the hiring authority.

The case details of these examples are reported in the attached appendices. However, a few additional cases warrant mentioning due to consequences suffered as a result of delayed investigations. In one case involving alleged unreasonable use of force on an inmate, the Office of Internal Affairs did not conduct the first interview until ten months after the incident and six months after assigning a special agent. This resulted in some of the involved officers and other witnesses being unable to clearly recall the incident, thereby compromising the quality of the investigation.

In a second case also involving alleged unreasonable use of force, the Office of Internal Affairs did not conduct the first interview until nine months after the incident date and six months after assigning a special agent, resulting in faded memories. A third case had an eight-month delay and involved alleged denial of medical care to an inmate. The delay resulted in some of the witnesses being unavailable to even interview. A fourth case also involved alleged use of force on an inmate. During the pendency of the investigation, the department released three inmates on parole. Despite the OIG's recommendations to attempt to locate the parolees promptly, the

⁹ Nine institutions are required to serve a Preliminary Notice of Adverse Action pursuant to *CCPOA Bodiford v. State of California et al.* (1991) Sacramento Superior Court Case No 348471. The hiring authority must serve rank and file peace officers in Bargaining Unit 6 with this preliminary notice 24 hours before serving the final notice.

Office of Internal Affairs delayed trying to locate the parolees for seven months after assigning a special agent. By then, the parolees could not be located and, therefore, were not interviewed.

Another illustrative case involved alleged dishonesty, which could result in dismissal from the department. The Office of Internal Affairs delayed three months in conducting any substantive investigative activity, thereby unnecessarily prolonging the employee's employment with the department. In another case involving alleged dishonesty by two sergeants, the Office of Internal Affairs completed the investigation only six days before the deadline to take disciplinary action. As a result, the hiring authority could not combine the disciplinary action with a dismissal that had already been served on one of the sergeants.

In another case that included alleged dishonesty, the Office of Internal Affairs completed the investigation only two days before the deadline. The investigation was not thorough. However, due to the looming deadline, the Office of Internal Affairs could not conduct further investigation or explore other potential staff misconduct.

These cases illustrate the desperate need for changes in how the Office of Internal Affairs manages its investigations. As such, the OIG recommends the following changes within the department.

Reinventing the Office of Internal Affairs' Approach to Conducting Investigations

Rather than using a completion date based on merely meeting the statute of limitations, the OIG urges the Office of Internal Affairs to modify its approach and to conduct investigations by setting deadlines looking forward *from the date of the alleged misconduct or discovery thereof*. The OIG bases this recommendation on how other law enforcement agencies throughout the State and country conduct their investigations, including a study reported in *The Police Chief* magazine in January 2014. The study identified several other problematic practices that are also prevalent in the Office of Internal Affairs. For example, the study reports work avoidance patterns and prioritizing investigations based on the seriousness or "interest" of cases while putting other cases on the back burner plays a role in delaying investigations.¹⁰ Too often, the Office of Internal Affairs advises the OIG that its investigations are being put on hold due to other case priorities.

The Office of Internal Affairs claims the department is unique and is bound by more regulations than other law enforcement agencies. The Office of Internal Affairs has raised other issues as well, including that its special agents are required to travel throughout the state. However, other law enforcement agencies such as the California Highway Patrol, which has facilities in all 58 counties, are required to travel throughout the state. Additionally, the Office of Internal Affairs can consolidate work and its investigative activities, thereby reducing the amount of travel needed. While other law enforcement agencies are required to travel to several different locations, sometimes far-ranging, to interview witnesses and collect evidence, the Office of Internal Affairs can confine its investigations to one setting, i.e., a specific prison, and in a setting in which the witnesses and evidence are all located and easily accessible. To their credit,

¹⁰ Zoller, et al., *A New Way of Leading for the Law Enforcement Supervisor: An Adaptive Leadership Case Study* (January 2014) *The Police Chief*.

the Department recently provided the OIG with a multi-point plan to increase efficiency and timeliness. We welcome their efforts and will monitor to report on whether they are successful.

Other law enforcement agencies employ other best practices in conducting their internal investigations. For example, at the California Highway Patrol, investigators initiate investigations upon learning of potential misconduct and provide monthly updates to their headquarters. If the investigation is not completed *within 60 days of learning of potential misconduct*, the investigator is required to request an extension. A total of three monthly extensions may be granted until the matter is elevated to the commissioner for further approval or direction. The status of each case is monitored and tracked closely.

Several other California agencies also manage to complete investigations in a timely manner and, in some instances, very expediently. For example, the Oakland Police Department operates under stringent guidelines and initiates preliminary investigations as soon as three hours after discovering alleged misconduct. If it is determined that a full investigation is needed, the entire process is completed, including determining the investigative findings, within six months of the date of discovery. The agency serves any disciplinary action on the employee within 30 days thereafter, which is no more than seven months after the discovery date, thereby giving prompt resolution to the employee, agency, and the public. At the San Francisco Police Department, although there is no internal policy, a case of potential staff misconduct is typically assigned to an investigator within three days of discovery, or up to 30 days in a case of extenuating circumstances. Agency management monitors and tracks the progress of investigations using a spreadsheet, which is updated weekly. Moreover, the investigators typically complete investigations and refer the case to the decision-maker *within 90 days of the date of discovery*. The Los Angeles Police Department routinely completes investigations within five months of assigning an investigator. Moreover, it is extremely rare for investigations to be completed close to the statute of limitations.

At the San Diego Sheriff's Department, minor cases are completed in approximately 45 days and more complex investigations are completed within approximately six months of assigning an investigator. The San Bernardino County Sheriff's Department requires internal investigations to be completed within 45 days. Extensions are available, but investigations are to be completed well before the statute of limitations. The Orange County Sheriff's Department typically completes investigations within four to five months of assigning an investigator.

The Federal Bureau of Prisons, which has 116 prisons throughout the country, uses an internal program statement and code of conduct. Special Investigative Agents at the institution level conduct the vast majority of the investigations and work to meet a recommended minimum of 120 days to complete an investigation. However, timeliness is tied to special agent performance appraisals, providing an added incentive to conduct investigations with due diligence.

A report from the United States Department of Justice, Office of Community Oriented Policing Services, recommends that internal investigations be concluded within 180 days.¹¹ According to a Best Practices Guide issued by the International Association of Chiefs of Police, an entire

¹¹ U.S. Department of Justice, Office of Community Oriented Policing Services, Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice.

investigation should be completed *within 30 days*. If the investigation is very complex, an extension could be granted by the chief of police.¹²

Based on The Police Chief study referenced above, investigations can be completed much more quickly if the agency develops an “adaptive leadership” model. This model includes holding both investigators and supervisors accountable for meeting stringent deadlines and requiring that special agents work on multiple cases at the same time rather than focus on completing a single case before moving to the next. Such accountability is accomplished, in part, by diligently monitoring computerized tracking systems, which the Office of Internal Affairs already has in place. According to this study, when the stakeholders agreed on a goal of completing investigations within 60 days of initial receipt, a cultural shift developed wherein completing one case at a time was no longer acceptable. The results included a reduced amount of time needed to complete investigations, a reduced number of open cases per investigator, the disappearance of the backlog of open cases, and an improved working relationship with stakeholders. This system would rely heavily on involved first-level supervisors engaged in managing the work of special agents, a deficiency the OIG has previously raised with the Office of Internal Affairs. The OIG believes that adopting such a model would go a long way toward eliminating unreasonable delays.

Despite recommendations made over the last several years, the Office of Internal Affairs has not adopted policies regarding the timely completion of investigations. The department is now indicating that it will be working on ways to make investigations more timely.

Reinventing the Workforce in the Office of Internal Affairs

The number one response by the department to OIG criticism of untimely investigations since 2012 has been an inability to maintain investigator (special agent) staffing levels at the Office of Internal Affairs. The OIG accepts as valid one of the primary reasons for untimeliness of investigations is the chronic inability of the Office of Internal Affairs to hire and retain full staffing of special agents. Since January 2013, the OIG has reported that the Office of Internal Affairs experienced high vacancy rates. Currently, the Office of Internal Affairs is operating under a 30 percent vacancy rate. It is now time for the department to solve this problem. To improve the timeliness of investigations, the OIG urges the Office of Internal Affairs to revise its hiring and staffing practices. Currently, the Office of Internal Affairs utilizes special agents to conduct all investigations, including administrative investigations. All such special agents are currently sworn peace officers, entitling them to higher salaries and benefits to which non-sworn employees are not entitled. However, based on California Penal Code section 830.2(d)(2), only those employees whose “primary duties” consist of conducting criminal investigations are to be classified as sworn peace officers. The overwhelming majority of investigations conducted by the Office of Internal Affairs are administrative investigations, not criminal investigations. Administrative investigations can be conducted by non-sworn employees. This would provide the Office of Internal Affairs with greater resources to ask for more man power and would create positions that are easier to fill. This could especially be useful on administrative investigations of non-sworn personnel.

¹² Best Practices Guide, Internal Affairs: A Strategy for Smaller Departments (International Association of Chiefs of Police, Smaller Police Departments Technical Assistance Program.)

By revising its hiring and staffing practices, the Office of Internal Affairs would reduce its high vacancy rate, thus reducing caseloads and improving the timeliness of investigations. Using non-sworn staff would also reduce expenses for the department. In addition, the department has reported to the OIG that a significant barrier to hiring sworn staff is the peace officer selection unit that is responsible for conducting peace officer backgrounds. Recruiting and hiring non-sworn staff would eliminate that barrier. The department has recently provided a separate option to utilize an entry class of sworn investigators to handle administrative investigations. This signals a step in the right direction and if it solves the problem, it may be satisfactory.

However, the applicant pool for non-sworn staff is significantly higher than for special agents. The department could find candidates with degrees in criminology, sociology, psychology, etc. that could have experience or be trained in conducting administrative investigations. Many other State agencies utilize non-sworn investigators for their internal administrative investigations, (see table on the following page). Non-sworn investigators can certainly handle administrative investigations of non-sworn staff at the very least, as well as perform more administrative, ministerial, and analytical functions, such as Office of Internal Affairs Central Intake duties, thus freeing up sworn investigators for criminal cases. The OIG urges the department to begin filling vacancies with non-sworn administrative investigators, or to find an alternative solution that addresses the vacancy barrier to timely investigations in the near future.

Additionally, salaries are significantly lower for non-sworn staff than for special agents. Sworn special agents are justified primarily because of the risks associated with criminal investigations and the attendant responsibilities of making arrests and being armed responders. However, the overwhelming majority of investigations conducted by the Office of Internal Affairs special agents are administrative, not criminal, in nature. A significant number involve non-sworn staff as subjects. This salary difference could save the department significantly per position annually. The cost savings could potentially allow for more available positions within the Office of Internal Affairs, which, in turn, would increase staffing and decrease caseloads, thereby allowing for more timely investigations.

California State Agencies' Use of Non-Sworn Investigators

Agency	Administrative Investigative Positions (Non-Peace Officers)	Internal or Outsourced
Board of Equalization	Business Taxes Specialist II	Internal
CalPERS	Associate Governmental Program Analyst (AGPA) Department Investigator (Non-Sworn) Staff Services Manager I (SSM I) Labor Relations Specialist Labor Relations Manager Staff Counsel III	Both If outsourced: DOJ Special Agent (peace officer); Deputy Attorney General; outside counsel
Department of Fair Employment and Housing	Staff Counsel	Both If outsourced: Deputy Attorney General
Department of Finance	AGPA up through Staff Services Manager III Career Executive Assignment (CEA)	Internal (Primarily)
Department of Food and Agriculture	Varied management positions; employee's supervisor conducts assessment/investigation	Internal (Primarily); If outsourced: DOJ, CalHR
Department of General Services	Department Investigator (Non-Sworn) Associate Personnel Analyst	Both
Department of Health Care Services	AGPA Health Program Auditor III	Internal
Department of Public Health	AGPA; Department Investigators (peace officers) are not used to complete internal investigations.	Both If outsourced: AGPA (DCHS-Department of Health Care Services, Audits & Investigations Unit); Investigator (CalHR-California Department of Human Resources, Legal Division)
Department of Social Services	Staff Services Manager I (Specialist) Staff Services Manager I Department Investigators (peace officers) generally do not complete internal investigations.	Internal (primarily)
Department of Transportation	Special Investigator (Non-Sworn)	Internal
Department of Water Resources	Legal Office Senior Management Auditor	Internal
Employment Development Department	SSA AGPA	Internal
State Controller's Office	SSM II	Internal

Monitoring the Disciplinary Phase

After the hiring authority determines that allegations should be sustained, the hiring authority must determine the appropriate result. Based on the department's disciplinary matrix, the hiring authority may choose to issue corrective action or discipline. The disciplinary matrix provides guidelines to assist the hiring authority in determining the appropriate penalty for the misconduct. Considerations include both mitigating and aggravating factors.

The department attorney, if assigned, provides legal advice to the hiring authority regarding application of the disciplinary matrix. The OIG oversees this process and provides feedback as appropriate. The disposition is reported in the Disciplinary Phase.

If the hiring authority sustains allegations, the department attorney from the Employee Advocacy and Prosecution Team (EAPT) is responsible for, among other things, providing legal advice to the hiring authority, drafting the disciplinary action, observing the *Skelly* hearing, drafting any settlement agreements, and preparing for and representing the department at any hearings before the State Personnel Board and superior court.¹³ The OIG monitors the performance of the department attorneys. The OIG works with the Employment Advocacy and Prosecution Team attorneys on a daily basis and, over time, has collaboratively established expectations for consultation and standards. Recently, the individual occupying the position of chief counsel for the Employment Advocacy and Prosecution Team has changed due to a retirement. While the OIG understands that with new management changes may occur, we hope the department is not regressing on the practices previously established, such as OIG attendance at witness preparation sessions and the rationale for settling cases. These are both issues the OIG has consistently urged the department to improve. While new management has responded to OIG concerns in these areas, there remains a concern that standards previously agreed to by the department are being questioned anew. It is hoped that any such anticipated policy revisions to established standards and practices would involve prior consultation with the OIG.

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

Although executive review is a critical part of both the pre-disciplinary and disciplinary processes, it is designed to be used sparingly. The involved parties reserve executive review for cases where there are significant differing opinions that cannot be resolved at the initial hiring

¹³ The Employment Advocacy and Prosecution Team (EAPT) is a group of attorneys from the CDCR's Office of Legal Affairs who is 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.

authority level. However, the OIG continues to believe executive review is a valuable tool and will seek it when necessary.

In the current reporting period, of the 11 total executive reviews, the OIG sought executive review on nine occasions. Four were during the Pre-Disciplinary Phase and five were during the Disciplinary Phase. In the cases where the OIG sought executive review, three were ultimately decided consistent with the OIG's position. In two of the cases where the OIG disagreed with the outcome, the OIG was precluded from elevating the matter any further due to an impending statute of limitations. In one of the other cases where the OIG did not agree with the outcome, the OIG elevated the matter to the department undersecretary. Regardless of outcome, the OIG will continue to seek executive review in the appropriate cases.

Case Sufficiency Ratings

The OIG and the department continue to work collaboratively to improve the internal investigation and employee discipline processes. The OIG assesses each case to determine whether the department sufficiently complied with its policies as well as best practices in conducting the investigation and addressing the allegations. An insufficient rating reflects deficiencies that had the potential for creating an adverse outcome but does not necessarily mean there was an adverse outcome. However, as illustrated in foregoing sections, delayed investigations can have adverse consequences, some of which are intangible.

Prior to January 2014, the OIG provided one overall assessment rating that did not differentiate between procedural and substantive assessments. At the department's request, the OIG began assessing and reporting procedural and substantive performance separately in the reporting period of January through June 2014. Differentiating the assessments provides overall fairness to department employees who performed well, despite deficiencies elsewhere in the process and provides better feedback to enable the department to address areas needing improvement.

The procedural assessment is based primarily on the department's adherence to policy whereas the substantive assessment is qualitative. The OIG continues to assess process deficiencies regardless of outcome or specific entity responsibility within the department. However, minor inadequacies typically do not result in an insufficient rating. Pursuant to statute, the OIG assessment of the quality of the investigation is based on its expert opinion.

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 for the public. The OIG's role is to assess the department as a whole. Therefore, the entity responsible within the department is less relevant to the OIG's reporting.

For the first time, the OIG is reporting the trends since the OIG started reporting both procedural and substantive assessments in 2014. Charts 4 through 6 show the OIG's assessments by region for the Pre-Disciplinary and Investigative Phases.¹⁴ The first chart for each region shows the trend since the January through June 2014 reporting period. The second chart for each region shows the comparison between the January through June 2015 reporting period and the current reporting period. Charts 7 through 9 display the OIG's assessment by region for the Disciplinary Phase and contain the same two types of charts for each region.

The charts provide sufficiency ratings for the department as a whole rather than the individual entity (OIA, department attorney, or hiring authority) responsible for the rating. As the charts for each region reflect, there has been a downward trend in case sufficiency ratings for all regions in

¹⁴ A "Pre-Disciplinary Phase" takes place in cases involving administrative allegations. In criminal cases, the same phase is called the "Investigative Phase."

the Pre-Disciplinary and Investigative Phase since the last reporting period. While the overall percentages of timely hiring authority referrals to the Office of Internal Affairs and determinations of the investigative findings have remained stable, the percentage of timely determinations by the Office of Internal Affairs has declined. In the Disciplinary Phase, the northern region has remained the most consistent, whereas the central region demonstrated the most significant decline in sufficient ratings.

Chart 10 shows the overall statewide sufficiency procedural and substantive assessments for the Pre-Disciplinary and Investigative Phase compared to the last reporting period. Of the 219 cases being reported in this Phase, 35 percent were deemed procedurally sufficient and 65 percent substantively sufficient, compared to 50 percent and 73 percent, respectively, during the January through July 2015 reporting period.

Chart 11 shows the overall statewide Disciplinary Phase sufficiency procedural and substantive assessments compared to the last reporting period. Of the 147 cases being reported in the Disciplinary Phase, 65 percent were deemed procedurally sufficient and 74 percent substantively sufficient. In the last reporting period the Disciplinary assessments were 61 percent procedurally sufficient and 78 percent substantively sufficient. With the exception of the Disciplinary Phase procedural assessment, which improved by 4 percent, the other assessments demonstrate an overall decrease in sufficiency in OIG-monitored cases.

Charts 4–6: Department Pre-Disciplinary and Investigative Phase Sufficiency Ratings by Region

Chart 4a

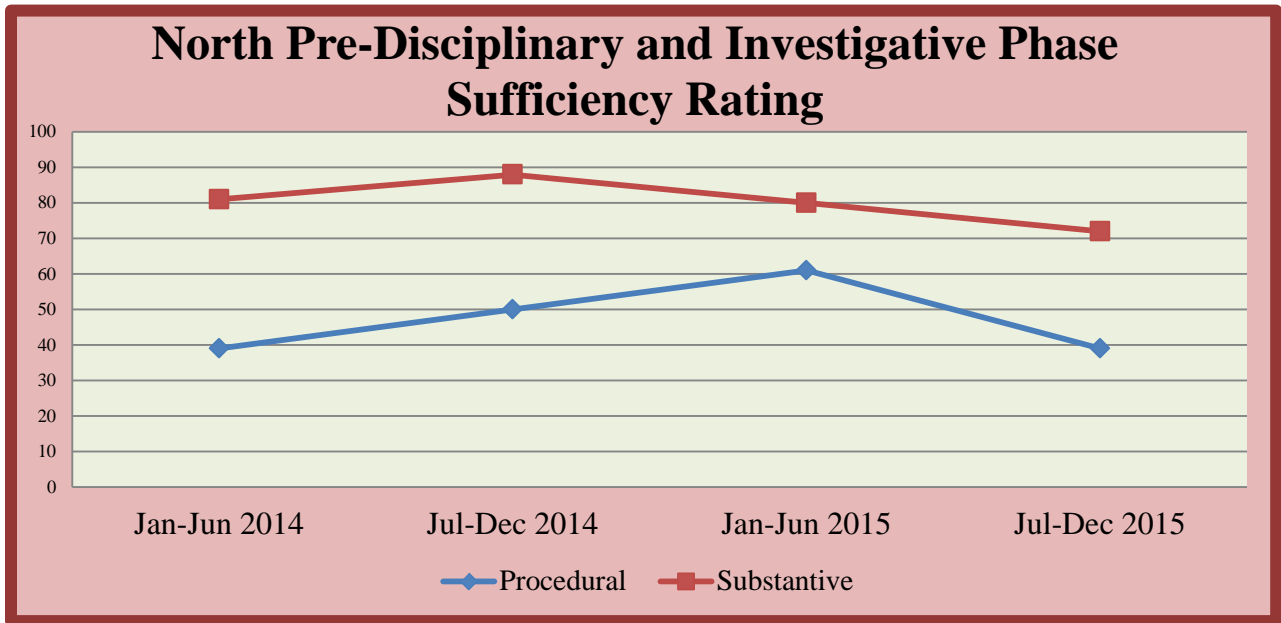


Chart 4b

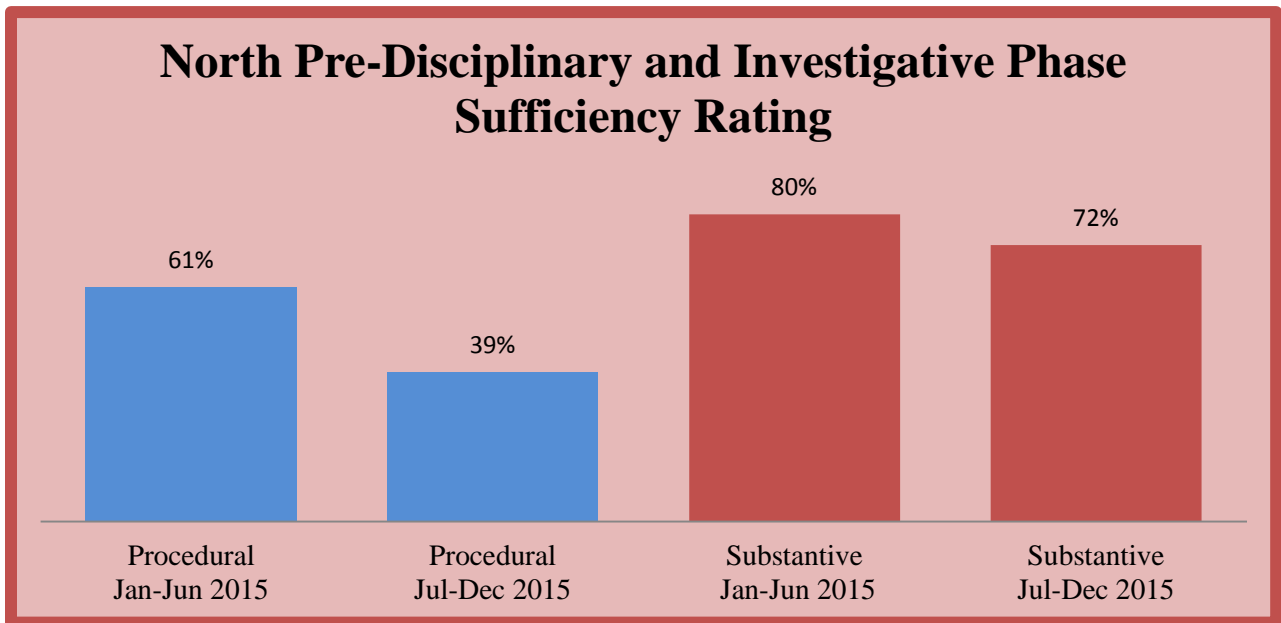


Chart 5a

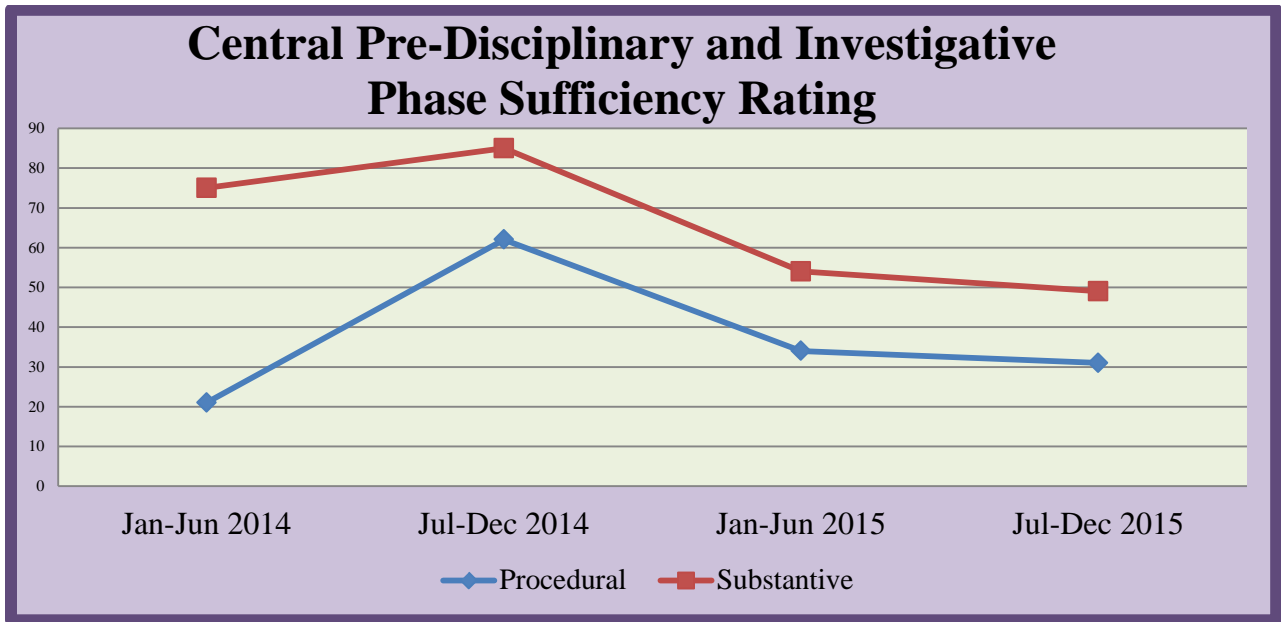


Chart 5b

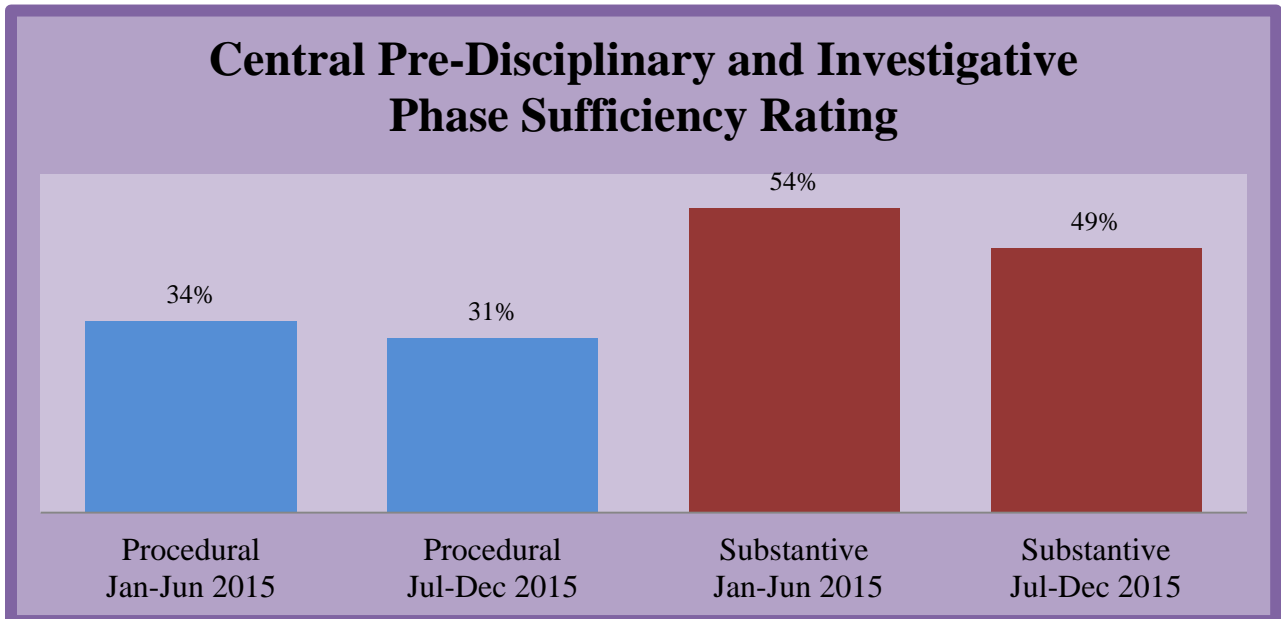


Chart 6a

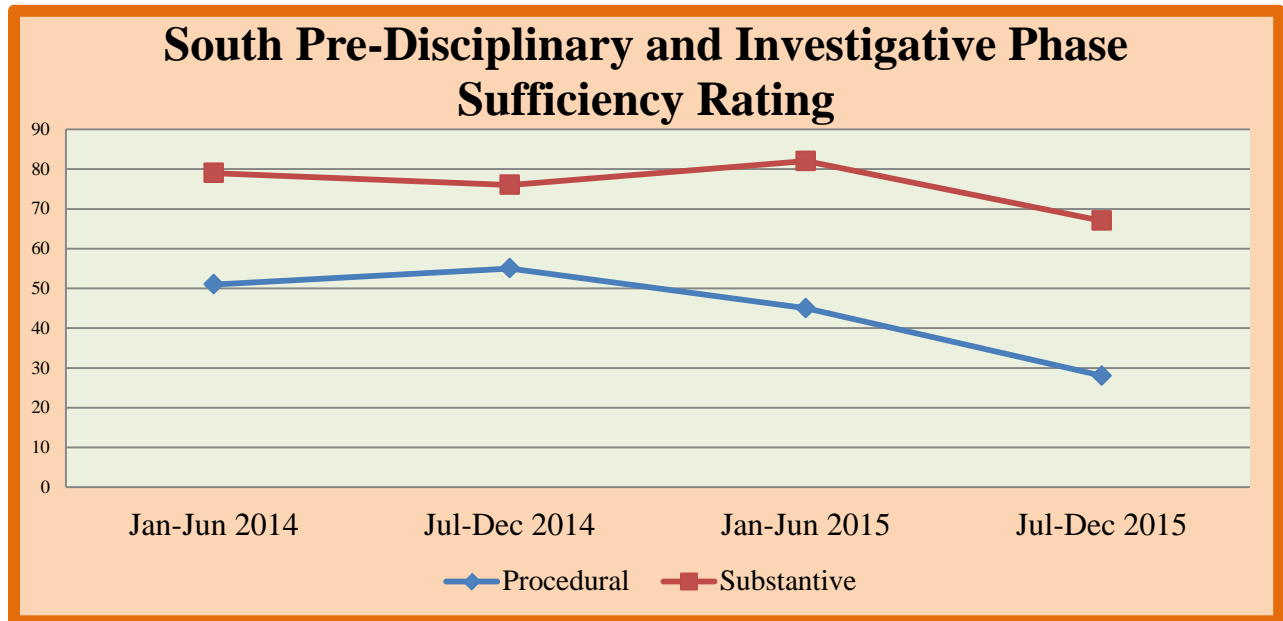
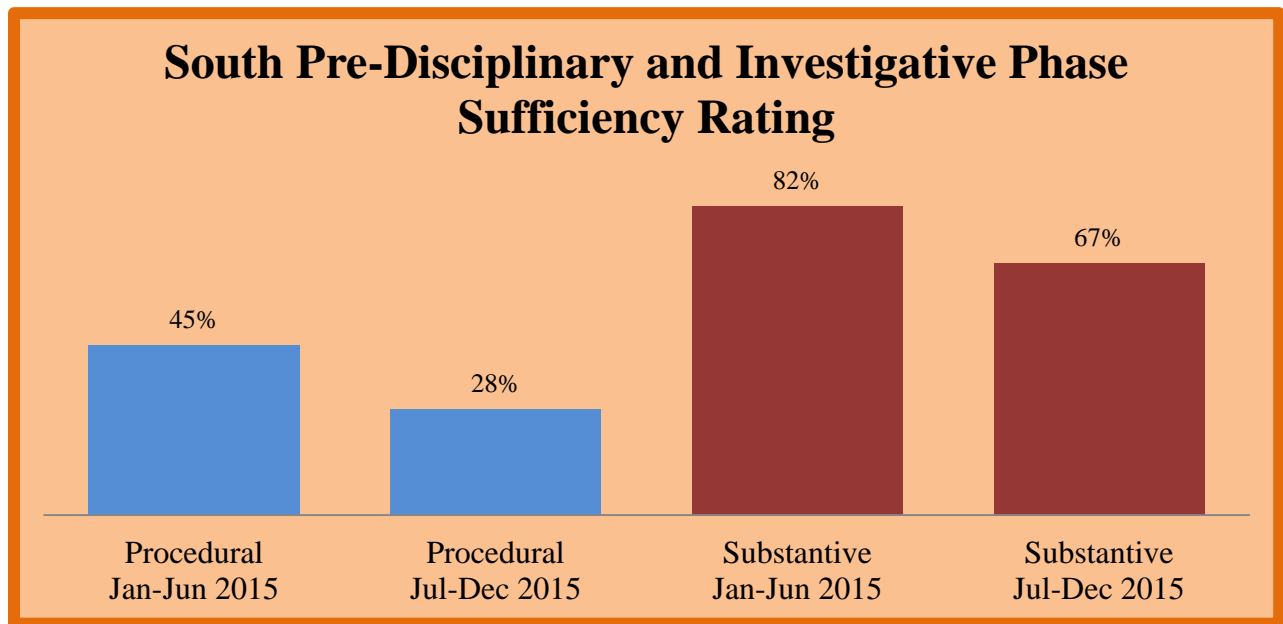


Chart 6b



Charts 7-9: Department Disciplinary Phase Sufficiency Ratings by Region

Chart 7a

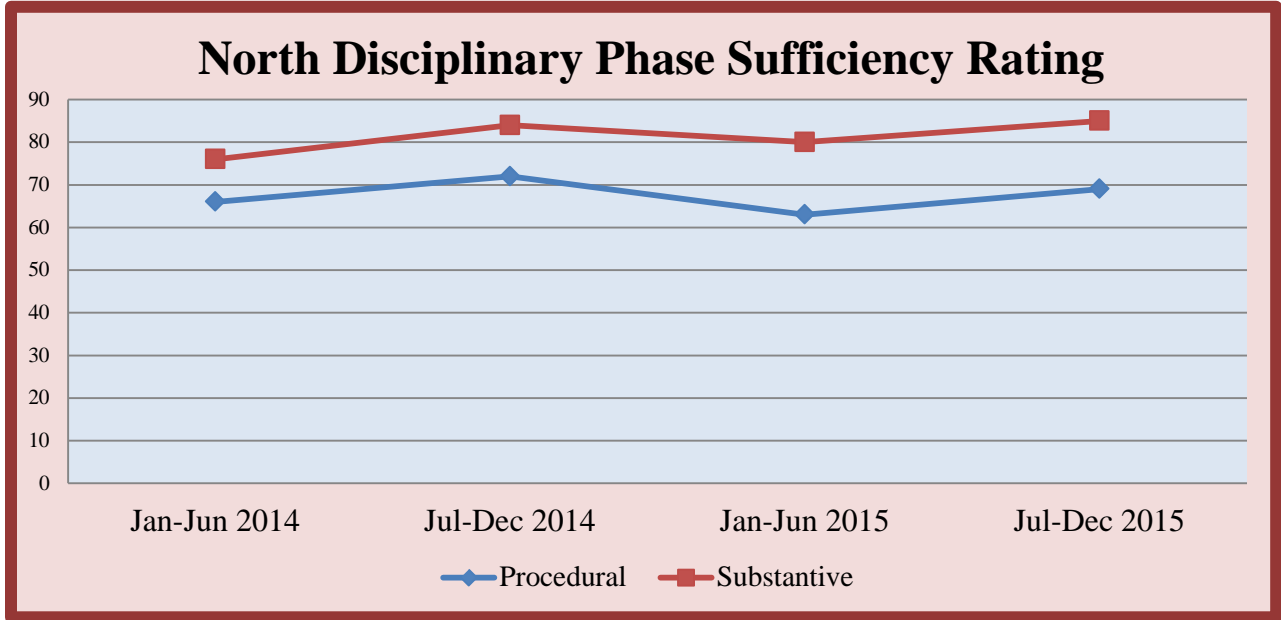


Chart 7b

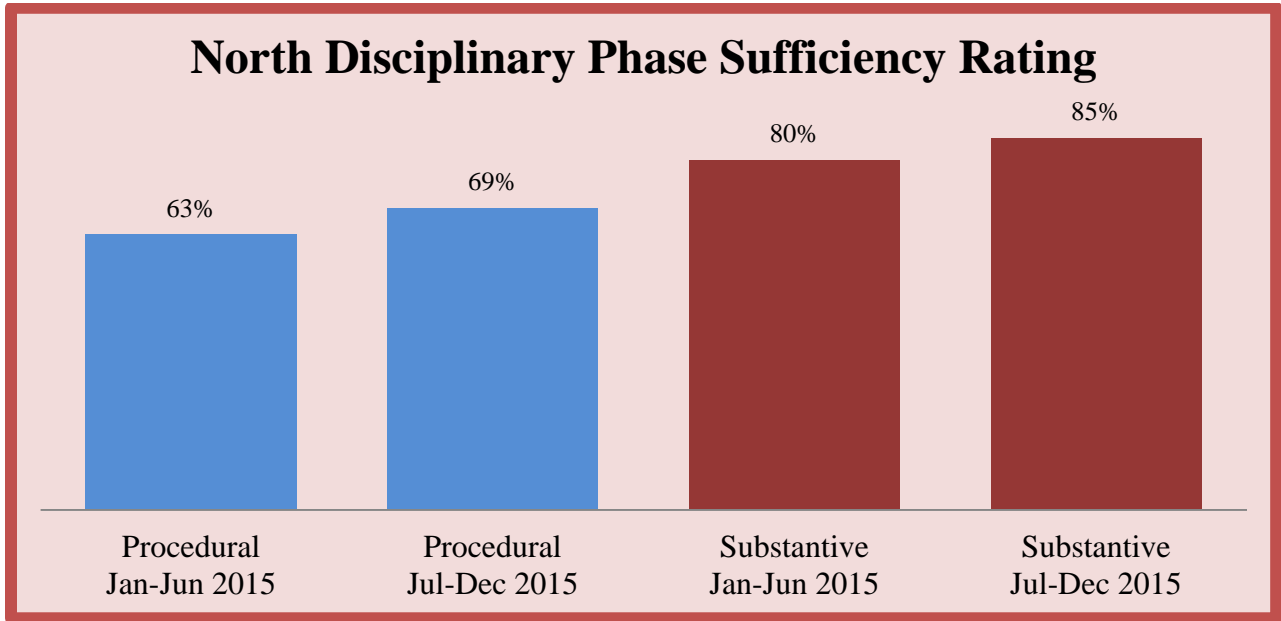


Chart 8a

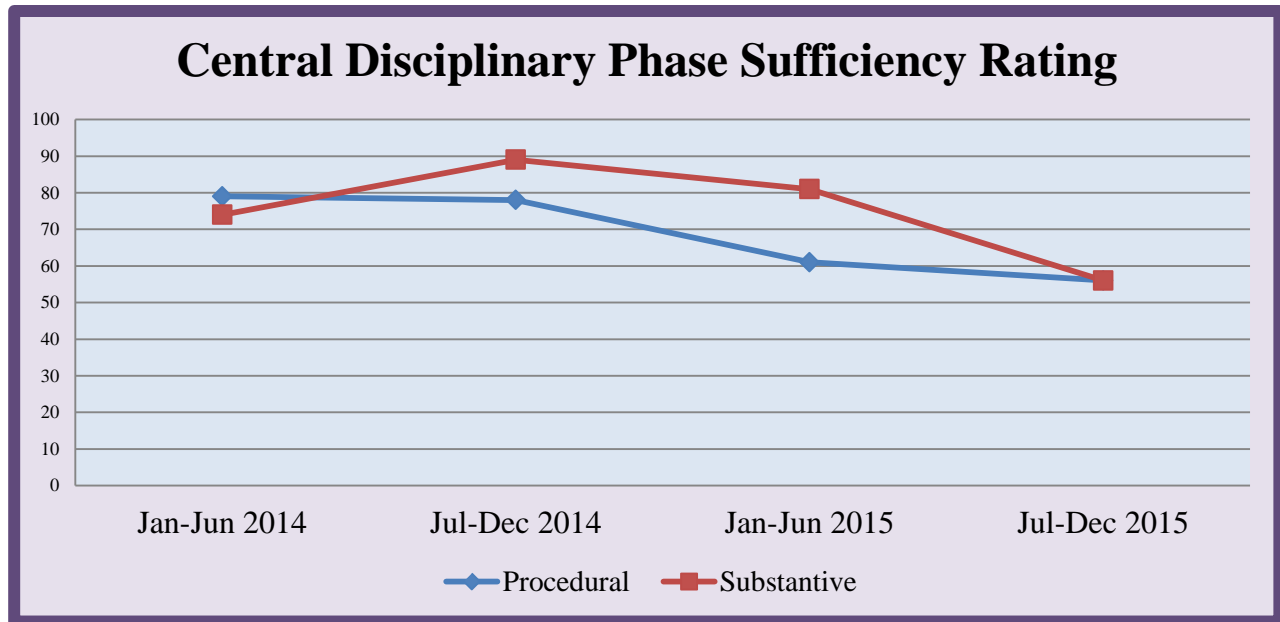


Chart 8b

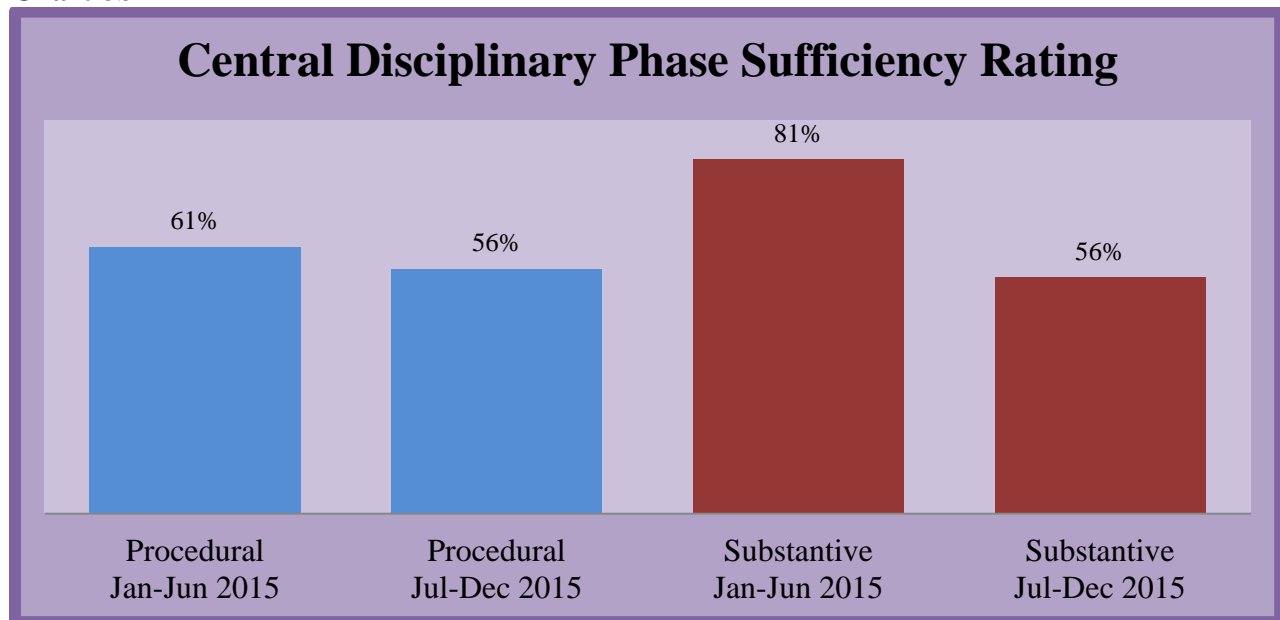


Chart 9a

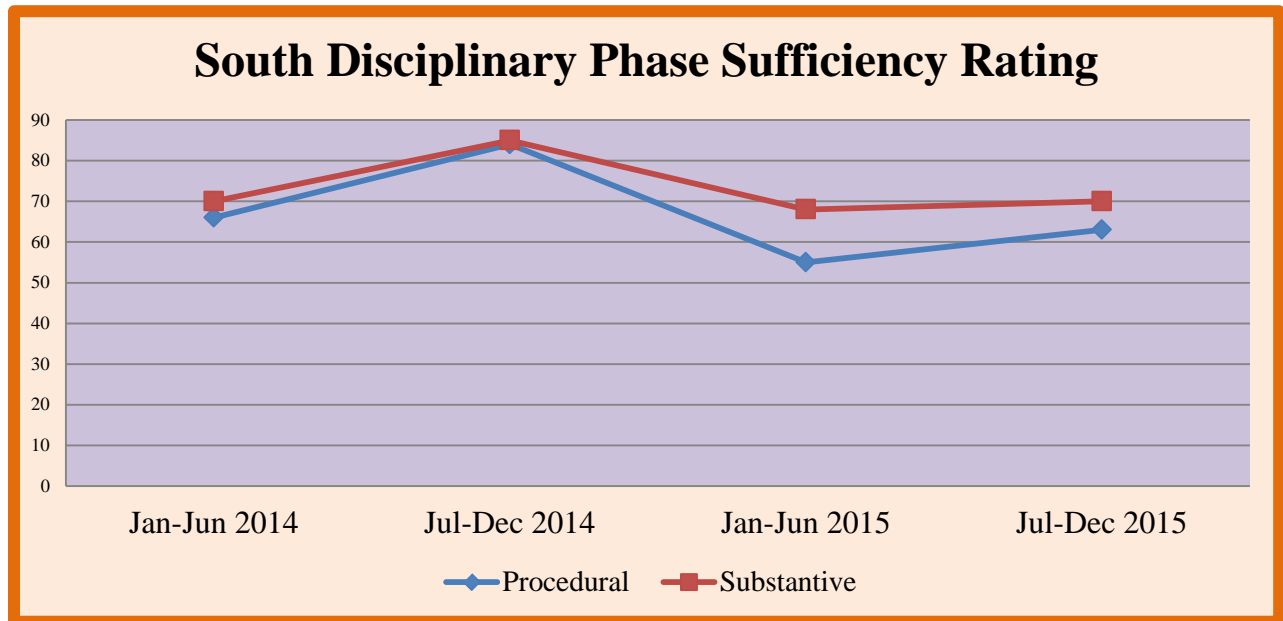


Chart 9b

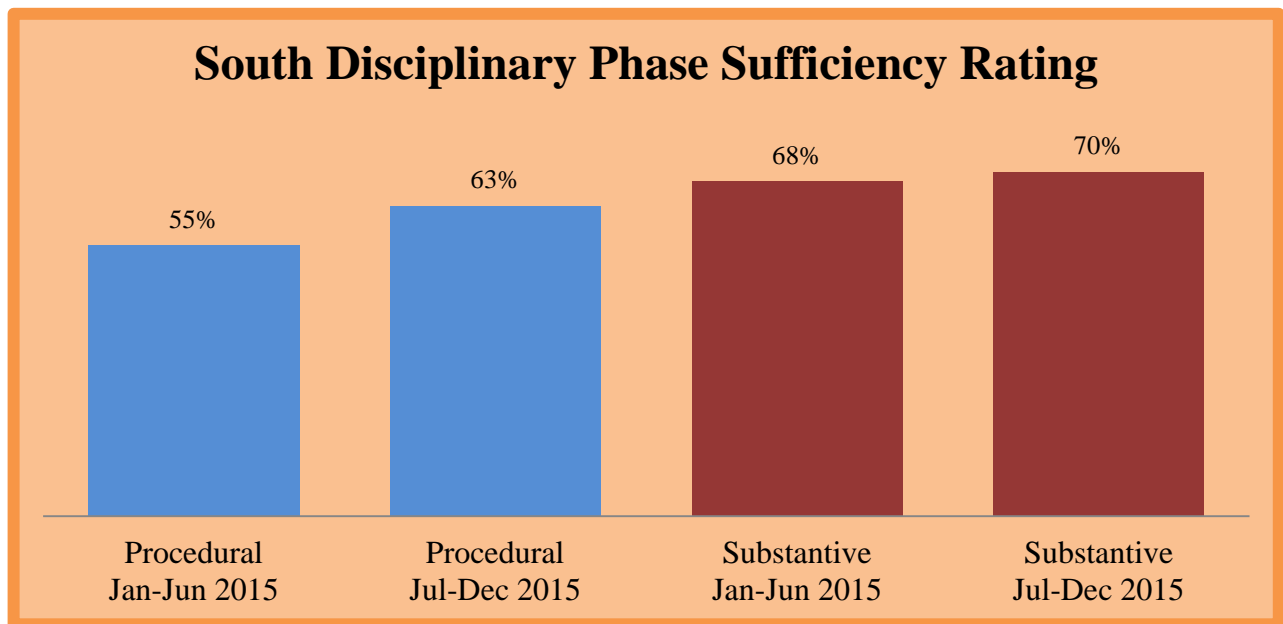


Chart 10: Department Overall Case Sufficiency Ratings
Pre-Disciplinary and Investigative Phase

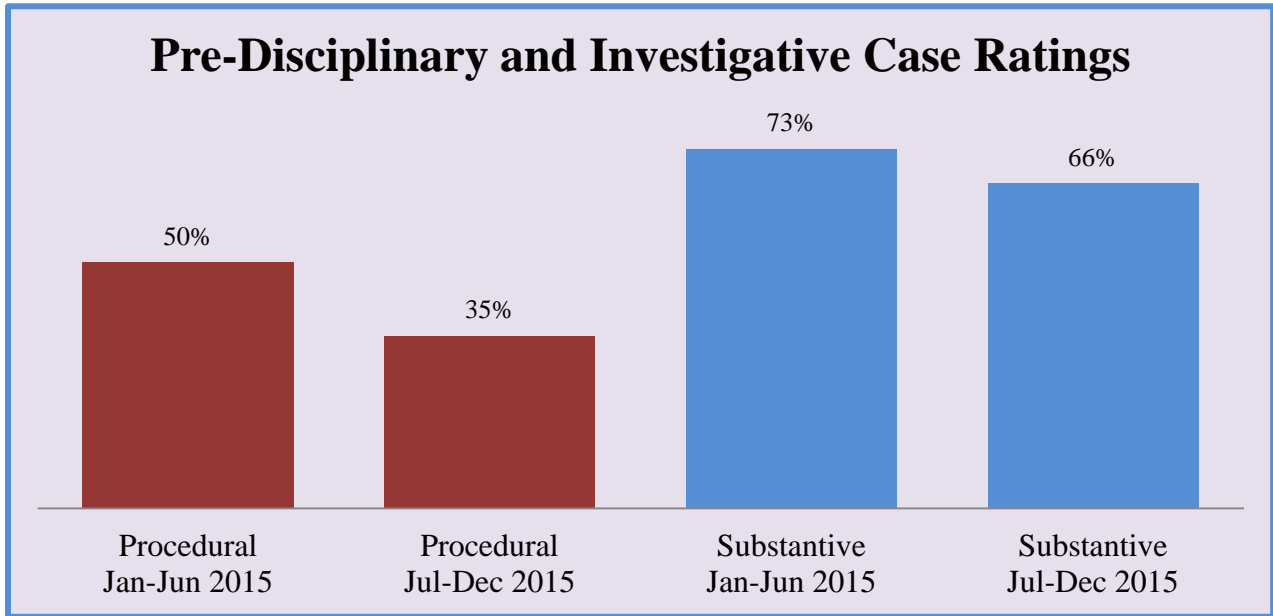
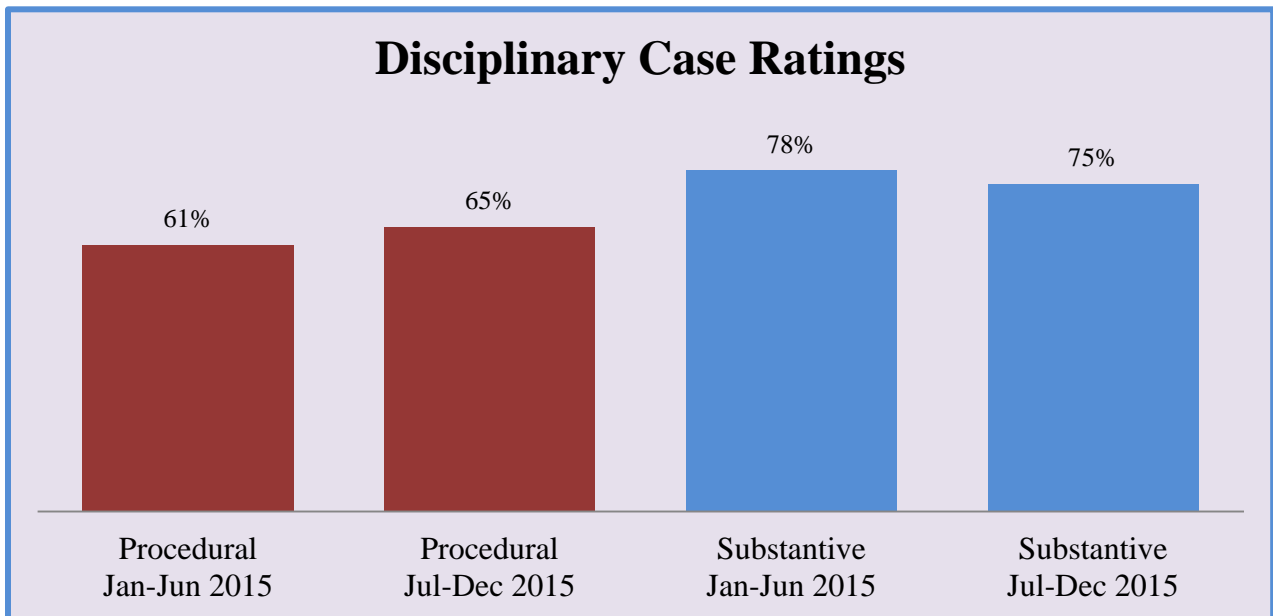


Chart 11: Department Overall Case Sufficiency Ratings
Disciplinary Phase



The Need for Cameras

During the last two reporting periods, the OIG recommended that the department develop a program to phase in the installation of cameras, recommending that the department start with institutions with a high incidence of use of force, administrative segregation units, and mental health housing and treatment areas. The OIG continues to believe that the use of such surveillance is invaluable, in not only capturing misconduct and documenting inmate activity, but supporting employees' versions of the events or exonerating wrongly accused employees. In addition to fixed post cameras, the use of body-worn cameras for all custody employees would also assist with ensuring the proper outcome. The use of cameras is also a significant safety measure, ensuring that prison staff are not isolated in a dangerous place.

The OIG monitors cases involving various degrees of use of force, including use of deadly force, and finds that frequently there are inconsistent and varying accounts of the facts. Such varied accounts may make it difficult for the hiring authority to determine whether the use of force complied with departmental policy. Visual recordings could resolve such questions. Additionally, inmates commit many rules violations that visual recordings could document for a just outcome. Despite the OIG's recommendation, most institutions still lack cameras.

During the last reporting period of January through June 2015, the OIG highlighted a few cases that demonstrated the value of having cameras. During this reporting period, the OIG once again monitored cases wherein visual recordings either were or would have been beneficial in resolving the case. In one such case, a visual recording actually refuted an inmate's allegations and in a second case, the recording cleared other innocent employees.

One of these cases involved alleged use of force wherein a lieutenant and three officers allegedly dragged and pulled a handcuffed inmate down a hallway. Witnesses allegedly failed to report witnessing the use of force and some were also allegedly dishonest. The visual recording supported not sustaining allegations against three officers, two sergeants, and a nurse. However, the recording also implicated those employees responsible for the misconduct.

In a second case, an inmate alleged that two officers and a nurse sexually assaulted the inmate in the shower. A visual recording of the alleged incident conclusively refuted the inmate's allegations.

In other cases, visual recordings were beneficial in supporting allegations that may otherwise have gone unpunished. One such case involved an officer who allegedly struck a handcuffed inmate three times in the leg with a baton, claiming that the inmate was resisting. The visual recording documented that not only did the inmate comply with the officer's orders, but the officer actually tripped the inmate. The officer did not report tripping the inmate and without the recording, this detail would have gone undiscovered.

Finally, in another case, an officer reported spraying an agitated inmate in the face with pepper spray, claiming that as other inmates were gathering, the agitated inmate began walking toward the officer and the officer felt threatened. The visual recording refuted the officer's claim, showing that the agitated inmate never stepped toward the officer and the other inmates were watching television.

While the examples noted above were captured by fixed cameras within the institution, an emerging standard for law enforcement is the use of body-worn cameras. The OIG recommends that the department implement a pilot project to investigate the use of body-worn cameras in areas where officers have ongoing contact with inmates. The OIG believes these cameras can be a tremendous asset for collecting evidence related to inmate misconduct. With multiple users of cameras present, an incident involving an inmate can be much more thoroughly documented than is currently possible. This evidence would be extremely valuable for prosecuting prison crimes and to document inmate misconduct that does not rise to the level of criminal behavior.

The OIG is aware of at least three jurisdictions that are adopting the use of body-worn cameras in a correctional setting. Prince George's County in Maryland has purchased 40 body-worn cameras and has been using them for the jail's emergency response team (those officers who respond to urgent situations). The cameras start when the officers press a button as they are dispatched and stop when the officers again hit the button. The county pointed out that the body-worn cameras free up a set of hands to help during situations in which handheld cameras were used in the past. Some concerns are that the cameras could be too intrusive given prison life, showing inmates showering or toileting or meeting with lawyers, as well as the cost of the cameras. However, Prince George's County procured the cameras in an effort to protect inmates and officers and deter false claims and aggressive behavior on the part of both inmates and officers. These cameras also improve transparency. According to a source at the county, although staff initially resisted the idea, after six months, staff have noticed a difference in behavior of both inmates and officers; Inmates are showing restraint in their interactions with officers; Officers are using the footage to review and evaluate their performance. As inmates have gotten used to the cameras, they are now asking, "Is the camera picking this up?" Additionally, the San Francisco Sheriff's Department purchased 30 cameras to be worn by staff as a pilot program in a specific jail where there were allegations that officers were forcing inmates to fight. It is the first program of its kind in California and it is hoped that the use of the cameras will better ensure the safety of inmates and protect staff against unfounded allegations. Lastly, in Florida, there are already cameras in the prisons. However, as a result of a recent review by a legislator, the Florida Department of Corrections is installing 240 additional cameras in its institutions and is implementing a pilot program for the use of body-worn cameras by correctional officers.

The OIG believes that the transparency brought by the use of body-worn cameras and the increased safety of the officers are powerful arguments for the department to test this technology. While cost is a factor, the failure to utilize such an invaluable tool is done at the expense of involved inmates and employees. Officer and inmate lives and futures depend on the ability to determine the truth and identify proper and just outcomes. The OIG urges the department to take advantage of the available technology for the good of all concerned.

Volume I Conclusion

The OIG continues to provide ongoing oversight and transparency to CDCR as it attempts to enforce the reforms the court in *Madrid* mandated for internal investigations and the employee discipline process. In addition, the Semi-Annual Report once again provides specific recommendations regarding policies and procedures within CDCR, including a summary of the department's response to past recommendations. The overwhelming insufficiencies in this report revolve around the timeliness problems. Solving that issue will go a long way in improving our evaluations.

A prior recommendation never implemented was that the Office of Internal Affairs develop and enforce a requirement to commence investigations within 45 to 60 days of case assignment. The OIG now believes a more comprehensive standard is necessary. Therefore, the OIG urges the Office of Internal Affairs to adopt a timely standard for completion of investigations and recommends that the department develop a policy that an investigation will be considered timely if completed within six months. This standard is based on an analysis of best practices from other agencies and the OIG's own expert opinion. This means that the department must complete all necessary steps within that specified time frame, including processing the case through the Office of Internal Affairs Central Intake Panel; conducting interviews and collecting evidence; allowing adequate time for the department attorney and the OIG to review the draft investigative report; and the delivery of the final report and supporting materials to the hiring authority. In light of the policy vacuum that currently exists in the department, the OIG believes this recommendation is critical in assisting the department in improving the timeliness of investigations. To this end, the department must carefully examine and revise its case handling and processing, as well as its hiring and staffing practices. We are informed that they are now giving this issue serious consideration in response to our suggestions and are working on a solution.

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 encouraging the department to develop policies and procedures that ensure a fair disciplinary process. The department has been receptive to the OIG's feedback in the past and the OIG remains optimistic that this receptivity will continue. The OIG will maintain an open dialogue with the department and is hopeful that this dialogue will achieve the ultimate shared goals of overall improvement within the system.

Volume I Recommendations

The OIG recommends 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.

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.

Recommendation 1.3 The OIG recommends the department install video cameras capable of recording in all inmate areas including, but not limited to, exercise yards, dining halls, housing unit dayrooms, patios, program offices, rotundas, and pathways commonly used for escorts.

Recommendation 1.4 The OIG recommends the department require custody staff who have direct contact with inmates to use body-worn cameras with audio and video capabilities during any inmate contact likely to involve force.

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 (DOM, Chapter 3, Article 22, Section 33030.19).

Recommendations from Prior Reporting Periods

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

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

CDCR Response: Not implemented.

The Office of Internal Affairs recognizes the importance of commencing investigations as quickly as possible. However, the Office of Internal Affairs must prioritize caseloads to complete cases within statutory time frames. Given current staffing levels, it is not practical to implement a requirement for conducting the first interview within a specified timeframe. The department will reassess this recommendation once the Office of Internal Affairs substantially fills its remaining vacancies.

Recommendation 1.2 The OIG recommends that the department develop a program to phase in the installation of cameras, starting at institutions with a high incidence of use of force, such as high security and reception center institutions, and in the administrative segregation units and mental health housing/treatment areas.

CDCR Response: Not implemented.

The department agrees with this recommendation to phase in the installation of cameras at certain institutions. In 2016, the department will install cameras at a pilot institution. Upon results of the pilot, the department will assess the financial viability of this recommendation and may proceed forward with the request for funding in the fiscal year of 2016-2017 for other institutions. The department selected High Desert State Prison (HDSP) as the pilot institution for the installation of cameras. The video camera system at HDSP will use the same design and technology implemented recently in the visitation areas at three other prisons (Lancaster, Solano, and Calipatria). However, the HDSP implementation will identify challenges based upon the greatly expanded number of cameras, the physical challenges in covering an entire prison, and the technology infrastructure challenges. Consequently, HDSP is a proof of concept that will be used to capture not only the cost of implementing an institution-wide system, but also the benefits that are gained through the implementation. The department expects to see a reduction in both incidents and offender appeals after implementation of the system. A workgroup led by EIS with various stakeholders met to develop a department plan to identify funding, procurement, and placement of video cameras at institutions in August 2015.

Recommendation 1.3 The OIG recommends that the department refresh training to the Office of Internal Affairs special agents regarding the importance of protecting compelled statements from improper use and also recommends that the Office of Internal Affairs implement protections in supervision and the case management system to prevent compelled statements from being used in criminal cases.

CDCR Response: Substantially Implemented.

Expected completion date is mid-2016. The Office of Internal Affairs is conducting in-house training to all Office of Internal Affairs sworn staff regarding the protection of compelled statements. The Office of Internal Affairs is documenting all training on a CDCR-844 form and will maintain the training records within the training unit. Any unavailable staff, such as due to extended sick leave, worker's compensation leave, or other reasons, will be trained upon returning to full duty.

The OIG recommended the department implement the following recommendations from the Volume I Semi-Annual Report, July – December 2014:

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

CDCR Response: Not implemented.

The Office of Internal Affairs recognizes the importance of commencing investigations as quickly as possible. However, the Office of Internal Affairs must prioritize caseloads to complete cases within statutory time frames. Given current staffing levels, it is not practical to implement a requirement for conducting the first interview within a specified timeframe. The department will reassess this recommendation once the Office of Internal Affairs substantially fills its remaining vacancies.

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

CDCR Response: Not implemented.

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

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

CDCR Response: Partially implemented.

On August 26, 2015, the Office of Internal Affairs issued a memorandum to department executive staff advising that the Office of Internal Affairs will respond for a deadly force investigation to any accidental discharge of a firearm by a department employee, pursuant to California Code of Regulations, Title 15, Section 3268, and the Department Operations Manual, Article 5, Section 51020.20 et seq. However, the Office of Internal Affairs is recommending a

modification to Title 15 so that it no longer is required to respond to all unintentional discharge incidents. On March 18, 2016, the Office of Internal Affairs deputy director distributed a memorandum indicating that the Office of Internal Affairs would decide on a case-by-case basis whether to respond to the scene of unintended discharges or whether to refer the case to its Central Intake Unit for approval of direct action for neglect of duty allegations.

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

CDCR Response: Partially implemented.

The department drafted an initial Off-Duty Firearms Regulation, California Code of Regulations, Title 15, Section 3412, which was provided to the stakeholders for review and comment. Once the comments are received and any revisions made, the union will be advised of the proposed regulation. Concurrently, the regulation will be submitted to the Office of Administrative Law for review and enactment as an emergency regulation, projected to go into effect by July 2016. The regulation addresses the factors for denying, suspending, and revoking the right to carry an off-duty firearm, including when a peace officer has been consuming alcohol, and establishes an appeal process to provide mandatory due process hearing rights. Previously, the proposed regulation was projected to go into effect on October 24, 2015.

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

CDCR Response: Not Implemented.

The department agrees with this recommendation to phase in the installation of cameras at certain institutions. In 2016, the department will install cameras at a pilot institution. Upon results of the pilot, the department will assess the financial viability of this recommendation and may proceed forward with the request for funding in the fiscal year of 2016 - 2017 for other institutions. The department selected High Desert State Prison (HDSP) as the pilot institution for the installation of cameras. The video camera system at HDSP will use the same design and technology implemented recently in the visitation areas at three other prisons (Lancaster, Solano, and Calipatria). However, the HDSP implementation will identify challenges based upon the greatly expanded number of cameras, the physical challenges in covering an entire prison, and the technology infrastructure challenges. Consequently, HDSP is a proof of concept that will be used to capture not only the cost of implementing an institution-wide system, but also the benefits that are gained through the implementation. The department expects to see a reduction in both incidents and offender appeals after implementation of the system. A workgroup led by EIS with various stakeholders met to develop a department plan to identify funding, procurement, and placement of video cameras at institutions in August 2015.

Appendices

Appendix A1 contains the assessments for 136 Pre-Disciplinary Phase cases monitored during this reporting period, listed by geographical region.

Appendix A2 contains the assessments for 10 Investigative Phase (criminal) cases monitored during this reporting period, listed by geographical region.

Appendix B contains the assessments for 75 Disciplinary Phase cases monitored during the reporting period, listed by geographical region.

Appendix C contains the assessments of 72 Combined Phase cases monitored during the reporting period, listed by geographical region.

APPENDIX A1 PRE-DISCIPLINARY PHASE CASES

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CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-01	13-2541-IR	Administrative Investigation	1. Sexual Misconduct

Incident Summary

Between June 1, 2012, and August 28, 2013, an officer allegedly engaged in lewd and lascivious acts with his seven-year-old daughter.

Predisciplinary Assessment

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

The department failed to comply with the policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

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 September 17, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 5, 2013, 49 days after the date of discovery.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-28	13-2214-IR	Administrative Investigation	1. Dishonesty 2. Insubordination 3. Unreasonable Use of Force 4. Over-Familiarity 5. Failure to Report 6. Neglect of Duty

Incident Summary

On August 28, 2013, two officers allegedly initiated an improper search of an inmate's locker, assaulted the inmate with their fists and batons, and failed to accurately report their use of force. On May 1, 2014, and May 14, 2014, the two officers were allegedly dishonest with the Office of Internal Affairs regarding the incident. A third officer also allegedly failed to report the assault. Between August 29, 2013, and September 16, 2013, a teacher allegedly revealed confidential information to inmates and conducted an unauthorized investigation regarding the incident, engaged in inappropriate contact with an inmate, and refused to provide documents concerning the alleged officer misconduct.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to correctly assess the deadline for taking disciplinary action and the Office of Internal Affairs failed to draft an appropriate investigative report. The hiring authority for the teacher failed to request additional investigation and all hiring authorities failed to conduct the investigative findings conferences in a timely manner. Additionally, the underlying incident took place on August 28, 2013. On October 17, 2013, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until May 1, 2014.

CENTRAL REGION

Assessment Questions

- 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 against the teacher as August 28, 2015, when the deadline was actually August 28, 2016.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report failed to include a dishonesty allegation as previously discussed with the department attorney and recommended by the OIG.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report also failed to include a dishonesty allegation.
- 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 July 18, 2014. However, the hiring authority for two of the officers did not consult with the OIG and the department attorney until August 12, 2014, 25 days thereafter. The hiring authority for the third officer failed to consult with the OIG and department attorney until August 19, 2014, 32 days thereafter. The hiring authority for the teacher initially consulted with the OIG and department attorney on August 14, 2014, 27 days after the Office of Internal Affairs completed the investigation, but failed to make investigative findings until August 25, 2015, 13 months after the investigation was completed.
- If the HA determined additional investigation was necessary, was additional investigation requested?
After deciding additional investigation was necessary, the hiring authority for the teacher failed to request that the Office of Internal Affairs conduct additional investigation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-18	14-2099-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty
<h3>Incident Summary</h3> <p>On November 18, 2013, an associate warden allegedly failed to report the institution's deficiency in utilizing property cards to document inmates who had been issued health care appliances. On July 1, 2014, the associate warden allegedly provided inaccurate information on a corrective action plan regarding the institution's disability placement program. On July 15, 2014, the associate warden allegedly provided inaccurate information on a report documenting the institution's use of sign language interpreters for clinical encounters and due process proceedings. On January 21, 2015, the associate warden allegedly provided false information to the chief deputy warden related to compliance with a court-ordered remedial plan.</p>			
<h3>Predisciplinary Assessment</h3> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs and department attorney failed to provide continual real-time consultation with the OIG.</p>			Procedural Rating: Insufficient Substantive Rating: Sufficient

CENTRAL REGION

Assessment Questions

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The Office of Internal Affairs agreed to add a dishonesty allegation before consulting with the OIG and failed to promptly provide written information concerning the allegation when requested.

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

The department attorney agreed to add a dishonesty allegation before consulting with the OIG and failed to promptly provide written information concerning the allegation when requested.

Incident Date	OIG Case Number	Case Type	Allegations
2014-05-30	14-2464-IR	Administrative Investigation	1. Dishonesty

Incident Summary

On May 30, 2014, an officer allegedly altered a physician's medical certification to falsely increase the number of days he was allowed to take each month to care for a family member under the Family Medical Leave Act.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner. Additionally, the underlying incident took place on May 30, 2014. On October 22, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until May 7, 2015.

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 June 26, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 18, 2014, 84 days after the date of discovery.

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

The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-06	15-1032-IR	Administrative Investigation	1. Dishonesty

Incident Summary

On June 6, 2014, June 7, 2014, and June 30, 2014, a sergeant allegedly forged the signatures of five officers on benefit acknowledgment forms.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to properly conduct the sergeant's interview, entered inaccurate information in the case management system, failed to cooperate with the OIG, and failed to appropriately draft the draft investigative report. The employee relations officer failed to timely provide a required departmental form.

CENTRAL REGION

Assessment Questions

- Were all of the interviews thorough and appropriately conducted?
The special agent asked the sergeant leading questions and suggested possible mitigating explanations for the alleged misconduct.
- Did the special agent appropriately enter case activity in the case management system?
The special agent's case management notes incorrectly noted the deadline for taking disciplinary action, incorrectly concluded an associate warden made a false statement, and incorrectly noted the date of a memorandum.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft report included the special agent's unsupported opinion about the sergeant's inability to sign one of the forms, failed to accurately note the attendance of those present at the sergeant's interview, and failed to accurately report the employment experience of two witnesses.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to cooperate in scheduling the sergeant's interview, preventing the OIG from real-time monitoring of the interview.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The employee relations officer failed to timely provide the form documenting the investigative findings.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-05	14-1904-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior

Incident Summary

On July 5, 2014, an officer allegedly grabbed his girlfriend by the neck, pushed her out the door of a recreational vehicle, and was dishonest to outside law enforcement.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-12	14-2257-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Unreasonable Use of Force 3. Failure to Report Use of Force

Incident Summary

On July 12, 2014, an officer allegedly struck an inmate in the abdomen twice with her knee as a second officer allegedly forced the inmate's handcuffed arms upward, causing the inmate to bend over at the waist. Both officers allegedly failed to report their uses of force. A lieutenant allegedly failed to immediately intervene to stop the unreasonable use of force.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent delayed eight months before starting interviews and failed to interview the involved inmate. The investigative report was not thorough.

CENTRAL REGION

Assessment Questions

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report failed to include information that should have been obtained from the inmate who alleged unreasonable force. The Office of Internal Affairs did not interview the inmate despite the OIG's recommendation to do so.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report failed to include information that should have been obtained from the inmate. The Office of Internal Affairs did not interview the inmate despite the OIG's recommendation to do so.
- Was the investigation thorough and appropriately conducted?
The special agent failed to interview the inmate despite inconsistent statements from the involved officers, the inmate's allegation of unreasonable force, and the OIG's recommendation to interview the inmate. The OIG elevated the matter to various Office of Internal Affairs supervisors and management, but the department still refused to conduct the interview.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The special agent was assigned on September 19, 2014; however, she did not start conducting interviews until May 27, 2015, eight months later. The inmate who alleged unreasonable force was transferred to a more distant institution three months after the special agent was assigned and was never interviewed.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-24	14-2465-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On July 24, 2014, two officers allegedly made a barefooted inmate walk over hot concrete, resulting in burns to the inmate's feet.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to appropriately draft the investigative report. The department attorney failed to provide appropriate feedback regarding the investigative report and failed to appropriately advise the hiring authority.

CENTRAL REGION

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 July 24, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 24, 2014, two months 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 department attorney failed to identify that the special agent should have added dishonesty allegations to the investigative report.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not include dishonesty allegations.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not include dishonesty allegations despite the OIG's recommendations.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney failed to appropriately advise the hiring authority about potential dishonesty allegations.
- 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 declined to add and sustain dishonesty allegations because the hiring authority did not believe the investigation had explored those allegations. Due to insufficient time left before the deadline to take disciplinary action, the hiring authority declined to pursue further investigation. However, after completion of this case, the hiring authority requested a separate investigation regarding the officers' possible dishonesty.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-02	14-2433-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On August 2, 2014, two officers were allegedly armed during an inmate transport in violation of departmental policy and failed to notify a supervisor when they took breaks. One of the officers allegedly failed to notify a supervisor of a mechanical problem with the locking mechanism of the transport van's holding cell and failed to obtain documents required for transporting inmates. Additionally, two lieutenants and a sergeant allegedly failed to ensure the transport officers had the documents required for transporting inmates.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to attend an interview of one of the lieutenants and the special agent failed to cooperate with the department attorney. Additionally, the underlying incident took place on August 2, 2014. On October 1, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until March 30, 2015. The delayed investigation impacted the OIG's ability to seek a higher level of review.

CENTRAL REGION

Assessment Questions

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney failed to attend the interview of one of the lieutenants.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The department attorney failed to appear for a critical interview and the special agent refused to re-schedule it.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The special agent delayed more than five months before conducting interviews and submitted the investigative report to the hiring authority on July 9, 2015. Due to scheduling conflicts, the investigative findings conference could not be conducted until July 24, 2015, only nine days before the deadline to take disciplinary action. At the investigative findings conference, the hiring authority decided to issue letters of instruction to one of the lieutenants and the sergeant instead of imposing discipline. The OIG would have sought a higher level of review regarding the failure to impose discipline but was prevented from doing so due to the impending deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-14	15-0983-IR	Direct Action (No Subject Interview)	1. Weapons

Incident Summary

On August 14, 2014, an officer shot himself in the foot with his department-issued firearm during a training exercise.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority initially improperly refused to refer the matter to the Office of Internal Affairs and failed to do so timely. The hiring authority also failed to identify that additional investigation was warranted, failed to request additional investigation, improperly found the investigation sufficient, and failed to sustain an appropriate allegation. As a result, the OIG sought a higher level of review. The hiring authority and the department attorney failed to timely schedule the higher level of review. The Office of Internal Affairs failed to approve an investigation, timely complete the investigation, provide the OIG and department attorney with a draft investigative report, and consult with the OIG and department attorney. The department attorney failed to request the investigative report from the special agent, provide and document feedback regarding the report, cooperate with the OIG, and appropriately advise the hiring authority.

CENTRAL REGION

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 14, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 9, 2015, almost eight months after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not open an investigation.
- Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention?
The hiring authority refused to refer the matter to the Office of Internal Affairs for an investigation until the OIG elevated the matter to the director of the Division of Adult Institutions, who directed the hiring authority to refer the matter.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent failed to provide the OIG with a draft of the investigative report before it was forwarded to the hiring authority.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the department attorney to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent failed to provide a draft of the investigative report to the department attorney before it was forwarded to the hiring authority.
- 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 special agent failed to provide a copy of the draft investigative report to the department attorney for review. The department attorney did not document in the case management system that she requested the report.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The special agent failed to provide a copy of the draft investigative report to the department attorney. The department attorney did not document in the case management system that she requested the report and did not provide written confirmation summarizing all critical discussions about the investigative report.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on August 10, 2015, four days before the deadline to take disciplinary action.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to provide a copy of the draft investigative report to the OIG.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
At the initial consultation regarding the investigative findings, the hiring authority improperly found the investigation sufficient.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority improperly determined additional investigation was not necessary.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The assistant chief counsel inappropriately advised there was no evidence of misconduct and that there was no need for an investigation.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority inappropriately determined no further investigation was required and the allegation should not be sustained.

CENTRAL REGION

- If an executive review was invoked in the case, did OIG request the executive review?
The OIG sought a higher level of review due to the initial hiring authority's unreasonable conclusion that there was sufficient information to make a finding and that, based on the information, there was insufficient evidence to sustain the allegation. The OIG prevailed on executive review as the hiring authority's supervisor decided that an interview of the officer was needed in order for the initial hiring authority to make an appropriate decision.
- If an executive review was invoked, was the executive review process in the DOM followed?
The OIG sought a higher level of review on June 12, 2015. However, the higher level of review did not occur until August 3, 2015, 52 days thereafter.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The special agent failed to provide the department attorney with a draft investigative report for review.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney failed to ensure prompt scheduling of the higher level of review.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority failed to promptly schedule the higher level of review.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter for investigation and the Office of Internal Affairs failed to timely complete the investigation. The department failed to timely conduct the higher level of review.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-19	14-2537-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Neglect of Duty

Incident Summary

On August 19, 2014, an officer allegedly rammed his chest into an inmate's back during a clothed body search and failed to timely and accurately report the use of force. A second officer allegedly failed to timely and accurately report the use of force he observed. A lieutenant and two sergeants allegedly failed to intervene, failed to report the force they observed, and failed to ensure custody staff timely submitted reports. Ten additional officers allegedly failed to accurately report the use of force they observed.

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-20	14-2463-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Controlled Substance

Incident Summary

On August 20, 2014, outside law enforcement allegedly found an officer in possession of testosterone and hypodermic syringes for which he did not have a prescription. On August 22, 2014, the officer was allegedly dishonest in a memorandum to a supervisor regarding the matter. On June 26, 2015, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

CENTRAL REGION

Predisciplinary Assessment The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to add an appropriate dishonesty allegation. Additionally, the underlying incident took place on August 20, 2014. On October 30, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until June 12, 2015.	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 OIG disagreed with the Office of Internal Affairs' decision to not add a dishonesty allegation because the officer had made conflicting statements to outside law enforcement regarding the source of the steroids.</i>

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-22	14-2819-IR	Administrative Investigation	1. Dishonesty 2. Misuse of Authority

Incident Summary On August 22, 2014, a lieutenant allegedly instructed officers to prepare false reports regarding a use-of-force incident and a sergeant allegedly attempted to persuade officers to change their reports. One officer allegedly drafted a false report and another officer was allegedly dishonest to the sergeant regarding his report. On April 9, 2015, and July 7, 2015, the sergeant was allegedly dishonest during interviews with the Office of Internal Affairs.
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Predisciplinary Assessment The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the request for investigation.	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 22, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 30, 2014, 69 days after the date of discovery.</i> 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 October 30, 2014, but did not take action until December 3, 2014, 34 days after the receipt of the request.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the request for investigation.</i>
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Incident Date	OIG Case Number	Case Type	Allegations
2014-08-27	14-2608-IR	Administrative Investigation	1. Dishonesty

Incident Summary On August 27, 2014, an officer was allegedly dishonest when he reported an inmate threatened him. A second officer was allegedly dishonest when he reported he heard the inmate speak loudly but could not hear what the inmate actually said, even though the second officer was sitting beside the first officer.
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CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs delayed conducting interviews, resulting in witnesses failing to recall essential facts.	
Assessment Questions	
<ul style="list-style-type: none"> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <p><i>The Office of Internal Affairs assigned a special agent on November 25, 2014; however, the special agent did not begin interviews until June 23, 2015, almost seven months later. One witness testified that he could not remember certain discrepancies because of the delay. The Office of Internal Affairs did not interview another officer until nearly 11 months after the incident. The officer was unable to remember numerous details of the event.</i></p>	
Disposition	
The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.	

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-05	15-0500-IR	Administrative Investigation	<ol style="list-style-type: none"> Unreasonable Use of Force Failure to Report Use of Force

Incident Summary
On September 5, 2014, two officers allegedly used unreasonable force on an inmate and failed to report the use of force.
Predisciplinary Assessment
Procedural Rating: Insufficient Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter for investigation. The department attorney failed to timely confirm relevant dates and failed to timely initiate an initial consultation with the special agent and the OIG. The special agent failed to effectively use a diagram during a witness interview and failed to prepare a thorough draft investigative report. The department attorney improperly advised the hiring authority to not sustain an allegation of unreasonable use of force against one of the officers and the hiring authority failed to sustain the allegation.

CENTRAL REGION

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 September 29, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 6, 2015, 130 days after the date of discovery.
- 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 was assigned on March 24, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until April 22, 2015, 29 days after assignment.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?

The department attorney was assigned on March 24, 2015, but did not contact the special agent and the OIG until April 21, 2015, 28 days after assignment.
- Were all of the interviews thorough and appropriately conducted?

The special agent did not effectively use a diagram during a witness interview when he failed to clarify what the witness was describing on the diagram.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The draft investigative report failed to set forth an expert medical opinion concerning the inmate's injuries.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney inappropriately advised the hiring authority to not sustain an unreasonable use-of-force allegation against the first officer.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority failed to sustain an unreasonable use-of-force allegation against the first officer.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority failed to timely refer the matter for investigation. The department attorney failed to timely confirm relevant dates and failed to timely initiate an initial consultation with the special agent and the OIG.

Disposition

The hiring authority found insufficient evidence to sustain the allegations against both officers. The OIG did not concur with the hiring authority's determination to not sustain an allegation against the first officer for using unreasonable force. However, the OIG did not elevate the matter to the hiring authority's supervisor due to insufficient time remaining before the deadline to take disciplinary action. The OIG concurred with the hiring authority's determinations on the remaining allegations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-06	14-2613-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Failure to Report Use of Force Neglect of Duty

Incident Summary

On September 6, 2014, an officer allegedly sprayed an inmate in the face with pepper spray without justification and was allegedly dishonest when he failed to accurately report his need to use force. A second officer allegedly failed to activate his alarm, and he and a third officer were allegedly dishonest when they failed to accurately report the first officer's use of force. A fourth officer also allegedly failed to accurately report the first officer's use of force.

CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to appropriately prepare the draft investigative report. The department attorney failed to provide appropriate feedback to the special agent and failed to provide appropriate legal advice to the hiring authority. The hiring authority failed to timely conduct the investigative findings conference and failed to make appropriate investigative findings. The hiring authority's supervisor also failed to make appropriate investigative findings.</p>	

Assessment Questions

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

The department attorney failed to recommend including officers' statements that there was no threat to justify the use of force.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The investigative draft report failed to include officers' statements that there was no threat to justify the use of force.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 22, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until August 13, 2015, 22 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney improperly advised the hiring authority to not sustain allegations of unreasonable use of force, failure to accurately report the use of force, and dishonesty.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority failed to appropriately determine an officer used unreasonable force, failed to accurately report the use of force, and was dishonest.
- If an executive review was invoked in the case, did OIG request the executive review?

The OIG sought a higher level of review because the hiring authority failed to sustain any allegations against the officer using force.
- If an executive review was invoked, was the appropriate decision made?

The hiring authority's supervisor sustained an allegation that the officer used unreasonable force but failed to appropriately sustain allegations the officer failed to accurately report his use of force and was dishonest.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-12	14-2820-IR	Administrative Investigation	1. Dishonesty 2. Failure to Report Use of Force

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.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.</p>	

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on October 30, 2014, but did not take action until December 10, 2014, 41 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-12	14-2928-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Neglect of Duty

Incident Summary

On September 12, 2014, an officer allegedly failed to immediately respond to an alarm and falsely reported that she did not witness any force responding officers used.

<h3>Predisciplinary Assessment</h3> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter for investigation and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request. The special agent did not adequately prepare for an interview. The department attorney provided inappropriate legal advice to the hiring authority and the hiring authority failed to sustain an allegation the evidence supported.</p>	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 September 12, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 25, 2014, 74 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on November 25, 2014, but did not take action until December 31, 2014, 36 days after the receipt of the request.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not have the alarm response policy or in-service training lesson plan regarding alarm response available during the officer's interview.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority that an allegation could not be sustained for failing to respond to the alarm.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority failed to sustain the allegation that the officer failed to respond to the alarm.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter for investigation and the Office of Internal Affairs failed to make a timely determination regarding the request.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur but did not seek a higher level of review because the misconduct would not have warranted a severe penalty and the hiring authority issued a letter of instruction and ordered remedial on-the-job training for the officer.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-21	14-2801-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Neglect of Duty

Incident Summary

On September 21, 2014, two officers allegedly slept while on duty. One of the officers was allegedly dishonest in a memorandum to a supervisor denying that he was less than alert while on duty.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to timely take action on the request for investigation, the employee relations officer failed to confirm relevant dates, and the hiring authority failed to sustain allegations against one of the officers.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on October 31, 2014, but did not take action until December 3, 2014, 33 days after the receipt of the request.
- 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 employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority only sustained allegations against one officer but should have sustained allegations against both.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to timely take action on the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-08	15-0087-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Insubordination/Willful Disobedience Neglect of Duty

Incident Summary

On October 8, 2014, an officer allegedly struck an inmate in the back with a baton, punched him during an escort, and wrote a false report about the incident. Another officer allegedly failed to report the use of force he witnessed until six days later despite a sergeant's order to submit a report.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner. Additionally, the underlying incident took place on October 8, 2015. On December 31, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until June 22, 2015.

CENTRAL REGION

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 October 10, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 26, 2014, 47 days after the date of discovery.

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-09	15-0488-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Contraband Neglect of Duty

Incident Summary

On October 9, 2014, an officer allegedly used an unauthorized personal mobile phone while on duty at an outside hospital, failed to sign her post orders, failed to carry required equipment, and left her post without approval. The same day, a sergeant with whom the officer was having a sexual relationship visited the officer at the hospital and allegedly failed to report her misconduct. The sergeant and the officer also allegedly failed to disclose their sexual relationship to the hiring authority. On October 15, 2014, the officer was allegedly dishonest in a memorandum regarding the sergeant's visit with her at the hospital. On September 11, 2015, the officer was allegedly dishonest during her Office of Internal Affairs interview. On September 16, 2015, the sergeant was allegedly dishonest during his Office of Internal Affairs interview.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent and the department attorney failed to adequately and timely confer with one another. The department attorney failed to timely and accurately assess the deadline for taking disciplinary action.

Assessment Questions

- Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan?

The special agent failed to consult with the department attorney prior to finalizing the investigative plan.

- 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 was assigned on January 12, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until July 23, 2015, 192 days after assignment. In addition, the department attorney did not correctly assess the deadline for taking disciplinary action. The department attorney assessed the deadline for taking disciplinary action as October 7, 2015, when the deadline was actually October 9, 2015.

- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?

The department assigned an attorney on January 12, 2015, but the attorney failed to contact the special agent until March 6, 2015, 53 days after assignment.

- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?

The department assigned a special agent on December 17, 2014, and a department attorney on January 12, 2015. However, they did not consult with one another until March 6, 2015.

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

The special agent and department attorney failed to timely consult regarding the investigation. The department attorney failed to timely enter the deadline for taking disciplinary action into the case management system.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-14	15-0410-IR	Administrative Investigation	1. Theft

Incident Summary

On October 14, 2014, an officer allegedly stole several items from a convenience store.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and timely conduct the investigative findings conference. The special agent failed to adequately prepare for and conduct a thorough investigation.

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 2, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 20, 2015, 49 days after the date of discovery.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent failed to obtain the store's visual recording before it was destroyed, failed to conduct a proper photo lineup, and failed to investigate the officer's exculpatory claims. The special agent also failed to process exculpatory digital evidence until after the OIG made several recommendations.
- Was the investigation thorough and appropriately conducted?
The special agent failed to obtain the store's visual recording before it was destroyed, failed to conduct a proper photo lineup, and failed to investigate the officer's exculpatory claims. The special agent also failed to process exculpatory digital evidence until after the OIG made several recommendations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 2, 2015. 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 November 20, 2015, 49 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings conference in a timely manner.

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-16	14-2857-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

Incident Summary

On October 16, 2014, two officers allegedly collaborated when writing their use-of-force reports. A lieutenant allegedly failed to properly review the use-of-force reports and altered the reports.

CENTRAL REGION

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to conduct a thorough investigation. The department attorney failed to provide timely feedback regarding the investigative report and failed to advise the hiring authority the investigation was not complete. The hiring authority failed to timely conduct the investigative findings conference, improperly deemed the investigation sufficient, and failed to pursue a request for additional investigation.

Assessment Questions

- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs failed to grant the hiring authority's request for additional investigation regarding the lieutenant's receipt and review of the use-of-force reports.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorney received the draft investigative report on June 5, 2015; however, she did not provide feedback to the special agent until July 1, 2015, 26 days later.
- Was the investigation thorough and appropriately conducted?
The special agent failed to adequately question the lieutenant and a sergeant about receiving and reviewing the reports and similarities in the reports.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 3, 2015. 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 6, 2015, 34 days thereafter.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
Initially, the hiring authority properly determined the investigation was insufficient regarding the receipt and review of the use-of-force reports, but later improperly determined the investigation was sufficient.
- Did the HA properly determine whether additional investigation was necessary?
Initially, the hiring authority properly determined additional investigation was necessary regarding the receipt and review of the use-of-force reports, but later improperly determined the investigation was sufficient.
- If the HA determined additional investigation was necessary, was additional investigation requested?
The hiring authority requested additional investigation but when the Office of Internal Affairs declined further investigation, the hiring authority found the investigation sufficient and did not pursue the request.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney failed to appropriately advise the hiring authority that the investigation was insufficient regarding the receipt and disposition of reports.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department attorney failed to provide timely feedback regarding the draft investigative report and the hiring authority failed to timely conduct the investigative findings conference.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-19	15-0830-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On October 19, 2014, an officer allegedly failed to discover an inmate she noted as being secure and alive during multiple security checks was actually dead for more than two hours. The officer also allegedly left her post early without her sergeant's approval.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, timely conduct the investigative findings conference, and failed to provide the OIG with the form documenting the investigative findings.

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 October 19, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 20, 2015, five months after the date of discovery.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 28, 2015. 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 September 10, 2015, 44 days thereafter.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority failed to provide the OIG with the form documenting the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-03	15-0219-IR	Administrative Investigation	1. Dishonesty 2. Insubordination/Willful Disobedience 3. Discourteous Treatment

Incident Summary

On December 3, 2014, an officer allegedly yelled at a lieutenant and refused to comply with the lieutenant's order to report to his position. The officer also allegedly falsely claimed that the lieutenant physically assaulted him. On April 8, 2015, the officer was allegedly dishonest during his investigative interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-14	15-0633-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Neglect of Duty

Incident Summary

On December 14, 2014, an officer allegedly failed to handcuff an uncooperative inmate before escorting him and used unnecessary force when he twisted the inmate's ankle after he was taken to the ground and handcuffed. Two other officers allegedly failed to report the first officer's use of force and a sergeant allegedly failed to properly supervise the first officer.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the case to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the request. Additionally, the underlying incident took place on December 14, 2014. On April 3, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until October 6, 2015. Because of the delay, officers and other witnesses were unable to clearly recall the incident.

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, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 9, 2015, 57 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on February 9, 2015, but did not take action until March 25, 2015, 44 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the case to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the request. The special agent delayed conducting interviews for more than six months and, as a result, witnesses could not clearly recall the incident.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred except for the determination to not sustain the allegation against the first officer for failing to handcuff the inmate. However, the OIG did not seek a higher level of review due to conflicting evidence regarding the alleged misconduct.

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-30	15-0409-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

On December 30, 2014, a sergeant and a lieutenant allegedly failed to initiate Prison Rape Elimination Act protocols when an inmate claimed an unidentified staff member sexually assaulted him during a wheelchair escort.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures governing the pre-disciplinary process. However, the underlying incident took place on December 30, 2014. On March 6, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until October 19, 2015.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-01-09	15-0653-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Unreasonable Use of Force

Incident Summary

On January 9, 2015, an officer allegedly failed to notify her supervisor of a report that an inmate had a weapon. A second officer then allegedly removed the inmate from the cell by himself, failed to search the inmate for a weapon, and interviewed the inmate while the inmate was unrestrained. After applying restraints, the second officer then allegedly left the restrained inmate alone in a common area. The two officers and a third officer allegedly lifted and dragged the inmate to a holding cell and failed to activate their alarms.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings conference.

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 January 9, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 5, 2015, 55 days after the date of discovery.

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

The Office of Internal Affairs returned the case to the hiring authority on April 1, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 21, 2015, 111 days thereafter.

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

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings conference.

Incident Date	OIG Case Number	Case Type	Allegations
2015-05-02	15-1273-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Other Failure of Good Behavior 3. Dishonesty 4. Misuse of Authority

Incident Summary

On May 2, 2015, a sergeant allegedly vandalized his ex-wife's residence with toilet paper and eggs and cursed at her. The sergeant was also allegedly belligerent and dishonest to outside law enforcement and attempted to gain leniency by identifying himself as a sergeant.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to authorize an investigation to determine whether the sergeant was dishonest. The hiring authority delayed consulting with the OIG and the department attorney regarding the investigative findings and failed to request an investigation regarding dishonesty. The hiring authority's supervisor also failed to request an investigation.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not approve an investigation to determine whether the sergeant was dishonest to outside law enforcement.
- 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 June 17, 2015. 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 July 23, 2015, 36 days thereafter.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority improperly decided it was unnecessary to request an investigation to determine whether the sergeant was dishonest to outside law enforcement.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not appropriately determine whether the officer was dishonest to outside law enforcement.
- If an executive review was invoked in the case, did OIG request the executive review?
The OIG requested a higher level of review based on the hiring authority's decision to not request an investigation.
- If an executive review was invoked, was the appropriate decision made?
At the higher level of review, the hiring authority's supervisor failed to request an investigation to determine whether the sergeant was dishonest.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2015-05-21	15-1328-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Intoxication

Incident Summary

On May 21, 2015, an officer was arrested after allegedly driving his vehicle in excess of 100 miles per hour while under the influence of alcohol. The officer was also allegedly dishonest to outside law enforcement. The officer was also allegedly dishonest on May 22, 2015, when he reported the details of the incident to a lieutenant and on May 26, 2015, when he reported the incident in a memorandum to a captain.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The employee relations officer and the department attorney failed to confirm relevant dates in the case management system. The hiring authority failed to conduct the investigative findings conference in a timely manner and failed to timely provide the OIG with the form documenting the investigative findings.

CENTRAL REGION

Assessment Questions

- 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 employee relations officer did not make any entry into the case management system confirming relevant dates. The department attorney also failed to confirm relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs returned the case to the hiring authority on July 1, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until October 16, 2015, more than three months thereafter.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?

The department failed to timely provide the OIG with the form documenting the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-06	15-1674-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Traffic Related Incidents While On Duty 3. Medical 4. Failure to Report 5. Insubordination/Willful Disobedience 6. Neglect of Duty 7. Attendance

Incident Summary

On July 6, 2015, an officer allegedly backed a State vehicle into a building and failed to complete an accident report when ordered by a lieutenant. The officer was also allegedly dishonest when he told the lieutenant there was no damage to the vehicle, told a sergeant he already completed the report, and claimed he already informed another sergeant about the accident. The officer also allegedly left work early without supervisor approval and submitted a fraudulent time sheet for the day. The officer and a second officer also allegedly failed to immediately report the accident to a supervisor or seek medical attention for an inmate who was in the vehicle.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs inappropriately denied a request for reconsideration and the hiring authority failed to conduct the investigative findings conference in a timely manner.

CENTRAL REGION

Assessment Questions

- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs inappropriately denied the hiring authority's request for an interview of the officer.
- 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 August 19, 2015. 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 October 8, 2015, 50 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations against the first officer because the Office of Internal Affairs denied the request to interview the officer. Although the hiring authority also did not sustain the allegations against the second officer, the hiring authority issued a letter of instruction. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-15	15-1673-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty

Incident Summary

On July 15, 2015, an associate warden allegedly violated an order from a warden not to associate with a sergeant during work hours. The sergeant allegedly failed to supervise yard activities and also disobeyed orders to not associate with the associate warden during work hours.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-29	15-2092-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Misuse of Authority 2. Other Failure of Good Behavior 3. Intoxication

Incident Summary

On August 29, 2015, an officer allegedly drove his vehicle while under the influence of alcohol and while on probation for a conviction of the same offense. The officer also allegedly sought leniency from outside law enforcement based on his peace officer status. After he was arrested, the officer allegedly used profanity and was discourteous to outside law enforcement.

Predisciplinary Assessment

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

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

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Incident Date	OIG Case Number	Case Type	Allegations
2012-08-03	15-0531-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary

On August 3, 2012, while working as a bookkeeper for a landscaping business and prior to being employed by the department, an officer allegedly under-reported employee wages to avoid paying workers' compensation insurance premiums.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the case, the hiring authority failed to conduct the investigative findings conference in a timely manner, and the department attorney failed to provide appropriate legal consultation to the hiring authority.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on February 2, 2015, but did not take action until March 11, 2015, 37 days after receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on March 11, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings until April 27, 2015, 47 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney erroneously advised the hiring authority not to reject the officer on probation despite sufficient evidence to do so.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the case and the hiring authority failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. However, the hiring authority found that the officer subsequently failed to disclose on her background application that she was under criminal investigation regarding her alleged failure to report employee wages and rejected the officer during probation. The OIG concurred with the hiring authority's determinations. The officer filed an appeal of the rejection during probation with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer whereby she resigned in lieu of the rejection and agreed to never seek employment with the department in the future. The OIG concurred with the settlement because the ultimate goal of ensuring the officer did not work for the department was achieved.

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Incident Date	OIG Case Number	Case Type	Allegations
2012-09-05	14-2850-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Distraction from Duty 2. Dishonesty 3. Sexual Misconduct 4. Neglect of Duty-Distraction from Duty 5. Failure to Report 6. Neglect of Duty

Incident Summary

Between September 5, 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 allegedly had a sexual relationship with a subordinate female officer both on and off institutional grounds and neither reported the relationship. In May 2014, the sergeant also 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 sergeant was allegedly dishonest to the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to accurately assess the deadline to take disciplinary action and failed to timely consult with the special agent and the OIG to discuss the investigative plan. The Office of Internal Affairs failed to timely complete the investigation. Additionally, the underlying incident took place on September 5, 2012. On December 23, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but the special agent did not conduct the first interview until June 17, 2015.

Assessment Questions

- 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 assessed the deadline for taking disciplinary action as October 22, 2015, when the deadline was actually September 1, 2015.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?
The department attorney failed to contact the special agent or the OIG within 21 days following assignment.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on August 24, 2015, 12 days before the deadline to take disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to timely complete the investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2013-04-15	14-2851-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty

Incident Summary

Between April 15, 2013, and April 19, 2013, three sergeants allegedly worked another sergeant's shift without required documentation, signed that sergeant's name to timesheets rather than their own names, failed to sign in or out on their time sheets, and failed to complete the supervisor's log book. Two of the sergeants also allegedly failed to complete required security checks.

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs. Additionally, the underlying incident took place from April 15, 2013, to April 19, 2013. On December 23, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until June 24, 2015. The delay prevented the department from combining the disciplinary action with a dismissal that had already been served on one of the sergeants.</p>	
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 23, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 19, 2014, 57 days after the date of discovery.</i> Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The Office of Internal Affairs completed its report and submitted it to the hiring authority on September 17, 2015, six days before the deadline to take disciplinary action.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent did not timely complete the investigation. The delay prevented the hiring authority from combining the disciplinary action against one of the sergeants with a pending dismissal.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-05	14-0872-IR	Administrative Investigation	1. Discrimination/Harassment 2. Discrimination/Harassment

Incident Summary

Between June 5, 2013, and March 24, 2014, an Office of Internal Affairs manager allegedly discriminated against a special agent due to his race and ancestry by holding him to a different standard of work performance, denying him opportunities to promote or transfer, and denying him an opportunity to move into a window office. After the special agent filed a complaint, the Office of Internal Affairs manager also allegedly retaliated against the special agent by ordering him to submit to a fitness for duty evaluation, placing him on administrative leave, and subjecting him to unfair criticism, including the issuance of an employee counseling record.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary phase.</p>	

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations that the Office of Internal Affairs manager denied the special agent the opportunity to promote or transfer or that the manager subjected him to unfair criticism. The hiring authority determined that the investigation conclusively proved that the other alleged misconduct did not occur. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2013-09-19	15-0214-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

Incident Summary

Between September 19, 2013, and November 12, 2014, a parole agent allegedly failed to supervise numerous parolees assigned to her caseload and falsified documents to conceal her failure to supervise. On November 12, 2014, the parole agent was allegedly dishonest to her supervisor when she denied issuing a falsified arrest warrant for a parolee.

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the department failed to timely conduct the initial consultation.	

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 November 10, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 29, 2014, 49 days after the date of discovery.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?
The department assigned an attorney on February 3, 2015. The consultation did not occur until March 12, 2015, 37 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not timely consult with the special agent.

Incident Date	OIG Case Number	Case Type	Allegations
2013-12-13	15-1989-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Misuse of Authority Disclosure of Confidential Information Misuse of State Equipment or Property

Incident Summary

Between December 13, 2013, and April 28, 2014, an Office of Internal Affairs special agent allegedly accessed confidential law enforcement information for a family member and was allegedly dishonest with the Department of Justice regarding why he needed to access the confidential information.

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-01	15-1958-IR	Administrative Investigation	<ol style="list-style-type: none"> Insubordination/Willful Disobedience Neglect of Duty Dishonesty Over-Familiarity

Incident Summary

Between January 1, 2014, and November 22, 2014, a lieutenant allegedly falsified rules violation hearing findings, failed to charge inmates who admitted rules violations, planted methamphetamine on an inmate to induce him to become an informant, and was overly familiar with an inmate. On January 13, 2015, the lieutenant allegedly went to his old work station after being transferred to the mailroom and on January 15, 2015, was allegedly overly familiar with a second inmate. On October 6, 2015, the lieutenant was allegedly dishonest during his interview with the Office of Internal Affairs.

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Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to complete the investigation in a timely manner.	

Assessment Questions

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on October 28, 2015, two days before the deadline to take disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to complete the investigation in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-08	14-0704-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Disclosure of Confidential Information

Incident Summary

On January 8, 2014, a senior psychologist allegedly provided an inmate suicide report and a death review summary report to a newspaper. On January 8, 2014, the senior psychologist also allegedly provided a death review summary report regarding a second inmate to the newspaper. On March 9, 2014, the senior psychologist allegedly released a suicide report regarding the second inmate to the newspaper. On February 18, 2015, the senior psychologist was allegedly dishonest during his interview with the Office of Internal Affairs.

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-01	15-0823-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Discrimination/Harassment 2. Neglect of Duty

Incident Summary

Between February 1, 2014, and March 30, 2015, two Division of Parole Operations executives allegedly discriminated against a parole agent by failing to promote her based on her race and gender. On February 19, 2014, the executives allegedly failed to follow civil service rules and departmental regulations in the hiring of individuals for several parole administrator positions. On October 24, 2014, the executives also allegedly retaliated against the parole agent after she filed a discrimination complaint by removing her from an acting parole administrator position.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs delayed making a determination regarding the hiring authority's request for investigation and in completing the investigation. The hiring authority failed to sustain an allegation that the evidence supported.	

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Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on May 23, 2014, but did not take action until April 23, 2015, 11 months after receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' initial decision to reject the complaint because the parole agent who alleged discrimination did not utilize a written complaint form.
- 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 did not make any entry into the case management system confirming relevant dates.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on May 18, 2015, five days before the deadline to take disciplinary action.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority failed to sustain the allegation that one of the executives failed to follow civil service hiring rules even though the evidence supported the allegation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to complete the investigation in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations, except the decision not to sustain the allegation that one of the executives failed to follow civil service hiring rules. The OIG did not seek a higher level of review because the hiring authority served the executive with a letter of instruction addressing the faulty hiring practices discovered during the investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-16	14-2840-IR	Administrative Investigation	1. Disclosure of Confidential Information

Incident Summary

On February 16, 2014, an Office of Internal Affairs employee allegedly disclosed confidential information regarding an ongoing investigation to a newspaper.

Predisciplinary Assessment

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

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

Disposition

The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred with the hiring authority's determination.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-05-05	15-0663-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On May 5 and May 15, 2014, a sergeant allegedly falsely documented he contacted an applicant by telephone while conducting a background investigation. On February 11, 2015, the sergeant allegedly falsely documented he contacted an applicant's former employer while conducting a background investigation. On July 15, 2015, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-01	15-1082-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Contraband 2. Insubordination/Willful Disobedience 3. Failure to Report 4. Neglect of Duty

Incident Summary

Between June 2014 and January 21, 2015, five officers allegedly watched movies while on duty and failed to report that other officers watched movies. A sixth officer allegedly knew other officers were watching movies but failed to report it. On January 21, 2015, the first officer also allegedly brought a knife, mobile phone, charger, and movies into the institution, and allegedly refused to tell a captain who watched movies with him. On June 24, 2015, the officer also allegedly refused to tell the Office of Internal Affairs during an interview which officers watched movies with him. Four of the five officers and a seventh officer allegedly shared their computer access or passwords. An eighth officer allegedly failed to report the misconduct of the other officers and allegedly shared his computer password.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department failed to conduct the investigative findings conference in a timely manner.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 14, 2015. 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 November 10, 2015, 57 days thereafter.

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

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

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Incident Date	OIG Case Number	Case Type	Allegations
2014-06-03	14-2055-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Misuse of State Equipment or Property 2. Dishonesty 3. Failure to Report

Incident Summary

On June 3, 2014, an officer was allegedly dishonest to an associate warden regarding a complaint of staff misconduct he made about a sergeant. The sergeant was allegedly dishonest when he reported the content of a conversation with the officer. The sergeant and a clinical social worker allegedly exchanged inappropriate email messages using the department's computer system. On March 19, 2015, the sergeant was allegedly dishonest in his interview with the Office of Internal Affairs. A second sergeant allegedly failed to report the alleged misconduct against the first sergeant.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority for the officer failed to refer the matter to the Office of Internal Affairs in a timely manner. The hiring authority for the social worker failed to timely conduct the investigative findings conference and was not prepared to discuss the findings at the first meeting. The employee relations officer failed to properly complete the form documenting the investigative findings.

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 June 3, 2014, but the hiring authority for the officer did not refer the matter to the Office of Internal Affairs until August 11, 2014, 69 days after the date of discovery.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority for the social worker on June 12, 2015. 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 5, 2015. That consultation had to be rescheduled to August 21, 2015, because the hiring authority was not prepared to discuss the investigative findings. The total delay was 70 days.
- If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared?
The hiring authority for the social worker was not prepared to discuss the sufficiency of the investigation and the investigative findings at the first consultation.
- Was the CDCR Form 402 documenting the findings properly completed?
A form documenting the investigative findings improperly included an allegation not made against the sergeant.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority for the officer did not timely refer the matter to the Office of Internal Affairs and the hiring authority for the social worker failed to timely conduct the investigative findings conference.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-06-25	15-0355-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Intoxication-Driving Under the Influence 3. Failure to Report 4. Neglect of Duty

Incident Summary

On June 25, 2014, and September 26, 2014, an officer drove a State vehicle while his license was allegedly suspended. On November 27, 2014, the officer allegedly drove his personal vehicle while under the influence of alcohol and oxycodone and with a suspended license. The officer was arrested and allegedly failed to timely report his arrest to the hiring authority. On December 16, 2014, after the department promoted the officer to sergeant, he was allegedly dishonest when he denied to the hiring authority knowing his license was suspended.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to enter the incident dates into the case management system and the hiring authority failed to timely conduct the investigative findings conference.

Assessment Questions

- 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 failed to enter the dates of the alleged misconduct.
- 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 February 11, 2015, and the district attorney declined prosecution on April 8, 2015. 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 September 10, 2015, seven months after the Office of Internal Affairs returned the case and five months after the district attorney declined prosecution.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-26	15-0668-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty

Incident Summary

From June 26, 2014, to December 11, 2014, an officer allegedly falsely identified inmates as gang members in numerous reports.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to timely complete the investigation.

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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 11, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 24, 2015, 75 days after the date of discovery.

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on December 4, 2015, seven days before the deadline to take disciplinary action.

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

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs completed the investigation seven days before the deadline to take disciplinary action.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-16	14-1968-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Failure to Report Neglect of Duty Discourteous Treatment

Incident Summary

On July 16, 2014, an officer allegedly used offensive language toward an employee assigned to the whistleblower hotline. The officer also allegedly failed to report threats made against a lieutenant and failed to identify the potential assailants. When asked if he was going to assault the lieutenant, the officer allegedly stated "no, but it would be nice if they did." On June 3, 2015, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to complete the investigation until two days before the deadline to take disciplinary action.

Assessment Questions

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on July 14, 2015, two days before the deadline to take disciplinary action.

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

The department failed to complete the investigation in a timely manner.

Disposition

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-21	14-2423-IR	Administrative Investigation	1. Over-Familiarity

Incident Summary

On July 21, 2014, an officer was allegedly overly familiar with an inmate when he attempted to visit the inmate without a legitimate reason, possessed canteen items intended for the inmate, and accessed the inmate's records on the department's computer database without cause.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

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 July 21, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 26, 2014, 67 days after the date of discovery.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-29	14-2328-IR	Administrative Investigation	1. Dishonesty 2. Misuse of Authority

Incident Summary

On July 29, 2014, a sergeant allegedly hit a cadet on the side of his neck with an open hand. On July 30, 2014, the sergeant was allegedly dishonest when he denied hitting the cadet.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-07-30	14-2229-IR	Administrative Investigation	1. Dishonesty

Incident Summary

On July 30, 2014, an officer allegedly falsely reported to outside law enforcement that he was the victim of a robbery at gunpoint. The officer was also allegedly dishonest to a supervisor on July 30, 2014, and to the Office of Internal Affairs on June 22, 2015.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to complete the investigation until ten days before the deadline to take disciplinary action.	
Assessment Questions <ul style="list-style-type: none"> Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The Office of Internal Affairs completed its report and submitted it to the hiring authority on July 20, 2015, ten days before the deadline to take disciplinary action.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The special agent failed to timely complete the investigation.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-01	15-0660-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Neglect of Duty

Incident Summary
Between August 1, 2014, and July 30, 2015, an officer allegedly refused to allow an inmate to leave his cell to work and was dishonest when completing the inmate's timesheets. Between October 4, 2014, and November 22, 2014, a second officer allegedly entered false information on the inmate's timesheets at the request of the first officer. On August 25, 2015, the first officer was allegedly dishonest during an interview with the Office of Internal Affairs.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to make a timely determination regarding the case and failed to timely complete the investigation. The special agent failed to include all allegations in the investigative draft 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 December 10, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 25, 2015, 77 days after the date of discovery.</i> 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 25, 2015, but did not take action until April 1, 2015, 35 days after receipt of the request.</i> Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The investigative draft report did not include allegations of misconduct that were discussed at an officer's interview.</i> Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The Office of Internal Affairs completed its report and submitted it to the hiring authority on December 3, 2015, seven days before the deadline to take disciplinary action.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs did not make a timely determination regarding the case and did not complete the investigation in a timely manner.</i> 	

NORTH REGION

Incident Date 2014-08-05	OIG Case Number 14-2887-IR	Case Type Administrative Investigation	Allegations 1. Neglect of Duty
<p>Incident Summary</p> <p>On August 5, 2014, an officer allegedly pulled a cushion from beneath a wheelchair-bound inmate, causing him to fall to the floor, and allegedly failed to conduct an unclothed body search on the wheelchair-bound inmate. A second officer allegedly witnessed the event and failed to intervene.</p>			
<p>Predisciplinary Assessment</p> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to add a dishonesty allegation for which there was reasonable belief of misconduct. The department attorney failed to make an appropriate entry into the case management system assessing the deadline to take disciplinary action and, as a result, the Office of Internal Affairs delayed the investigation under the assumption there was additional time to complete it. The investigation was completed only six days before the deadline to take disciplinary action.</p>			<p>Procedural Rating: Insufficient Substantive Rating: Insufficient</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 OIG disagreed with the Office of Internal Affairs' decision to not add a dishonesty allegation based on how the officer reported the incident.</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 confirming the date of the reported incident but incorrectly identified the date of discovery and failed to identify 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>The department attorney did not timely determine that the deadline to take disciplinary action should be modified but ultimately agreed to the date the OIG identified.</i> Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges? <i>The Office of Internal Affairs completed its report and submitted it to the hiring authority on August 4, 2015, six days before the deadline to take disciplinary action.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs completed the investigation only six days before the deadline to take disciplinary action.</i> 			
<p>Disposition</p> <p>The hiring authority found insufficient evidence to sustain the allegation that the first officer used unreasonable force and that the second officer failed to intervene to stop the use of force. The hiring authority also determined that although the first officer did not require the inmate to submit to an unclothed body search, the actions were justified, lawful, and proper as a reasonable accommodation for the wheelchair-bound inmate. The OIG concurred with the hiring authority's determinations.</p>			

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-14	14-2550-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force

Incident Summary

On August 14, 2014, a lieutenant allegedly forcibly moved an inmate from an examination table to a wheelchair with the assistance of three officers after the inmate refused to get up on his own. The lieutenant and three officers also allegedly failed to report the use of force.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to attend an interview of the complaining witness and, therefore, could not assess his credibility. The special agent failed to cooperate with the OIG and department attorney in scheduling interviews. Additionally, the underlying incident took place on August 14, 2014. On November 12, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until May 5, 2015. As a result, key witnesses could not recall pertinent events and the identities of other witnesses.

Assessment Questions

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney failed to attend the interview of the complaining witness because the special agent failed to inform the department attorney of the interview.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to adequately cooperate with the OIG concerning the scheduling of interviews and scheduled most of the interviews without sufficient notice to the department attorney and the OIG.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to conduct the investigation in a timely manner and, as a result, witnesses could not recall pertinent details.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-16	14-2395-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Discourteous Treatment

Incident Summary

On August 16, 2014, an officer allegedly threw a lunch bag at an inmate, who threw it back at the officer, leading to the use of physical force against the inmate. The officer also allegedly failed to accurately report throwing the lunch bag at the inmate. A second officer allegedly witnessed the incident and failed to accurately report it.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to timely enter critical dates in the case management system and the hiring authority failed to timely consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings.

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Assessment Questions

- 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 was assigned November 2, 2014, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 4, 2014, 32 days after assignment.

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 26, 2015. However, the hiring authority failed to consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 4, 2015, 39 days thereafter.

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

The hiring authority failed to timely conduct the investigative findings conference.

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-25	14-2799-IR	Administrative Investigation	1. Dishonesty

Incident Summary

On August 25, 2014, and October 16, 2014, an officer allegedly submitted falsified Family Medical Leave Act documentation to the hiring authority.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures governing the pre-disciplinary process. However, the underlying incidents took place on August 25, 2014, and October 16, 2014. On December 15, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until July 17, 2015.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-28	15-0533-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

Incident Summary

On August 28, 2014, an associate warden allegedly failed to ensure that staff completed initial housing reviews, failed to ensure that an initial housing review was completed for two specific inmates, failed to examine documentation regarding the initial housing reviews for the two inmates before providing that information to an outside stakeholder, and falsely represented to the outside stakeholder that the two inmates were approved for double-cell housing based on their initial housing reviews.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the department attorney failed to timely provide feedback to the special agent. The hiring authority failed to accurately complete the form documenting the investigative findings.

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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 28, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 9, 2015, 165 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 June 12, 2015; however, the department attorney did not provide feedback until July 13, 2015, 31 days later.
- Was the CDCR Form 402 documenting the findings properly completed?
The hiring authority failed to accurately document which allegations were sustained and which were not sustained.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the department attorney failed to provide timely feedback to the special agent.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-03	14-2926-IR	Direct Action with Subject Only Interview	1. Dishonesty 2. Unreasonable Use of Force

Incident Summary

On September 3, 2014, an officer allegedly deployed pepper spray on an inmate from less than six feet away and was allegedly dishonest in his report regarding the incident.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter for investigation and the Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

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 September 10, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 26, 2014, 77 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on November 26, 2014, but did not take action until December 31, 2014, 35 days after receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter for investigation and the Office of Internal Affairs failed to make a timely decision regarding the referral.

Disposition

The hiring authority determined that the officer's use of pepper spray was justified, lawful, and proper and that there was insufficient evidence to sustain the dishonesty allegation. The OIG concurred with the hiring authority's determinations.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-09-04	15-1649-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty 4. Attendance

Incident Summary

On September 4, 2014, an officer allegedly failed to inform the hiring authority that his driver's license had been suspended. On July 5, 2015, the officer allegedly arrived for duty without his state identification card or driver's license, was dishonest to a lieutenant when he stated he had a temporary driver's license, and insubordinate when he failed to return to work and provide the identification card and driver's license as directed.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-09	14-2540-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty

Incident Summary

On September 9, 2014, an officer allegedly failed to report the discovery of tattoo paraphernalia found during a cell search and failed to properly confiscate and dispose of the tattoo paraphernalia. On July 9, 2015, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to attend two key witness interviews.

Assessment Questions

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?

The department attorney failed to attend two key witness interviews because they were scheduled during the witnesses' normal working hours rather than normal business hours. The department attorney advised the special agent he would not attend interviews unless they were conducted during normal business hours and asked the special agent to obtain approval from the hiring authority to conduct the interviews during normal business hours.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-10	14-2661-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior

Incident Summary

On September 10, 2014, a lieutenant allegedly slapped his wife in the face and threw a mobile phone across a room.

Predisciplinary Assessment

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

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

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Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-10	14-2890-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Traffic-Related Incident 3. Neglect of Duty 4. Driving Under the Influence

Incident Summary

Between September 10, 2014, and September 15, 2014, a parole agent allegedly left her loaded firearm in an unlocked desk drawer in her cubicle without permission. On September 15, 2014, the parole agent allegedly hit a sand-filled median barrier while driving a State vehicle under the influence of prescription medications and then allegedly backed up and rammed the barrier a second time. On June 4, 2015, the parole agent was allegedly dishonest during her interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

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 September 15, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 7, 2014, 53 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on November 7, 2014, but did not take action until December 24, 2014, 47 days after receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the case.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-12	15-0132-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty

Incident Summary

On September 12, 2014, a sergeant was allegedly dishonest to a supervisor regarding a lieutenant's directive to prepare a rules violation report and dispose of a pill found in an inmate's pocket. The lieutenant was allegedly dishonest in a written response regarding the directives he gave to the sergeant.

Predisciplinary Assessment

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

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

Disposition

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

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Incident Date	OIG Case Number	Case Type	Allegations
2014-09-15	14-2855-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity

Incident Summary

On September 15, 2014, a sergeant allegedly provided false testimony at an inmate's rules violation hearing in order to have the violation dismissed and allow the inmate to return to his job in the kitchen.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-15	15-0140-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty

Incident Summary

On September 15, 2014, an officer allegedly failed to secure an inmate-manufactured weapon, a lighter, and suspected narcotics found in an inmate's cell. The officer also allegedly discarded the contraband in a trash receptacle and failed to issue the inmate a rules violation report. A sergeant allegedly failed to place the inmate in administrative segregation after the inmate was found in possession of the contraband and allegedly told the officer he could either prepare a report or dispose of the inmate-manufactured weapon. The sergeant also was allegedly dishonest to a lieutenant regarding the incident.

Predisciplinary Assessment

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

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

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-23	14-2705-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Attendance 2. Dishonesty 3. Neglect of Duty

Incident Summary

On September 23, 2014, an officer allegedly signed a second officer's name on a form certifying that the second officer had agreed to trade shifts when the second officer had never agreed. The second officer allegedly allowed the first officer to sign his name on the form, allegedly failed to ensure that the shift he agreed to work was covered, and was allegedly dishonest to a supervisor regarding the matter. On July 15, 2015, the second officer was also allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to complete the investigation until six days before the deadline to take disciplinary action.

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Assessment Questions

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on September 22, 2015, six days before the deadline to take disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department attorney failed to timely initiate a case conference and the Office of Internal Affairs failed to timely complete the investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-29	14-2853-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Neglect of Duty

Incident Summary

On September 29, 2014, an officer allegedly twisted an inmate's arm during an escort. Once the inmate arrived at his cell, the inmate spat at the first officer and the officer deployed pepper spray on the inmate. The first officer and a second officer allegedly failed to report the first officer's use of force and escorted the disruptive inmate without first placing him in handcuffs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to complete the investigation in a timely manner.

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 September 29, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 19, 2014, 51 days after the date of discovery.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on September 17, 2015, 12 days before the deadline to take disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs completed the investigation only 12 days before the deadline to take disciplinary action.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-10-07	14-2704-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Failure to Report 4. Neglect of Duty

Incident Summary

On October 7, 2014, two officers assigned to an outside hospital allegedly used their personal mobile phones to take photographs and send and receive text messages and allegedly failed to report the misconduct. On October 9, 2014, the first officer was allegedly dishonest in a memorandum regarding the events of October 7, 2014. On April 24, 2015, the second officer was allegedly dishonest to the Office of Internal Affairs when he claimed he had previously reported the use of his personal mobile phone to a supervisor.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely conduct the investigative findings conference and failed to sustain an appropriate allegation of dishonesty. As a result, the OIG sought a higher level of review. Additionally, the underlying incident took place on October 7, 2014. On December 8, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until April 10, 2015.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 13, 2015. 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 September 11, 2015, 29 days thereafter.

- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority failed to sustain an appropriate dishonesty allegation.

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

The OIG sought a higher level of review because the hiring authority failed to sustain an appropriate dishonesty allegation.

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-07	14-2927-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force

Incident Summary

On October 7, 2014, an officer allegedly deployed pepper spray on an inmate in a holding cell when the inmate posed no imminent threat. A second officer allegedly held the holding cell door open so that the first officer could spray the inmate.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the case to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to appropriately and timely conduct the investigation.

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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 October 8, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 4, 2014, 57 days after the date of discovery.

- Were all of the interviews thorough and appropriately conducted?

The Office of Internal Affairs interviewed three inmates via telephone due to time constraints. Therefore, their credibility could not be properly assessed.

- Was the investigation thorough and appropriately conducted?

The Office of Internal Affairs did not interview three inmates because they could not be located due to the delayed investigation. All three were in the department's custody when the special agent was assigned.

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

The Office of Internal Affairs assigned a special agent on January 8, 2015, and released the complaining inmate on parole on January 28, 2015. The special agent failed to immediately interview the inmate despite the OIG's recommendation. The department released two additional inmates on parole on January 10, 2015, and March 8, 2015. The special agent delayed attempting to locate the witnesses for more than seven months after he was assigned. The inmates could not be located after their release and, therefore, the Office of Internal Affairs could not interview them.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-08	15-0216-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior

Incident Summary

On October 8, 2014, an officer assigned to an outside hospital allegedly left his post without authorization. On October 10, 2014, the officer allegedly went to his girlfriend's residence and slapped her on the face, causing her to fall to the ground.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings.

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 October 16, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 23, 2014, 68 days after the date of discovery.

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

The Office of Internal Affairs returned the case to the hiring authority on June 16, 2015. 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 6, 2015, 51 days thereafter.

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

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings conference in a timely manner.

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Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-13	14-2808-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Discourteous Treatment

Incident Summary

On October 13, 2014, an officer allegedly kicked an inmate in the ankle, pushed her against a wall, and made derogatory and inappropriate statements to her. The officer also allegedly failed to report her use of force.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures governing the pre-disciplinary process. However, the underlying incident took place on October 13, 2014. On December 8, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until July 2, 2015.

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-15	15-0177-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Neglect of Duty

Incident Summary

On October 15, 2014, two officers allegedly failed to follow departmental handcuffing procedures when removing an inmate from an exercise yard. One of the officers allegedly opened the exercise yard door in violation of departmental procedures. The second officer and twelve other officers allegedly failed to stop the first officer from opening the exercise yard door. The second officer and six of the twelve other officers allegedly entered the exercise yard, took the inmate to the ground, and applied restraints when there was no imminent threat.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely open an investigation. The special agent failed to adequately prepare for the interviews, failed to properly conduct the interviews, failed to properly draft the draft and final investigative reports, and failed to cooperate and consult with the OIG and the department attorney. The department attorney failed to attend several key interviews and failed to properly consult with the special agent and the OIG. The department failed to conduct the investigative findings conference in a timely manner.

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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 October 15, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 2, 2014, 48 days thereafter.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on December 2, 2014, but did not take action until January 14, 2015, 43 days after the receipt of the request.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent failed to timely confirm whether witnesses were notified of investigative interviews, causing multiple scheduling changes and the need for an additional day of interviews.
- Were all of the interviews thorough and appropriately conducted?
The special agent refused to question the officers regarding additional potential misconduct the hiring authority and the OIG identified, stating that the Office of Internal Affairs had determined it was not an issue. The special agent asked leading questions, suggesting possible defenses for the alleged misconduct, failed to thoroughly question a witness, and failed to have some witnesses answer orally. The special agent also allowed the officers to view the institution's visual recording of the incident prior to questioning rather than obtaining the officers' independent recollections, and then inappropriately commented on what he saw on the visual recording during the interview.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney failed to attend five officer interviews.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report contained investigator's notes that inappropriately commented on the evidence.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report contained investigator's notes that inappropriately commented on the evidence.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent scheduled early morning interviews but then cancelled the first interview without proper notice to the OIG or the department attorney. The special agent failed to consult with the OIG concerning the OIG's recommendations and failed to provide documents the OIG requested.
- Was the investigation thorough and appropriately conducted?
The special agent refused to question the officers regarding additional potential misconduct the hiring authority and the OIG identified, stating that the Office of Internal Affairs had determined it was not an issue. The special agent asked leading questions, suggesting possible defenses for the alleged misconduct, and allowed the officers to view the institution's visual recording of the incident prior to questioning rather than obtaining the officers' independent recollections, and then inappropriately commented on what he saw on the visual recording during the interview.
- 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 August 12, 2015. 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 September 18, 2015, 37 days thereafter.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The special agent scheduled early morning interviews but then cancelled the first interview without proper notice to the department attorney. On another occasion, the department attorney failed to notify the special agent in a timely manner that he would not be appearing for interviews.

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

The department attorney failed to consult with the OIG concerning recommendations the OIG made.

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

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely open an investigation. The department also failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-19	14-2852-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Discourteous Treatment

Incident Summary

On October 19, 2014, an officer allegedly made a rude comment to a visitor about her breasts. The officer and a second officer allegedly directed expletives at the visitor and used unreasonable force when escorting her.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

The department sufficiently complied with the policies and procedures governing the pre-disciplinary process. However, the underlying incident took place on October 19, 2014. On December 30, 2014, the Office of Internal Affairs assigned a special agent, but he did not conduct the first interview until July 7, 2015.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-20	15-0053-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On October 20, 2014, an officer allegedly permitted his brother to enter into the institution's armory without proper authorization and was allegedly dishonest to a gate officer and supervisors regarding his brother's identity. The gate officer allegedly allowed the officer's brother to enter the institution without identification or clearance. Two other officers and a sergeant allegedly permitted the officer's brother to enter the armory without authorization and the sergeant was allegedly dishonest to a counselor and business manager when he claimed the person was a workers' compensation attorney. On August 5, 2015, the first officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to complete the investigation in a timely manner.

Assessment Questions

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on October 13, 2015, seven days before the deadline to take disciplinary action.

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

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

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Incident Date	OIG Case Number	Case Type	Allegations
2014-10-28	15-0423-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Over-Familiarity 2. Neglect of Duty 3. Misuse of State Equipment or Property 4. Dishonesty

Incident Summary

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.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner. The department attorney failed to accurately assess the deadline for taking disciplinary action and provided inappropriate legal advice to the hiring authority.

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 October 28, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 29, 2015, 93 days after the date of discovery.
- 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 failed to accurately assess the deadline to take disciplinary action. The department attorney assessed the deadline to take disciplinary action as October 29, 2014, based on a date of discovery of October 30, 2014, when both were actually October 28, 2014.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney recommended against adding an allegation against the sergeant for failing to take action when he knew that officers were communicating with inmates via text message despite evidence supporting the allegation. The department attorney also recommended not sustaining overfamiliarity allegations against the officers based on a misunderstanding of what constitutes overfamiliarity.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-11-03	15-0175-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Unreasonable Use of Force 3. Failure to Report Use of Force

Incident Summary

On November 3, 2014, an officer allegedly kicked an inmate in the head, struck him in the head with a pepper spray canister, and failed to report his uses of force. A second officer allegedly observed the incident but failed to report it. On August 14, 2015, the first officer allegedly discussed his Office of Internal Affairs interview with another officer after he was ordered not to.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the case and the department attorney failed to provide timely feedback to the special agent regarding the draft report.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on December 12, 2014, but did not take action until January 14, 2015, 33 days after the receipt of the request.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on August 28, 2015; however, the department attorney did not provide feedback to the special agent regarding the report until September 21, 2015, 24 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the case.

Incident Date	OIG Case Number	Case Type	Allegations
2014-11-08	15-0384-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

On November 8, 2014, two officers, three youth counselors, and one senior youth counselor allegedly conspired to facilitate a fight between two wards. The youth counselors also allegedly failed to use pepper spray during the fight, requiring officers to use pepper ball launchers and expandable batons. In addition, one of the officers allegedly left his pepper ball launcher on the ground during the fight.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner and failed to sustain an allegation for which there was sufficient evidence. The department attorney provided erroneous legal advice to the hiring authority regarding the allegation.

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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 November 8, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 26, 2015, 79 days after the date of discovery.

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

The department attorney erroneously advised the hiring authority not to sustain an allegation against an officer because the officer had received prior corrective action.

- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

Although the hiring authority agreed that the officer violated policy when he left his pepper ball launcher on the ground, she did not sustain the allegation against him because she relied on erroneous legal advice from the department attorney.

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

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

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur with the hiring authority's determination regarding the allegation that the officer left his pepper ball launcher on the ground, but concurred with the hiring authority's other determinations. The OIG did not seek a higher level of review because the officer's actions warranted only corrective action.

Incident Date	OIG Case Number	Case Type	Allegations
2014-11-25	15-0052-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty Dishonesty

Incident Summary

On November 25, 2014, a captain allegedly failed to properly review a rules violation report and directed a lieutenant to falsify the report. The lieutenant allegedly failed to timely adjudicate a rules violation report, directed an officer to falsify the report, and led the officer to believe she should change the report. The officer allegedly falsified a date on the rules violation report.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to sustain a dishonesty allegation against the lieutenant despite evidence to support the allegation.

Assessment Questions

- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority failed to sustain a dishonesty allegation against the lieutenant despite evidence to support the allegation. The lieutenant retired before the discipline could be imposed.

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-04	15-0422-IR	Administrative Investigation	<ol style="list-style-type: none"> Retaliation

Incident Summary

From December 4, 2014, to December 12, 2014, an Office of Correctional Safety special agent allegedly referred to a co-worker who had reported his misconduct as a "rat."

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and timely conduct the investigative findings conference.	
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 December 12, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 10, 2015, 60 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 July 20, 2015. 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 12, 2015, 23 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and timely conduct the investigative findings conference.</i> 	
Disposition	
The hiring authority found insufficient evidence to sustain the allegation. Nevertheless, the hiring authority served the special agent with a letter of instruction regarding professional behavior in the workplace. The OIG concurred with the hiring authority's determinations.	

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-06	15-0217-IR	Administrative Investigation	<ol style="list-style-type: none"> Failure to Report Weapons Neglect of Duty

Incident Summary	
On December 6, 2014, an officer allegedly drove a State vehicle to a softball tournament while on duty, removed a Mini-14 rifle from the vehicle, and displayed it to individuals at the tournament. A second officer allegedly observed the misconduct and failed to intervene or report it. Both officers also allegedly failed to document the return of their weapons on an inventory log.	
Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the case.	
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 December 19, 2014, but did not take action until January 21, 2015, 33 days after the receipt of the request.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs failed to make a timely determination regarding the case.</i> 	

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Incident Date	OIG Case Number	Case Type	Allegations
2014-12-30	15-0530-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Discourteous Treatment

Incident Summary

On December 30, 2014, an officer allegedly provided a sergeant with a false reason for being absent and used profanity toward a second sergeant when the sergeant directed him to provide a physician's note. The officer also allegedly failed to timely provide the physician's note.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs declined to open an investigation and the hiring authority failed to timely conduct the investigative findings conference.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not conduct a full investigation.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 16, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until August 6, 2015, 51 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to timely conduct the investigative findings conference.

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-01-16	15-0491-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior

Incident Summary

On January 16, 2015, a youth counselor allegedly engaged in a physical altercation with his wife, and was subsequently arrested.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to open the case for an investigation.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not conduct an investigation or interview the youth counselor.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

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Incident Date	OIG Case Number	Case Type	Allegations
2015-01-30	15-1920-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Neglect of Duty

Incident Summary

On January 30, 2015, an officer allegedly failed to notify a supervisor that a social worker told him an inmate was afraid of his cellmate. The cellmate killed the inmate four days later. On June 26, 2015, the officer was allegedly dishonest when he denied that the social worker told him about the inmate's concerns.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

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 February 2, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 21, 2015, more than six months after the date of discovery.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-01-31	15-0529-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty

Incident Summary

On January 31, 2015, two sergeants and three officers allegedly released two inmates prior to their parole release dates.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-02	15-1243-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Neglect of Duty

Incident Summary

On February 2, 2015, a sergeant allegedly failed to notify a lieutenant after receiving an inmate note containing a threat against other inmates.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the OIG regarding the investigative findings and the employee relations officer did not enter critical dates in the case management system.

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Assessment Questions

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

The employee relations officer did not make an entry into the case management system confirming the date of the reported incident or the date of discovery.

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

The Office of Internal Affairs returned the case to the hiring authority on April 1, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until June 18, 2015, 78 days thereafter.

- Was the pre-disciplinary/investigative phase conducted with due diligence?

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-04	15-0654-IR	Direct Action with Subject Only Interview	1. Neglect of Duty 2. Dishonesty

Incident Summary

On February 4, 2015, an officer allegedly abandoned his post without being properly relieved and was dishonest in completing the sign-out sheet.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to conduct the investigative findings conference in a timely manner and the employee relations officer failed to make an entry into the case management system confirming the deadline for taking disciplinary action.

Assessment Questions

- 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 employee relations officer did not make an entry into the case management system confirming the deadline for taking disciplinary action.

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

The Office of Internal Affairs returned the case to the hiring authority on April 1, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until August 26, 2015, 147 days thereafter. The hiring authority then requested additional investigation from the Office of Internal Affairs, which returned the case to the hiring authority a second time on November 5, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until December 1, 2015, 26 days thereafter.

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

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

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Incident Date	OIG Case Number	Case Type	Allegations
2015-02-08	15-0992-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Threat/Intimidation 4. Misuse of Authority 5. Other Failure of Good Behavior

Incident Summary

On February 8, 2015, during a dispute with neighbors, a parole agent allegedly pushed a private citizen, threatened and was discourteous to a group of teenagers, threw and knocked over private property, and misused his authority. The dispute resulted in outside law enforcement response. On February 20, 2015, the parole agent was allegedly dishonest to outside law enforcement regarding the incident.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to timely take action on the request for investigation and the department attorney failed to provide appropriate legal advice to the hiring authority.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 6, 2015, but did not take action until May 13, 2015, 37 days after receipt of the request.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney recommended that one of the allegations not be sustained despite evidence of the misconduct.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to timely take action on the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-09	15-0627-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty

Incident Summary

On February 9, 2015, an officer was allegedly dishonest to a supervisor when he denied making an inappropriate comment during an inmate pat-down search.

Predisciplinary Assessment

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

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

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

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Incident Date	OIG Case Number	Case Type	Allegations
2015-02-10	15-0811-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Neglect of Duty

Incident Summary

On February 10, 2015, a lieutenant allegedly tied a shirt around a ward's mouth and neck after the ward had been exposed to pepper spray and while the ward was prone with his hands secured behind his back. The lieutenant also allegedly failed to report his use of force and left several wards, who were also exposed to pepper spray, in a prone position with their hands secured behind their backs. The lieutenant also allegedly ordered a youth counselor to use pepper spray on any ward who talked.

Predisciplinary Assessment

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

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

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on February 10, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 1, 2015, 50 days after the date of discovery.

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

The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-23	15-0910-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On February 23, 2015, an officer allegedly failed to respond to an alarm and was dishonest when he informed his sergeant that two other sergeants had instructed him not to respond to the alarm.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, failed to request additional investigation, and failed to appropriately determine the investigative findings. The department attorney failed to recommend that the hiring authority request additional investigation and the Office of Internal Affairs failed to complete a thorough investigation.

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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 February 24, 2015, but the hiring authority did not refer the matter to the Officer of Internal Affairs until April 14, 2015, 49 days after the date of discovery.
- Was the investigation thorough and appropriately conducted?
The special agent failed to interview percipient witnesses and instead only obtained written statements despite the OIG's recommendation for further investigation to determine credibility and clarify inconsistent information.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority improperly deemed the investigation sufficient.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority improperly determined additional investigation was unnecessary.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney failed to recommend that the hiring authority request additional investigation.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority determined there was insufficient evidence to sustain the allegations yet failed to request additional investigation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur because there was evidence from written witness statements that contradicted the officer's account of his actions. However, the OIG did not seek a higher level of review because witnesses were not interviewed and, therefore, their credibility could not be ascertained.

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-05	15-1207-IR	Direct Action (No Subject Interview)	1. Theft

Incident Summary

On March 5, 2015, an officer allegedly stole one hundred dollars while assisting outside law enforcement with the execution of a search warrant.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department failed to conduct the investigative findings conference in a timely manner due to the department attorney's unavailability.

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Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on June 17, 2015. However, due to the unavailability of the department attorney, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 21, 2015, 34 days thereafter.

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

The department failed to conduct the investigative findings conference in a timely manner due to the department attorney's unavailability.

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-08	15-0914-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary

On March 8, 2015, an officer was arrested after he allegedly threatened to kill his wife.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department failed to conduct the investigative findings conference in a timely manner.

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on May 6, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 10, 2015, 35 days thereafter.

- Was the pre-disciplinary/investigative phase conducted with due diligence?

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

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-10	15-1179-IR	Administrative Investigation	1. Discourteous Treatment 2. Unreasonable Use of Force 3. Use of Force-Failure to Report

Incident Summary

On March 10, 2015, an officer allegedly punched an inmate, grabbed him by the neck, pushed his face into the back of a telephone booth, and then failed to report the use of force. The officer also allegedly directed obscenities at the inmate.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely act on the referral. The department attorney failed to accurately assess the deadline for taking disciplinary action and the employee relations officer failed to properly complete the form documenting the investigative findings.

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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 11, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 1, 2015, 51 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on May 1, 2015, but did not take action until June 10, 2015, 40 days after the receipt of the request.
- 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 March 15, 2016, when the deadline was actually March 11, 2016.
- 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?
The department attorney changed the original deadline for taking disciplinary action after the OIG pointed out an earlier date of discovery.
- Was the CDCR Form 402 documenting the findings properly completed?
The employee relations officer failed to include the sustained allegation on the form documenting the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely act on the referral.

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-12	15-0871-IR	Administrative Investigation	1. Medical-Denied Care

Incident Summary

On March 12, 2015, two officers allegedly failed to properly assess an injured inmate and summon medical attention for his injuries.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney incorrectly assessed the deadline to take disciplinary action.

Assessment Questions

- 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 May 11, 2016, when the correct deadline was March 13, 2016.

Disposition

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-21	15-1369-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty

Incident Summary

On March 21, 2015, an officer allegedly failed to report a second officer's use of force. The control booth officer allegedly failed to maintain observation of the officers and inmates.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs failed to take timely action on the referral, the hiring authority failed to adequately prepare for the investigative findings conference, and the employee relations officer failed to accurately enter relevant dates into the case management system.

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 21, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 28, 2015, 68 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on May 28, 2015, but did not take action until July 8, 2015, 41 days after receipt of the request.
- 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 employee relations officer made an entry after the findings and penalty conference regarding the deadline for taking disciplinary action for one officer. However, the entry was inaccurate and did not include the incident date, date of discovery, or any relevant dates for the second officer.
- If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared?
The hiring authority lacked familiarity with all of the documents and during a subsequent consultation with the OIG, acknowledged that lack of familiarity.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to take timely action on the referral.

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-30	15-1033-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Unreasonable Use of Force

Incident Summary

On March 30, 2015, one officer allegedly punched an inmate in the face and a second officer allegedly struck the inmate in the eye with his knee to prevent the inmate from swallowing contraband.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely conduct the investigative findings conference.

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Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on May 20, 2015. 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 July 21, 2015, 62 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigative findings conference in a timely manner.

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-04-03	15-1085-IR	Direct Action (No Subject Interview)	1. Dishonesty

Incident Summary

On April 3, 2015, a sergeant was allegedly late for his shift and subsequently altered the sign-out sheet of the sergeant he was relieving to make it appear as if the first sergeant had reported to work timely. The first sergeant allegedly falsified a second document to avoid having his pay docked and attempted to coerce the second sergeant to help cover up his tardiness.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-05-23	15-1441-IR	Direct Action with Subject Only Interview	1. Neglect of Duty

Incident Summary

On May 23, 2015, two officers allegedly failed to perform required welfare checks and inappropriately utilized the security welfare check device in violation of departmental policy.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make an appropriate initial determination, conduct a thorough investigation, and adequately cooperate with the department attorney. The hiring authority improperly determined that additional investigation was not necessary.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not approve a full investigation for false reporting and dishonesty. The Office of Internal Affairs only approved interviews of the officers and did not include dishonesty allegations.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to consult with the OIG about witnesses he contacted and failed to consult with the OIG prior to obtaining memoranda from those witnesses.
- Was the investigation thorough and appropriately conducted?
Despite the OIG's recommendaton, the Office of Internal Affairs failed to interview additional officers to determine whether they engaged in misconduct.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority improperly determined the investigation was sufficient.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority determined additional investigation was not necessary even though it was unclear whether additional officers engaged in misconduct.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The special agent failed to consult with the department attorney about contacting witnesses. The special agent also obtained memoranda from witnesses in lieu of interviewing those witnesses and without receiving the department attorney's input.

Incident Date	OIG Case Number	Case Type	Allegations
2015-06-16	15-1645-IR	Direct Action with Subject Only Interview	1. Dishonesty 2. Failure to Report

Incident Summary

On June 16, 2015, an officer allegedly failed to report a change in his ability to lawfully possess a firearm. On July 9, 2015, the officer was allegedly dishonest to an employee relations officer regarding the change in status and service of a temporary restraining order.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-06-16	15-1651-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary

On June 16, 2015, a counselor allegedly grabbed his wife by the throat and threw her on a bed several times during an argument, and was subsequently arrested. On June 20, 2015, the counselor allegedly violated a court order when he sent her text messages and left her a voicemail.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to correctly assess the deadline for taking disciplinary action and the hiring authority failed to conduct the investigative findings conference in a timely manner.	
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 correctly assess the deadline for taking disciplinary action. The department attorney assessed the deadline for taking disciplinary action as June 21, 2016, when the deadline was actually June 19, 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 August 19, 2015. 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 October 15, 2015, 57 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department failed to conduct the investigative findings conference in a timely manner.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2015-06-17	15-1706-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Neglect of Duty Misuse of State Equipment or Property

Incident Summary	
On June 17, 2015, a sergeant allegedly read a non-work related electronic book using a State computer while on duty.	
Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to conduct the investigative findings conference in a timely manner.	
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 August 19, 2015. 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 October 15, 2015, 57 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department failed to conduct the investigative findings conference in a timely manner.</i> 	

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-06-18	15-1646-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Intoxication-Driving Under the Influence 2. Intoxication

Incident Summary

On June 18, 2015, an officer allegedly drove while under the influence of alcohol, collided with a fence, fled the scene, and then drove onto institution grounds.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-06-23	15-1781-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

On June 23, 2015, two officers allegedly failed to conduct an unclothed body search of an inmate who subsequently stabbed another inmate.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to conduct the investigative findings conference in a timely manner and the employee relations officer failed to make any entries into the case management system regarding the deadline to take disciplinary action.

Assessment Questions

- 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 employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on September 2, 2015. However, the hiring authority did not consult with the OIG until October 7, 2015, 35 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2015-06-27	15-1602-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

On June 27, 2015, an officer allegedly failed to submit his lunch bag to a search when he left the institution.

Predisciplinary Assessment

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

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

NORTH REGION

Disposition

The hiring authority found insufficient evidence to sustain the allegation but issued a letter of instruction. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-02	15-1780-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary

On July 2, 2015, a sergeant and his wife, a labor relations analyst, were allegedly involved in an off-duty physical altercation with each other.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on July 29, 2015, but did not take action until September 2, 2015, 35 days after receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-05	15-1957-IR	Direct Action (No Subject Interview)	1. Controlled Substance

Incident Summary

On August 5, 2015, during a random drug test, an officer allegedly tested positive for a barbiturate without a prescription.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-13	15-2177-IR	Direct Action with Subject Only Interview	1. Confidential Information

Incident Summary

On August 13, 2015, a parole agent allegedly improperly accessed and printed confidential information about a high-profile inmate.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the request for investigation and failed to adequately cooperate with the OIG and department attorney.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on September 18, 2015, but did not take action until October 22, 2015, 34 days after receipt of the request.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent failed to provide a draft of the investigative report to the OIG before forwarding the report to the hiring authority.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the department attorney to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent failed to provide a draft of the investigative report to the department attorney before forwarding the report to the hiring authority.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to provide a draft of the investigative report and consult with the OIG.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The special agent failed to provide the department attorney with the draft investigative report.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-26	15-2157-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dangerous or Negligent Driving 2. Dishonesty 3. Neglect of Duty

Incident Summary

On August 26, 2015, an officer allegedly sent text messages from her personal mobile phone while driving a State vehicle. On August 28, 2015, the officer allegedly told her supervisor she does not communicate via text messages while driving and on August 31, 2015, the officer allegedly falsely documented the same information in a memorandum.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department delayed conducting the investigative findings conference.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on October 14, 2015. 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 November 16, 2015, 33 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigative findings conference in a timely manner.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-16	15-2103-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary

On September 16, 2015, a sergeant was arrested after he allegedly pushed his wife to the ground during a fight.

Predisciplinary Assessment

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

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

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-17	15-2320-IR	Direct Action (No Subject Interview)	1. Discourteous Treatment

Incident Summary

On September 17, 2015, an officer allegedly told a program instructor she should join the green team, inmates are not human, and that the institution is a zoo. The officer also allegedly slammed his baton onto the counter and stated he had his own version of progressive discipline.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-10-06	15-2539-IR	Direct Action (No Subject Interview)	1. Dishonesty

Incident Summary

On October 6, 2015, an officer allegedly submitted false information on a personnel identification form indicating he had changed his middle name when he had not done so.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs made an inappropriate determination regarding the case and the employee relations officer failed to make an entry into the case management system confirming relevant dates.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not approve an interview of the officer to determine whether he intended to deceive the personnel department.
- 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 employee relations officer failed to make an entry into the case management system confirming relevant dates.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-02-24	15-0178-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Dishonesty 3. Neglect of Duty 4. Other Failure of Good Behavior

Incident Summary

Between February 24, 2012, and December 15, 2012, and between May 29, 2014, and April 13, 2015, an officer allegedly failed to report that his brother was an inmate at one of the department's institutions. On November 27, 2014, the officer was arrested by outside law enforcement for allegedly pointing his personal firearm at family members. The officer allegedly failed to report his arrest, failed to comply with the qualification requirements prior to carrying his personal firearm concealed, and failed to comply with an order to produce documentation regarding his qualifications. On April 13, 2015, and May 7, 2015, the officer was allegedly dishonest in interviews with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request for investigation. The Office of Internal Affairs failed to obtain critical evidence related to an allegation, resulting in the hiring authority being unable to sustain that allegation. The hiring authority failed to timely conduct the investigative findings conference and failed to find the investigation insufficient.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on December 9, 2014, but did not take action until January 14, 2015, 36 days after the receipt of the request.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft report did not include any information regarding the officer's knowledge of his brother's incarceration by the department.
- Was the final investigative report thorough and appropriately drafted?
The final report also did not include any information regarding the officer's knowledge of his brother's incarceration by the department.
- Was the investigation thorough and appropriately conducted?
The investigation failed to address the officer's knowledge of his brother's incarceration by the department.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 17, 2015. 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 13, 2015, 27 days thereafter.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority determined the investigation was sufficient despite the lack of information regarding the officer's knowledge of his brother's incarceration by the department.
- 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 could not determine whether the officer was aware of his brother's incarceration by the department because the Office of Internal Affairs failed to investigate that issue.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the case and the hiring authority failed to conduct the investigative findings conference in a timely manner.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-10-13	15-1402-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> Over-Familiarity Failure to Report Neglect of Duty

Incident Summary

Between October 13, 2013, and May 28, 2015, a parole agent allegedly failed to timely inform the department that he was related to a parolee. The parole agent allegedly socialized with the parolee, allowed the parolee in his home without securing his firearm, badge, and other equipment, and provided the parolee with confidential information about parolees on his caseload.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-11-19	15-1750-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior

Incident Summary

On November 19, 2013, an officer allegedly made dishonest statements to an insurance company about a car accident. On November 20, 2013, and January 3, 2014, the officer again allegedly made dishonest statements to an insurance company.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to timely take action on the request for investigation.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on July 20, 2015, but did not take action until August 26, 2015, 37 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to timely take action on the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2014-01-25	14-1326-IR	Administrative Investigation	<ol style="list-style-type: none"> Failure to Report Use of Force Neglect of Duty

Incident Summary

On January 25, 2014, a nurse allegedly failed to properly assess an unresponsive inmate, document her instructions to custody staff, and have the inmate transported to the triage and treatment area. A supervising nurse allegedly failed to notify the physician on duty of the inmate's condition. A sergeant allegedly failed to have the inmate transported to the triage and treatment area for evaluation and failed to report and document his use of force on the inmate.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. Both hiring authorities failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the department attorney and the OIG. The Office of Internal Affairs failed to make an appropriate initial determination. The department attorney failed to cooperate with the OIG.

SOUTH REGION

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 January 26, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 16, 2014, 80 days after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not name the sergeant as a subject of the investigation.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide written confirmation to the OIG summarizing critical discussions about the investigative report.
- 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 December 11, 2014. However, the hiring authority for the nurses did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 13, 2015, 33 days thereafter. The hiring authority for the sergeant did not consult with the OIG and the department attorney until January 16, 2015, 36 days after the referral.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney failed to provide the OIG with her written review of the draft investigative report despite two requests.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The hiring authorities failed to timely consult with the department attorney and the OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-02	14-2556-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Insubordination/Willful Disobedience 5. Other Failure of Good Behavior

Incident Summary

On June 2, 2014, an officer allegedly coordinated an attack by two inmates on a third inmate. On December 21, 2014, the officer allegedly attempted to coordinate an attack by two inmates on two other inmates. The officer also allegedly failed to report threatening comments another officer reportedly made toward an inmate. On May 7, 2015, the first officer was allegedly dishonest during his interview with the Office of Internal Affairs. On June 9, 2014, a lieutenant allegedly coordinated a fight between two inmates and then allegedly failed to issue those inmates rules violation reports for their misconduct.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the department attorney failed to make any entry into the case management system confirming relevant dates.

SOUTH REGION

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 June 10, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 1, 2014, 113 days after the date of discovery.

- 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 did not make any entry into the case management system confirming relevant dates.

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

The hiring authority delayed referring the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-26	14-2227-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Misuse of State Equipment or Property

Incident Summary

On June 26, 2014, an associate warden allegedly authorized a sergeant to provide firearms training to a non-peace officer employee and non-State employee, including the firing of State weapons at an institution's firing range, and did not require the trainees to complete a range safety form. The sergeant allegedly provided the training at the institution's range without requiring the trainees to complete a range safety form. On July 14, 2014, the associate warden was allegedly dishonest regarding the incident during a meeting and in a memorandum to the investigative services unit.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to make proper findings regarding the allegations.

Assessment Questions

- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?

The hiring authority failed to sustain additional allegations that the associate warden authorized a non-State employee to use the firing range and that the sergeant failed to be familiar with the prohibitions against non-peace officers using a State institution's firing range, despite the OIG's recommendation to sustain the allegations.

- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority improperly rejected the additional allegations the OIG recommended.

Disposition

The hiring authority determined there was insufficient evidence to sustain any of the allegations. The OIG concurred with the findings. However, the OIG recommended adding allegations that the associate warden authorized a non-State employee to use the State firing range and that the sergeant failed to be familiar with the prohibitions against non-peace officers using an institution's firing range. The hiring authority did not add the allegations but agreed to provide counseling. The OIG did not seek a higher level of review because of the lack of information available to the associate warden and the sergeant at the time and the past practice at the institution.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-08-12	14-2859-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Insubordination 2. Neglect of Duty 3. Dishonesty

Incident Summary

Between August 12, 2014, and September 25, 2014, a parole agent assigned to a global positioning system (GPS) supervision unit allegedly failed to properly resolve a GPS alert on a parolee. Between September 10, 2014, and September 30, 2014, the parole agent allegedly failed to properly document details of GPS track reviews. Between September 17, 2014, and September 25, 2014, the parole agent allegedly noted in an official computer database that a parolee was living at home when the parolee was incarcerated in a local jail. On September 29, 2014, the parole agent allegedly failed to conduct a GPS track review of a parolee but told a manager he had conducted the review. On October 14, 2014, the parole agent allegedly contacted outside law enforcement to arrest a parolee, even though the parole agent's supervisor instructed the parole agent to arrest the parolee in the parole office and not at the parolee's residence. On September 19, 2014, and October 13, 2014, the parole agent allegedly conducted two searches of two different parolees without consulting his supervisor and arrested one of those parolees without consulting his supervisor.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely decision regarding the request for investigation and the department attorney failed to provide feedback to the special agent regarding the investigative report.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on November 5, 2014, but did not take action until December 17, 2014, 42 days after the receipt of the request.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on July 27, 2015; however, the department attorney did not document review of the report in the case management system and did not provide appropriate substantive feedback regarding the report.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-08	15-0228-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report

Incident Summary

On September 8, 2014, a youth counselor and an officer allegedly used force on a ward and failed to report the force. Two other youth counselors were present and allegedly failed to report the use of force.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

SOUTH REGION

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 September 8, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 24, 2014, 107 days after the date of discovery.

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

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

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-07	14-2862-IR	Administrative Investigation	<ol style="list-style-type: none"> Failure to Report Dishonesty Unreasonable Use of Force Neglect of Duty

Incident Summary

On October 7, 2014, an officer allegedly forced a handcuffed inmate to the ground and choked him. The officer and a second officer allegedly falsified their reports to justify the use of force. A lieutenant allegedly failed to take a video-recorded statement from the inmate who claimed excessive force and concealed the inmate's claim of excessive force by directing medical staff to prepare a second medical evaluation form that excluded the inmate's allegation.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to conduct the investigative findings conference in a timely manner and the department attorney provided incorrect legal advice regarding the allegation that the lieutenant did not report the misconduct the inmate alleged.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and returned the case to the hiring authority on June 4, 2015. 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 July 10, 2015, 36 days thereafter.

- 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 the allegation that the lieutenant did not report the misconduct the inmate alleged despite evidence supporting the allegation.

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

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-21	15-0349-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On October 21, 2014, three officers allegedly failed to report to a sergeant that an inmate threatened to stab another inmate. Two of the officers were allegedly dishonest to a sergeant when they denied hearing the threat. One of the officers also allegedly heard an argument between the two inmates but failed to investigate the matter.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The department attorney failed to enter relevant dates into the case management system.

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 October 22, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 14, 2015, 84 days after the date of discovery.
- 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 did not make any entry into the case management system confirming relevant dates.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2014-11-03	15-0180-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Weapons 2. Other Failure of Good Behavior 3. Dishonesty

Incident Summary

On November 3, 2014, a parole agent allegedly attempted to deposit a check containing a forged signature. The parole agent was subsequently arrested and was allegedly dishonest to outside law enforcement regarding the circumstances of the check. Between November 24, 2014, and January 12, 2015, the parole agent allegedly possessed a firearm in violation of a restraining order. On September 11, 2015, the parole agent was allegedly dishonest during his Office of Internal Affairs interview.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely initial determination regarding the hiring authority's request for investigation. The hiring authority failed to timely request reconsideration. The special agent and the department attorney failed to cooperate with the OIG and the department attorney failed to provide appropriate legal advice to the hiring authority.

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on December 11, 2014, but did not take action until January 14, 2015, 34 days after the receipt of the request.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?

The department assigned an attorney on January 28, 2015, and a special agent on April 30, 2015. The department attorney did not contact the OIG after the special agent was assigned. The initial case conference took place on July 7, 2015, after the OIG contacted the department attorney and the special agent.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent did not consult with the OIG to schedule the initial case conference.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney inappropriately recommended that the hiring authority not sustain the allegations of forgery and dishonesty to outside law enforcement.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?

The department attorney did not consult with the OIG to schedule the initial case conference.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs failed to make a timely initial decision regarding the hiring authority's request. The hiring authority, department attorney, and the OIG agreed to submit the case to the Office of Internal Affairs to request a full investigation. The hiring authority failed to request reconsideration until 69 days after the agreement. The Office of Internal Affairs opened an investigation but the department attorney and special agent failed to timely consult with the OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2014-11-14	15-0503-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Failure to Report Neglect of Duty
<h3>Incident Summary</h3> <p>On November 14, 2014, an officer allegedly failed to respond to an emergency cell extraction and falsely documented his observations. A sergeant spoke with the officer regarding the matter but allegedly failed to timely report the officer's alleged misconduct. A second officer allegedly told another officer not to report the first officer's misconduct or he would be considered a "snitch."</p>			
<h3>Predisciplinary Assessment</h3> <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The department attorney failed to attend key witness interviews.</p>			<p>Procedural Rating: Insufficient</p> <p>Substantive Rating: Sufficient</p>

SOUTH REGION

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 November 14, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 5, 2015, 83 days after the date of discovery.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney failed to attend three key witness interviews.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Case Type	Allegations
2014-11-20	15-1148-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty Dishonesty

Incident Summary

On November 20, 2014, an officer allegedly asked a licensed vocational nurse to sign his name on the Fair Labor Standards Act form, falsely indicating the officer's timely arrival for his shift, and the licensed vocational nurse was allegedly dishonest when she did so.

Predisciplinary Assessment

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

The department failed to comply with the policies and procedures governing the pre-disciplinary process. The hiring authorities failed to timely refer the matter to the Office of Internal Affairs.

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 November 20, 2014, but the hiring authorities did not refer the matter to the Office of Internal Affairs until May 7, 2015, 168 days after the date of discovery.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2014-12-11	15-0506-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Failure to Report

Incident Summary

On December 11, 2014, a lieutenant allegedly falsely documented an assistant was present to help an inmate with a rules violation report hearing. On December 19, 2014, the lieutenant allegedly falsely documented that he called a psychologist as a witness at another rules violation report hearing. An officer was allegedly aware of the lieutenant's misconduct at the rules violation report hearing on December 19, 2014, but failed to report it. On August 10, 2015, the lieutenant was allegedly dishonest during his Office of Internal Affairs interview.

Predisciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-09	15-0993-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty

Incident Summary

On March 9, 2015, an officer allegedly failed to conduct a proper inmate count, falsely entered inmate count numbers into the institution's computerized data system, and failed to read and acknowledge his post orders. On March 16, 2015, the officer was allegedly dishonest in a memorandum regarding the inmate count.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the request for investigation and the hiring authority failed to timely conduct the investigative findings conference.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 8, 2015, but did not take action until May 13, 2015, 35 days after the receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on May 13, 2015. 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 July 6, 2015, 54 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the request for investigation and the hiring authority failed to timely conduct the investigative findings conference.

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-17	15-1470-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Disclosure of Confidential Information

Incident Summary

On March 17, 2015, a sergeant allegedly disclosed the use of surveillance cameras by the Office Internal Affairs to a lieutenant who was the subject of a criminal investigation.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely take action regarding the request for investigation.

SOUTH REGION

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 19, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 17, 2015, 90 days after the date of discovery.

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on June 17, 2015, but did not take action until July 22, 2015, 35 days after the receipt of the request.

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

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

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Case Type	Allegations
2015-04-08	15-1468-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> Insubordination/Willful Disobedience Neglect of Duty Misuse of State Equipment or Property Dishonesty

Incident Summary

On April 8, 2015, an officer allegedly disobeyed an order to immediately report to a drug testing facility for a random drug test and return to the institution, and was allegedly dishonest to his sergeant.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

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 April 8, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 30, 2015, 83 days after the date of discovery.

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-04-11	15-1213-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Dishonesty Driving Under the Influence

Incident Summary

On April 11, 2015, a sergeant and an officer were arrested after they allegedly drove while under the influence of alcohol. The officer was also allegedly dishonest to outside law enforcement.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
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The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely decision regarding the request for investigation and denied the hiring authority's request to interview the officer. The department failed to conduct the investigative findings conference in a timely manner.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on May 15, 2015, but did not take action until June 17, 2015, 33 days after the receipt of the request.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The hiring authority requested an interview of the officer, which the Office of Internal Affairs denied.
- 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 June 17, 2015. 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 July 28, 2015, 41 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely decision regarding the request for investigation and the department failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2015-04-18	15-2047-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Attendance

Incident Summary

Between April 18, 2015, and August 30, 2015, an officer allegedly failed to accept work assignments on 26 occasions. On June 29, 2015, the officer allegedly failed to report to an assignment as his sergeant instructed and was dishonest when he told another sergeant he was not instructed to report to the assignment.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
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The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs and conduct the investigative findings conference in a timely manner. The Office of Internal Affairs failed to make an appropriate initial determination regarding the case.

SOUTH REGION

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 June 29, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 24, 2015, 87 days after the date of discovery.

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The OIG disagreed with the Office of Internal Affairs' decision to not interview the officer.

- 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 October 7, 2015. 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 November 30, 2015, 54 days thereafter.

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

The department failed to timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2015-05-26	15-1467-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Contraband Misuse of State Equipment or Property Dishonesty

Incident Summary

On May 26, 2015, an officer was allegedly in possession of a computer, two mobile phones, and a nut driver while working in a tower and falsely denied ownership of the driver and mobile phones to a captain. The officer also allegedly falsely told the captain that a cabinet that concealed the computer and mobile phones only contained air conditioner wires. The officer also allegedly failed to wear a required protective vest.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority did not appropriately sustain a dishonesty allegation.

Assessment Questions

- 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 that the officer was dishonest regarding the contents of the cabinet.

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-06	15-1784-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Insubordination/Willful Disobedience Neglect of Duty Dishonesty

Incident Summary

On July 6, 2015, an officer allegedly completed an unauthorized housing move for two inmates and failed to comply with a sergeant's order to return the two inmates to their assigned cells despite advising the sergeant that she would do so. The officer also allegedly documented that an inmate count was complete and accurate, knowing the two inmates were not in their assigned cells.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely decision regarding the case and the employee relations officer failed to make an entry into the case management system confirming relevant dates.</p>	
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 July 29, 2015, but did not take action until September 2, 2015, 35 days after the receipt of the request.</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 Office of Internal Affairs failed to make a timely decision regarding the case.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-27	15-1952-IR	Direct Action (No Subject Interview)	1. Dishonesty 2. Contraband

Incident Summary
 On July 27, 2015, an officer allegedly introduced tobacco, newspapers, and a book into the institution and falsely informed a captain that he was not in possession of contraband.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the case and the hiring authority failed to conduct the investigative findings conference in a timely manner. The department attorney did not provide appropriate legal advice regarding the sufficiency of the evidence.</p>	
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 August 21, 2015, but did not take action until September 23, 2015, 33 days after receipt of the request.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on September 23, 2015. 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 November 6, 2015, 44 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 incorrectly advised the hiring authority that there was insufficient evidence to support the dishonesty allegation without additional investigation. Both the OIG and the hiring authority disagreed.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs failed to make a timely decision regarding the case and the hiring authority failed to conduct the investigative findings conference in a timely manner.</i> 	

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-29	15-2263-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Neglect of Duty

Incident Summary

On July 29, 2015, institutional management found an officer allegedly in possession of a knife, mobile phone, a phone accessory, cigars, and a DVD. The officer was allegedly dishonest to the investigative services unit lieutenant and failed to wear a required protective vest.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-13	15-2182-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty

Incident Summary

On August 13, 2015, an officer allegedly failed to properly wear his stab-resistant vest and carry other required equipment, refused to produce the vest for inspection, and falsely told a sergeant he was wearing the vest properly after removing the stab-resistant panels from the vest.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely decision regarding the case.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on September 18, 2015, but did not take action until October 21, 2015, 33 days after the receipt of the request.

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

The department failed to make a timely determination regarding the case.

APPENDIX A2 INVESTIGATIVE PHASE CASES

10

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-07	14-2606-IR	Criminal Investigation	1. Criminal Act
Incident Summary On September 7, 2014, an officer allegedly conspired with inmates to bring in mobile phones, body sprays, glue, and drugs for personal gain. The officer also allegedly received money from inmates in exchange for favors. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Investigative Assessment			Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures governing the investigative process. However, the underlying incident took place on September 7, 2014. On November 3, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until April 15, 2015.			

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-10-10	15-0130-IR	Criminal Investigation	1. Criminal Act
Incident Summary On October 10, 2014, a lieutenant allegedly smuggled methamphetamines into an institution and placed them in multiple inmates' cells in an effort to coerce them into becoming informants. The lieutenant also allegedly accepted bribes in exchange for dismissing rules violation reports. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Investigative Assessment			Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures governing the investigative process.			

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-22	15-2174-IR	Criminal Investigation	1. Criminal Act
Incident Summary On September 22, 2015, an officer allegedly possessed two concealed knives and unlawfully communicated with inmates 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 also opened an administrative investigation, which the OIG accepted for monitoring.			
Investigative Assessment			Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures governing the investigative process.			

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2010-01-01	15-0449-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between January 1, 2010, and March 31, 2015, a lieutenant allegedly unlawfully communicated with an inmate and engaged in a sexual relationship with her. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-10-11	14-1895-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between October 11, 2011, and June 30, 2012, an officer allegedly smuggled mobile phones into an institution for inmates. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Investigative Assessment

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

The department failed to comply with policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter for investigation. The Office of Internal Affairs failed to timely obtain a search warrant and failed to refer the case to the district attorney before the deadline to file charges.

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 2, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 10, 2014, 69 days after the date of discovery.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The special agent did not include information in the draft report regarding two mobile phones that were confiscated from an inmate and relevant to the investigation.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline for referring the case to the district attorney was June 23, 2015. The Office of Internal Affairs did not complete its investigation until November 19, 2015, 149 days after the deadline.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?
The deadline for referring the case to the district attorney was June 23, 2015. The Office of Internal Affairs did not complete its investigation until November 19, 2015, 149 days after the deadline.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter for investigation. The Office of Internal Affairs waited over eight months to obtain a search warrant for documents and did not timely complete the investigation.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2014-03-27	14-1253-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From March 27, 2014, to July 22, 2015, a vocational instructor allegedly smuggled tobacco and mobile phones into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Investigative Assessment

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

The department failed to comply with policies and procedures governing the investigative process. The Office of Internal Affairs failed to timely conduct the investigation and the deadline for filing charges expired before the investigation was completed.

Assessment Questions

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The deadline for referring the case to the district attorney was March 27, 2015. The Office of Internal Affairs did not complete its investigation until August 13, 2015, 139 days after the deadline.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?
The deadline for filing charges expired before the investigation was completed.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigation in a timely manner. The underlying incident took place on March 27, 2014. The Office of Internal Affairs assigned a special agent to conduct the investigation on April 23, 2014, but he did not conduct the first interview until February 23, 2015, almost eleven months after the incident and ten months after the special agent was assigned. The deadline for filing charges expired before the investigation was completed.

Incident Date	OIG Case Number	Case Type	Allegations
2014-06-02	14-2739-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On June 2, 2014, and August 4, 2014, an officer allegedly forced an inmate to perform oral sex on him. On June 29, 2014, a second officer allegedly forced the same inmate to perform oral sex on him. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Investigative Assessment

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

The department failed to comply with policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the draft report did not include efforts to locate a witness.

SOUTH REGION

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 September 3, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 27, 2014, 54 days after the date of discovery.

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The special agent failed to make an effort to identify a potential victim or witness.

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2014-09-16	15-0303-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between September 16, 2014, and June 27, 2015, a parole agent allegedly embezzled funds when he used a State credit card for unauthorized purchases of gasoline and car washes for his personal vehicle. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-01-08	15-0388-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On January 8, 2015, an officer allegedly conspired with an inmate to smuggle tobacco and mobile phones into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-01-22	15-0451-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From January 22, 2015, to September 22, 2015, an officer allegedly smuggled marijuana, mobile phones, and tobacco into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Investigative Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

APPENDIX B DISCIPLINARY PHASE CASES

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-17	13-0361-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Dismissal

Incident Summary

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

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal despite the department's failure to prove one factual allegation. The State Personnel Board denied the officer's petition for rehearing.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to present testimony from a critical witness at the hearing, notify the OIG of the State Personnel Board's decision, and consult regarding the department's response to the officer's petition for rehearing.

Assessment Questions

- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?
The department attorney failed to secure the testimony of a critical witness and was unable to prove a factual allegation.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department attorney failed to present testimony critical to proving a factual allegation.
- If the SPB's decision did not uphold all of the factual allegations sustained by the HA, did the OIG concur with the SPB's decision?
The OIG concurred with the State Personnel Board decision because the department failed to provide testimony necessary to prove a factual allegation.
- 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 timely notify the OIG of the State Personnel Board decision and failed to consult regarding the department's response to the petition for rehearing.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-06	14-0231-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Salary Reduction

Incident Summary

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

CENTRAL REGION

Disposition

The hiring authority sustained the allegations against the second officer and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board but later entered into a settlement agreement wherein he accepted the penalty and withdrew the appeal. The OIG concurred because the penalty was not modified. The hiring authority sustained the allegation that the control booth officer opened the fire door to allow officers access to a restricted area, but not the other allegation, and issued a letter of instruction. The OIG did not concur with issuing a letter of instruction but did not seek a higher level of review because corrective action was within an appropriate range for the misconduct. The hiring authority determined there was insufficient evidence to sustain the allegation against the third officer and the OIG concurred.

Disciplinary Assessment

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

The department failed to comply with the policies and procedures governing the disciplinary process. The hiring authority failed to select an appropriate penalty. The department attorney failed to timely consult with the OIG regarding settlement negotiations, failed to include a key clause in the settlement agreement, and failed to provide the case settlement report to the OIG.

Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority imposed an inappropriately low penalty for the control booth officer. The OIG believed a higher penalty was warranted because the control booth officer's actions could have resulted in more serious consequences.
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?
The settlement agreement failed to include the clause authorizing and ordering the appellant's representative to withdraw the appeal, despite the OIG's recommendation.
- 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 consult with the OIG regarding settlement negotiations before drafting a settlement agreement and failed to provide the case settlement report to the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-12	14-2535-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Dismissal

Incident Summary

On September 12, 2013, and November 23, 2013, an officer allegedly failed to disclose on her personal history statement that she had recent previous employment from which she resigned under unfavorable circumstances. On December 10, 2014, the officer was allegedly dishonest during her investigative interview.

Disposition

The hiring authority sustained all allegations, except that the officer was dishonest in preparing her September 2013 personal history form, and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner and the department attorney failed to properly prepare the draft disciplinary action.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 3, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 4, 2015, 62 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not contain several causes of action and included an allegation for which there was no support.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-15	13-2457-IR	<ol style="list-style-type: none"> Dishonesty Misuse of Authority Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Dismissal

Incident Summary

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

Disposition

The hiring authority sustained the allegations against the lieutenant and sergeant and imposed a 30-working-day suspension against each. The hiring authority also sustained the allegations against both officers. The hiring authority served the first officer with a notice of dismissal and the second officer a 24-working-day suspension. The OIG concurred with the determinations. After *Skelly* hearings, the department entered into settlements with the lieutenant, sergeant, and the second officer. The penalties for the lieutenant and sergeant were modified to ten-working-day suspensions plus a 10 percent salary reduction for ten months. The penalty for the second officer was modified to a ten-working-day suspension plus a 10 percent salary reduction for seven months. The OIG concurred with the settlements because the employees agreed not to appeal and the modified penalties were equivalent to the original penalties. The first officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-13	14-0797-IR	<ol style="list-style-type: none"> Failure to Report Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

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

CENTRAL REGION

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for six months on the first officer and a 5 percent salary reduction for three months on the second officer. The OIG concurred. The first 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 first officer wherein the penalty was reduced to a 10 percent salary reduction for five months. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the penalty was still within the appropriate range for the misconduct. After the second officer's *Skelly* hearing, the department entered into a settlement agreement which did not modify the penalty but permitted early removal of the disciplinary action from the officer's official personnel file. In exchange, the second officer agreed not to file an appeal with the State Personnel Board. The OIG concurred with the settlement agreement because the disciplinary action could still be used for purposes of progressive discipline.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney was not aware of the first officer's inconsistent statements. The hiring authority modified the first officer's penalty without a change of circumstances.

Assessment Questions

- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?

The department attorney was not aware that the officer had made inconsistent statements about whether she could identify the involved inmate. The department attorney was also unaware what was done, if anything, to have the officer explain the inconsistent statements.

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

The OIG did not concur with the penalty modification for the first officer because there were no changed circumstances to support the modification.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-12	14-2000-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On December 12, 2013, following a controlled cell extraction, an officer allegedly used a bed sheet instead of a department-approved spit mask over an inmate's entire face purportedly to prevent the inmate from spitting while the inmate was being placed in five-point restraints. Several minutes after the sheet was removed from the inmate's face and while the inmate was in at least four of the five restraints, the officer again placed the sheet over the inmate's head, using it to force the inmate's head down. A lieutenant and a sergeant allegedly failed to provide a department-approved spit mask to the officer. Another sergeant and four other officers allegedly failed to observe the actions of the other participants while the inmate was being placed in the restraints. A captain allegedly failed to timely submit a report regarding the incident.

CENTRAL REGION

Disposition

The hiring authority sustained the allegations against the captain, lieutenant, and the first sergeant and decided to issue a letter of instruction to the captain, a letter of reprimand to the lieutenant, and a 5 percent salary reduction for six months against the sergeant. The sergeant retired before discipline was imposed. The hiring authority also sustained an allegation that the first officer used unreasonable force and decided to issue a letter of instruction. The OIG did not concur with the hiring authority's determinations for the captain, lieutenant, and the officer. The difference in the discipline for the captain did not merit a higher level of review. However, the OIG sought a higher level of review regarding the lieutenant and the officer. The hiring authority's supervisor imposed a 5 percent salary reduction for six months against the lieutenant and a letter of reprimand against the officer. The OIG concurred with the determination for the lieutenant but not the officer, but did not seek a higher level of review because the deadline to take disciplinary action was about to expire. The lieutenant and officer filed appeals with the State Personnel Board. At a pre-hearing settlement conference, the department entered into a settlement agreement with the lieutenant wherein the penalty was reduced to a 5 percent salary reduction for three months and the lieutenant agreed to withdraw his appeal. The OIG concurred because the change in the penalty was not significant. Before a hearing, the department entered into settlement agreement with the officer wherein the penalty was reduced to a letter of instruction. The OIG did not oppose the settlement because the department attorney failed to draft an appropriate disciplinary action and failed to select an appropriate expert witness to support the department's position at hearing. The hiring authority found insufficient evidence to sustain the remaining allegations against the first officer and the allegations against the remaining sergeant and four officers. The OIG concurred.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to select the appropriate causes for discipline and the appropriate penalty. The matter was elevated to the hiring authority's supervisor, who also failed to select the appropriate causes for discipline and the appropriate penalty. The department attorney failed to draft an appropriate disciplinary action, failed to select an appropriate expert, failed to draft an appropriate pre-hearing settlement conference statement, failed to consult and cooperate with the OIG, and filed an inappropriate motion to consolidate cases. The employee relations officer failed to timely provide documents to the OIG.

CENTRAL REGION

Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority failed to select an appropriate cause for discipline for the officer who inappropriately used the bed sheet.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority failed to select the appropriate penalty because the hiring authority decided the lieutenant should receive a letter of reprimand and an officer should receive a letter of instruction when salary reductions were appropriate for both.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action failed to accurately describe the conduct depicted in the video recording that violated the department's use-of-force policy.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The department attorney failed to draft a final disciplinary action accurately describing the conduct that violated the department's use-of-force policy despite the OIG's advice.
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?
The department attorney failed to exercise reasonable diligence in selecting an appropriate use-of-force expert, resulting in the department designating an expert who failed to support the department's position.
- 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 lieutenant and the first officer.
- If an executive review was invoked, was the appropriate decision made?
The hiring authority's supervisor made an appropriate disciplinary determination for the lieutenant, but failed to make a proper disciplinary determination for the officer.
- 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 timely provide documents to the OIG and failed to consult with the OIG before filing an inappropriate motion to consolidate the cases. The employee relations officer failed to promptly provide the OIG with the form documenting the disciplinary determinations and notes from the Skelly hearing.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-01	14-1744-IR	<ol style="list-style-type: none"> Over-Familiarity Contraband Neglect of Duty Unreasonable Use of Force Misuse of Authority Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained Not Sustained Not Sustained 	Salary Reduction	Letter of Instruction

Incident Summary

On January 1, 2014, March 12, 2014, and May 3, 2014, two officers allegedly allowed inmates to fight. On January 1, 2014, one of the officers allegedly failed to stop the other officer's misconduct and watched a movie while on duty that day. Also on January 1, 2014, a third, fourth, and fifth officer allegedly failed to intervene to stop misconduct they observed. Between January 14, 2014 and April 29, 2014, one of the officers also allegedly slammed an inmate's head on a wall and deployed pepper spray on the inmate, received a tattoo from an inmate in exchange for providing the inmate with tobacco, sold a mobile phone to an inmate, and used a mobile phone within the secure perimeter for personal use. In March 2014, five of the officers allegedly failed to confiscate paint from an inmate and prevent him from painting inappropriate artwork on a podium. On May 3, 2014, two of the officers and a sixth officer allegedly failed to report or take action after discovering an inmate fight.

CENTRAL REGION

Disposition

The hiring authority sustained allegations that an officer gave inmates tobacco and mobile phones in exchange for money and tattoo work, used his mobile phone in the institution, allowed inmates to view confidential information, failed to confiscate an inmate's paint, and allowed the inmate to paint inappropriate artwork, but not that the officer used excessive force. The hiring authority decided to dismiss the officer; however, the officer was non-punitively terminated before the penalty could be imposed. The hiring authority also sustained allegations that three other officers failed to confiscate paint and failed to stop an inmate from painting inappropriate artwork, but not the remaining allegations, and imposed a 5 percent salary reduction for six months against each officer. The OIG concurred with the hiring authority's determinations. At their *Skelly* hearings, the three officers provided new information that supervisors were aware of the inappropriate artwork earlier than originally believed. Because of the impact on the deadline to take disciplinary action, the hiring authority reduced the penalties for the three officers to letters of instruction. The OIG concurred because the deadline to take disciplinary action had passed. The hiring authority found insufficient evidence to sustain the allegations against the remaining two officers. The OIG concurred.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner. The employee relations officer failed to timely provide required forms to the OIG.

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 March 12, 2015. The hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until April 24, 2015, 43 days thereafter.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The employee relations officer delayed over three months before providing the OIG with the form documenting the disciplinary determinations for one of the officers and delayed seven months before providing the form for a second officer.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely conduct the disciplinary findings conference and the employee relations officer delayed providing the forms documenting the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-11	14-1111-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Reprimand	Letter of Reprimand

Incident Summary

On February 11, 2014, after an inmate threw boxer shorts through an office window at an officer, the officer exited the office and allegedly deployed pepper spray on the inmate. The officer also allegedly struck the inmate with a baton when the inmate refused to lie completely flat on the ground.

Disposition

The hiring authority sustained the allegation and served the officer with a letter of reprimand. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the letter of reprimand would be removed from the officer's official personnel file after seven months and the officer agreed to withdraw his appeal. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the ultimate goal of disciplinary action was achieved and the action can be used for progressive discipline.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide appropriate legal advice to the hiring authority, failed to adequately prepare the draft disciplinary action, and failed to cooperate with the OIG. The hiring authority inappropriately modified the penalty.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney recommended a letter of instruction even though disciplinary action was warranted.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action failed to correctly articulate the imminent threat requirement of the department's use-of-force policy.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department entered into a settlement agreement without any new evidence or changed circumstances.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with permitting early removal of the letter of reprimand from the officer's official personnel file.
- 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 case settlement report to the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-19	14-1117-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty 4. Attendance 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

Between February 19, 2014 and March 6, 2014, a counselor allegedly arrived late to work, departed early, or both, but failed to adjust the start and end times on his timesheet. He also allegedly left work early without obtaining permission from a supervisor, was excessively tardy on multiple occasions, and failed to sign in on two occasions. The counselor also allegedly was dishonest when he failed to correct a start time on a timesheet.

Disposition

The hiring authority sustained an allegation that the counselor failed to adjust the start time on his timesheet on one occasion, but found insufficient evidence to sustain the remaining allegations, and imposed a 5 percent salary reduction for six months. The OIG concurred. The counselor filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the counselor produced new evidence indicating a supervisor was partially responsible for failing to adjust the timesheet. Therefore, the hiring authority reduced the penalty to a 5 percent salary reduction for three months and agreed to remove the disciplinary action from the counselor's official personnel file after one year provided the counselor did not engage in any further acts of misconduct. The OIG concurred with the settlement given the new evidence.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-02-26	14-0858-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained		

Incident Summary

On February 26, 2014, an officer allegedly submitted a fraudulent physician's note to a captain in an attempt to excuse his absence from work.

Disposition

The hiring authority found insufficient evidence to sustain the allegation. The OIG did not concur, recommended adding and sustaining a dishonesty allegation, and sought a higher level of review. At the higher level of review, the hiring authority's supervisor also found insufficient evidence to sustain dishonesty but added and sustained a neglect of duty allegation. The hiring authority's supervisor imposed a 10 percent salary reduction for 18 months. The OIG did not concur with the decision regarding dishonesty but concurred with the penalty based on the sustained allegation. The OIG did not seek a higher level of review because of the impending deadline to take disciplinary action. The officer filed an appeal with the State Personnel Board but failed to appear at the pre-hearing settlement conference. The State Personnel Board dismissed the appeal.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide appropriate legal consultation to the hiring authority. The hiring authority failed to sustain a dishonesty allegation and identify the appropriate penalty. The OIG sought a higher level of review but the hiring authority's supervisor also failed to make the appropriate determination. The draft disciplinary action failed to clearly specify the misconduct.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney improperly advised the hiring authority that there was insufficient evidence to sustain any allegations and recommended that no penalty be imposed.
- 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 sustain any allegations and therefore did not identify disciplinary matrix charges or causes for discipline.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority improperly decided not to impose a penalty.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action failed to clearly specify the misconduct.
- If an executive review was invoked in the case, did OIG request the executive review?
The OIG sought a higher level of review to recommend that the hiring authority's supervisor sustain a dishonesty allegation and dismiss the officer.
- If an executive review was invoked, was the appropriate decision made?
The hiring authority's supervisor declined to sustain dishonesty and instead added a neglect of duty allegation.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-14	14-1062-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Controlled Substances 3. Other Failure of Good Behavior 4. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

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

Disposition

The hiring authority sustained the allegations of dishonesty and possession of controlled substances and stolen property, but found insufficient evidence to sustain the allegation the officer used his peace officer status to gain leniency. The hiring authority dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer presented new evidence that the methamphetamine and stolen property were not his. Due to this new information, the department entered into a settlement wherein the officer resigned in lieu of dismissal, waived his appeal, and agreed to never apply for employment with the department. In exchange, the department withdrew the disciplinary action and paid the officer one month of back pay. The OIG concurred with the settlement based on the new information and because the ultimate goal of ensuring the officer did not work for the department was achieved.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner. The department attorney included grounds for a dismissal in the draft disciplinary action that the facts did not support and failed to include a critical witness in the pre-hearing settlement conference statement. The department failed to timely provide the case settlement report to the OIG.

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 April 30, 2014. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until June 3, 2014, 34 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The department attorney prepared a draft disciplinary action that included intemperance and drug addiction allegations the evidence did not support.
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?
The department attorney failed to include as a witness on the pre-hearing settlement conference statement the crime laboratory criminalist who analyzed and confirmed that the substance found on the officer was methamphetamine.
- 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 failed to timely provide a copy of the case settlement report to the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2014-04-23	14-1396-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On April 23, 2014, a sergeant allegedly accessed a computer overtime tracking program to change her voluntary overtime designation to involuntary in order to avoid being held over for another involuntary overtime shift. The sergeant also allegedly altered documentation to reflect the change without consulting her supervisor.

Disposition

The hiring authority sustained the allegations that the sergeant neglected her duties, but not that she was dishonest, and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the hiring authority entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for nine months with an agreement that the disciplinary action would be removed from the sergeant's official personnel file after one year. In exchange, the sergeant agreed to withdraw her appeal. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the modification did not constitute a significant reduction in the overall penalty.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner and entered into a settlement agreement without identifying new evidence, flaws, or risks. The department failed to cooperate with the OIG.

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 March 6, 2015. The hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until April 9, 2015, 34 days thereafter.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not agree with the settlement because there was no new evidence, flaws or risks identified to support 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 did not provide the OIG with the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-05-16	14-1805-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	Salary Reduction

Incident Summary

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

CENTRAL REGION

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on July 30, 2014. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until September 5, 2014, 37 days thereafter.

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-16	14-2459-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Insubordination 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Letter of Reprimand	Letter of Instruction

Incident Summary

Between May 16, 2014, and July 7, 2014, a sergeant allegedly failed to follow overtime hiring procedures on three occasions. The sergeant also allegedly failed to provide a memorandum as directed explaining the circumstances for failing to follow overtime hiring procedures and was allegedly dishonest when he denied knowledge of, or involvement in, two of the three occasions.

Disposition

The hiring authority sustained the allegations that the sergeant failed to follow overtime hiring procedures and failed to properly record hiring information but not the other allegations. The OIG concurred. The hiring authority determined a letter of reprimand was the appropriate penalty. The OIG did not concur with the penalty determination but did not seek a higher level of review because the penalty was still within the department's disciplinary guidelines. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant wherein he withdrew his appeal and the penalty was reduced to a letter of instruction. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the letter of instruction could be used for progressive discipline.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to select an appropriate initial penalty and entered into a settlement agreement even though there was no new evidence or flaws or risks to justify the settlement. The department attorney failed to cooperate with the OIG.

CENTRAL REGION

Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority imposed a letter of reprimand when a salary reduction was warranted.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
There was no change in circumstances to justify a settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not agree with the settlement because there was no new evidence, flaws or risks identified to support 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 failed to provide a draft of the settlement agreement for review.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-01	14-2072-IR	<ol style="list-style-type: none"> Dishonesty Over-Familiarity Threat/Intimidation Neglect of Duty Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Sustained 	Dismissal	Dismissal

Incident Summary

Between June 1, 2014 and June 30, 2014, an officer allegedly solicited an inmate to use a state telephone to make multiple threatening calls to the ex-wife of the officer's boyfriend. The officer also allegedly allowed the inmate to make several personal telephone calls on the same state telephone in exchange for helping her. In July 2014 the officer allegedly destroyed evidence of a note the inmate sent to her. On December 10, 2014, the officer was allegedly dishonest in her Office of Internal Affairs interview.

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	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 3, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 4, 2015, 62 days thereafter.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-06-05	14-1760-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Failure to Report Use of Force Neglect of Duty Failure to Report Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained Not Sustained 		

Incident Summary

On June 5, 2014, an officer allegedly struck an inmate on the hand with his baton because the inmate would not close a food port door and then failed to report his use of force. A second officer was allegedly present and failed to report the use of force he observed. Both officers also allegedly failed to notify a sergeant that the inmate would not close a food port door, as required by departmental policy.

Disposition

The hiring authority sustained allegations the first officer used unreasonable force and failed to notify a sergeant, but found insufficient evidence to sustain the allegation that he failed to report his use of force, and imposed a letter of reprimand. The hiring authority sustained the allegation that the second officer failed to report the use of force, but found insufficient evidence to sustain that he failed to notify a sergeant, and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. Neither officer filed an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-06-15	14-2261-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Not Sustained 		

Incident Summary

On June 15, 2014, an officer was allegedly dishonest when he failed to report in a rules violation report that he used force on an inmate.

Disposition

The hiring authority sustained the allegation that the officer failed to report his use of force, but found insufficient evidence to sustain the allegation that he was dishonest, and imposed a 10 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. After the *Skelly* hearing, the hiring authority entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for seven months. In exchange, the officer waived his right to appeal. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the penalty reduction was not significant.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority modified the penalty without identifying any new evidence or flaws or risks in the case. The department attorney failed to provide the OIG with the case settlement report.

CENTRAL REGION

Assessment Questions

- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not agree with the settlement because there was no new evidence, flaws or risks identified to support 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 with the case settlement report.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2014-06-16	14-2259-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On June 16, 2014, a sergeant allegedly failed to take action when he was advised that two inmates sharing a cell were no longer compatible. One inmate ultimately battered the other inmate. The sergeant also allegedly failed to sign all log books documenting his tour of the facility and was dishonest when he documented touring the facility during his shift when he had not done so. An officer allegedly failed to activate his personal alarm when he saw one of the inmates sitting on the floor of the cell with his hands bound.

Disposition

The hiring authority sustained the allegations against the sergeant, except that he was dishonest, and imposed a 10 percent salary reduction for 12 months. The OIG concurred except for the decision to not sustain the dishonesty allegation. The OIG did not seek a higher level of review due to conflicting evidence regarding the dishonesty allegation. The hiring authority sustained the allegation against the officer and imposed a 5 percent salary reduction for nine months and the OIG concurred. The sergeant and officer filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for six months because the officer explained at his *Skelly* hearing that he followed supervisor's instructions and was not aware he could elevate the matter to the watch commander. The officer agreed to withdraw his appeal. The OIG concurred based on the factors learned at the *Skelly* hearing. At the pre-hearing settlement conference, the department entered into a settlement agreement with the sergeant wherein the penalty was reduced to a 5 percent salary reduction for 18 months and a 10 percent salary reduction for three months and the sergeant agreed to withdraw the appeal. The OIG concurred because the modified penalty was mathematically equivalent to the initial penalty.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-06-17	14-2260-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

Incident Summary

On June 17, 2014, three officers allegedly failed to ensure a corridor was clear of general population inmates before allowing a sensitive needs inmate to walk down the corridor without an escort, resulting in the sensitive needs inmate being attacked and stabbed nine times. A fourth officer allegedly failed to maintain the safe and orderly movement of general population inmates in the corridor, resulting in the sensitive needs inmate being attacked.

Disposition

The hiring authority sustained the allegation against the fourth officer and imposed a 5 percent salary reduction for six months. The officer did not file an appeal with the State Personnel Board. The hiring authority found insufficient evidence to sustain the allegations against the other officers. However, the hiring authority provided training for one of the other officers for assuming the escort officers were en route and failing to check the corridor before releasing the inmate. The OIG concurred with the hiring authority's determinations.

CENTRAL REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-08	14-2069-IR	<ol style="list-style-type: none"> Misuse of Authority Weapons Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On July 8, 2014, an officer allegedly pointed his personal handgun at neighbors who were participating in a loud party. The officer also allegedly informed them he was a police officer and then lost control of his handgun when he placed it on a fence, allowing one of the party participants to take the handgun.

Disposition

The hiring authority sustained the allegations that the officer misused his authority and lost control of his weapon, but found insufficient evidence to sustain the allegation that the officer pointed his gun at neighbors, and imposed a 10 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board which he later voluntarily withdrew.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-19	14-2458-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Insubordination/Willful Disobedience Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	Dismissal

Incident Summary

On August 19, 2014, an officer allegedly refused an order from a sergeant and a lieutenant to document her statements that she observed a second officer engage in overly familiar behavior with an inmate and was allegedly dishonest when she later denied ever making such statements. When the first officer prepared a memorandum, she was allegedly dishonest when she denied observing any overly familiar behavior. The first officer also allegedly failed to report the misconduct of the second officer, failed to appropriately monitor the second officer and the inmate on multiple occasions, and was dishonest during two interviews with the Office of Internal Affairs.

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 and retired after the effective date of her dismissal.

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-14	14-2881-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Driving Under the Influence 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On December 14, 2014, an Office of Internal Affairs special agent allegedly drove his personal vehicle while under the influence of alcohol and caused an accident with another vehicle.

Disposition

The hiring authority sustained an allegation for failure of good behavior, but not that the special agent drove under the influence of alcohol, and served a 5 percent salary reduction for 12 months. The OIG concurred. However, the special agent retired before the salary reduction took effect. The hiring authority placed a letter in the special agent's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to conduct the disciplinary findings conference and serve the disciplinary determinations in a timely manner. The department attorney failed to provide the OIG with written confirmation of the penalty discussions.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on December 24, 2014. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until April 15, 2015, 112 days thereafter.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide the OIG with written confirmation of penalty discussions.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner and failed to serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on April 15, 2015; however, the hiring authority did not serve the disciplinary action until June 10, 2015, 56 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-01-23	15-0778-IR	<ol style="list-style-type: none"> Dishonesty 	<ol style="list-style-type: none"> Sustained 	Demotion	Demotion

Incident Summary

On January 23, 2015, a sergeant was allegedly dishonest when she told another sergeant she had been approved for time off from work when the request had previously been denied.

Disposition

The hiring authority sustained the allegation and rejected the sergeant on probation, effectively demoting her to the rank of officer. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the sergeant claimed she was under the influence of prescribed medication at the time of the incident. Based on this explanation, the hiring authority entered into a settlement agreement wherein the department withdrew the rejection on probation and the sergeant voluntarily demoted to the rank of officer. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the sergeant was removed from a supervisory position.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary findings conference and agreed to withdraw the rejection on probation without verifying the sergeant's defense. The employee relations officer failed to cooperate with the OIG.

<h3>Assessment Questions</h3> <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 April 15, 2015. However, the hiring authority did not consult with the OIG regarding disciplinary determinations until May 15, 2015, 30 days thereafter.</i> Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed? <i>The employee relations officer failed to provide a draft of the pre-hearing settlement conference statement to the OIG before filing it.</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 department did not obtain verification that the sergeant was on prescribed medication at the time of the incident.</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 employee relations officer failed to provide the OIG with a draft of the pre-hearing settlement conference statement and failed to provide the OIG with the case settlement report in a timely manner.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the disciplinary findings conference in a timely manner.</i>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-07	15-0630-IR	<ol style="list-style-type: none"> Dishonesty Insubordination/Willful Disobedience Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Dismissal

Incident Summary
 On February 7, 2015, an officer allegedly found an unsecured drill bit at the institution, but failed to turn it over to a captain, as required by departmental policy. The officer left the institution and later, when questioned by a lieutenant about the contraband, allegedly dishonestly informed him that she had secured the drill bit in her work locker. The lieutenant informed her that they would search her locker to retrieve the drill bit. She returned to the institution and, en route to the locker with the lieutenant, removed the drill bit from her jumpsuit pocket and provided it to the lieutenant. On February 7, 2015, the lieutenant ordered the officer to provide him with a memorandum regarding the incident, but she failed to do so until February 11, 2015.

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	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-02-08	15-0629-IR	<ol style="list-style-type: none"> Dishonesty Driving Under the Influence 	<ol style="list-style-type: none"> Sustained Sustained 		

Incident Summary

On February 8, 2015, an officer allegedly drove while under the influence of alcohol, collided with a parked vehicle, and fled the scene. On February 19, 2015, the officer was allegedly dishonest to the hiring authority when she reported that she had been detained by outside law enforcement at her residence, but failed to disclose that she had actually been arrested, booked, and held at the jail.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 25 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. The officer did not appear for her pre-hearing settlement conference and the State Personnel Board dismissed the appeal.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 18, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until May 1, 2015, 44 days thereafter.

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2015-03-08	15-0730-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained 		

Incident Summary

On March 8, 2015, an officer was arrested after he allegedly grabbed his wife's wrists during an argument and took her mobile phone to prevent her from calling outside law enforcement.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 13 months. The OIG concurred. After the *Skelly* hearing, the hiring authority modified the penalty to a 5 percent salary reduction for 26 months because the officer was the sole wage earner for his family. The OIG concurred because the monetary penalty was the same. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to conduct the disciplinary findings conference in a timely manner. The department attorney failed to include important facts in the disciplinary action.

CENTRAL REGION

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on April 8, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until May 29, 2015, 51 days thereafter.

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

The department attorney failed to include the crime for which the officer was arrested and the summary of the arresting officer's observations in the draft disciplinary action.

- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

The department attorney failed to include the crime for which the officer was arrested and the summary of the arresting officer's observations in the disciplinary action.

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

The hiring authority failed to timely conduct the disciplinary findings conference.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-23	12-2235-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Theft 3. Neglect of Duty 4. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Dismissal

Incident Summary

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

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. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of the penalty discussions and the department failed to serve the disciplinary action in a timely manner.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide written confirmation of the penalty discussions to the hiring authority or the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on March 19, 2013, but the department did not serve the disciplinary action until April 23, 2013, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-02	13-0160-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Neglect of Duty 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Dismissal

Incident Summary

It was alleged that on November 2, 2012, an officer carried a loaded handgun, a mobile phone charger, and two metal spoons into the secure perimeter of the institution in his lunch bag. It was further alleged that the officer had a mobile phone on his person within the secure perimeter, and that he had live ammunition in his vehicle on institution grounds. In addition, the officer allegedly had left his personal handgun in his vehicle on institution grounds previously, rather than securing the handgun in the tower. The officer also allegedly was not range qualified with his personal handgun and was dishonest during the investigative interview. It was also alleged that two entrance gate officers failed to adequately search the lunch bag and that they had a custom and practice of failing to adequately search employees' personal items.

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Disposition

The hiring authority sustained all allegations against the first officer and dismissed the officer. The OIG concurred. The hiring authority sustained the allegations against the second and third officers for failing to adequately search employees' personal items, but not the allegations that they failed to adequately search the first officer's lunch bag, and imposed a 5 percent salary reduction for 18 months on each of the officers. The OIG concurred with the hiring authority's determinations except for the determination to not sustain an allegation that the second officer failed to adequately search the first officer's lunch bag. The OIG did not seek a higher level of review because the hiring authority sustained one allegation against the second officer and imposed discipline. The first officer filed an appeal with the State Personnel Board. After an evidentiary hearing, the State Personnel Board upheld the dismissal. The officer filed a Petition for Writ of Mandate which the superior court denied. The other two officers did not file appeals.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-07	13-0397-IR	1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal

Incident Summary

On January 7, 2013, during a verbal dispute with a wheelchair-bound inmate, an officer allegedly used unreasonable force when she applied pepper spray on the inmate without justification. She also allegedly neglected her duties by failing to accurately complete her report of the incident and was dishonest in her account of the incident.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The officer filed a petition for rehearing, which the State Personnel Board denied.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to conduct the disciplinary findings conference in a timely manner. The department attorney failed to provide the OIG with the pre-hearing settlement conference statement before it was filed.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 22, 2013. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until December 30, 2013, 38 days thereafter.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney failed to provide the OIG with a draft of the pre-hearing settlement conference statement before it was filed.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-28	14-0419-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Failure to Report 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

Between February 28, 2013 and January 16, 2014, a parole agent allegedly engaged in an overly familiar relationship with a parolee and the parolee's family, allowed the parolee to travel out-of-state without prior authorization, and permitted the parolee to live at an unknown residence. The parole agent also allegedly falsified official records and attempted to convince another parole agent to conceal the misconduct.

Disposition

The hiring authority sustained the allegations and dismissed the parole agent, combining the disciplinary action with another disciplinary action against him. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the parole agent resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred with the settlement because the ultimate goal of ensuring the parole agent did not work for the department was achieved.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-16	13-1827-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Dismissal

Incident Summary

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

NORTH REGION

Disposition

The hiring authority for the officers, sergeants, and lieutenants sustained the allegations that the first two officers failed to initiate life-saving measures and imposed 5 percent salary reductions for six months on each. The hiring authority sustained allegations that the third and fourth officers failed to initiate life-saving measures and based on information learned during the investigation, that both officers failed to document security checks, and imposed 5 percent salary reductions for 12 months on each. The hiring authority found insufficient evidence to sustain the allegation against the fifth officer. The hiring authority sustained allegations that the first sergeant failed to order staff to initiate life-saving measures and based on information learned during the investigation, failed to check a log book, and imposed a 5 percent salary reduction for 15 months. The hiring authority sustained the allegations against the second sergeant and the lieutenant and imposed a 5 percent salary reduction for six months on the sergeant and a 5 percent salary reduction for 12 months on the lieutenant. The hiring authority for the nurses sustained the allegation against the first nurse and imposed a 12-working-day suspension but found insufficient evidence to sustain the allegations against the second nurse. The hiring authority added and sustained an allegation that the third nurse was dishonest in an investigative interview, but did not sustain that she failed to initiate life-saving measures, and determined dismissal was the appropriate penalty. However, the nurse resigned from state service prior to discipline being imposed. The hiring authority placed a letter in the nurse's official personnel file indicating she resigned under adverse circumstances. The hiring authority added and sustained an allegation of insubordination against the fourth nurse, but did not sustain that he failed to initiate life-saving measures, and imposed a two-working-day suspension. During a *Skelly* hearing, the lieutenant accepted responsibility for her actions. Due to this mitigating information, the hiring authority reduced the lieutenant's penalty to a 5 percent salary reduction for nine months. The first and second officers, two sergeants, and lieutenant filed appeals with the State Personnel Board. At the pre-hearing settlement conference, they provided information regarding the incident and lack of training, expressed remorse, and accepted responsibility. Based on these factors and new information, the hiring authority entered into settlement agreements based on the respective levels of responsibility and involvement. The hiring authority reduced the first officer's penalty to a 5 percent salary reduction for three months, the second officer's penalty to a 5 percent salary reduction for four months, the first sergeant's penalty to a 5 percent salary reduction for 13 months, and the second sergeant's penalty to a 5 percent salary reduction for four months. The lieutenant's penalty remained the same but the department agreed to remove the disciplinary action from her official personnel file early. The officers, sergeants, and lieutenant agreed to withdraw their appeals. Neither the third and fourth officers nor the first and fourth nurses filed appeals with the State Personnel Board. The OIG concurred with all determinations.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority for the nurses failed to conduct the disciplinary findings conference in a timely manner and was not prepared when the consultations were scheduled to take place.

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 14, 2014. However, the hiring authority for the nurses did not consult with the OIG and department attorney regarding the disciplinary determinations until April 24, 2015, 11 months thereafter.

- If the HA consulted with the OIG concerning the disciplinary determinations, was the HA adequately prepared?

The hiring authority for the nurses was not adequately prepared to proceed with the consultation regarding the disciplinary determinations on multiple occasions.

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2013-07-16	13-1980-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Not Sustained 		

Incident Summary

On July 16, 2013, an officer was arrested after he allegedly choked his girlfriend and slammed her head into a cabinet. The officer was later convicted of false imprisonment and bigamy.

Disposition

The hiring authority sustained the allegation that the officer was convicted of misdemeanor false imprisonment and bigamy, but not the remaining allegation, and imposed a 5 percent salary reduction for three months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-09-20	14-2283-IR	<ol style="list-style-type: none"> Sexual Misconduct Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 		

Incident Summary

From September 20, 2013, to August 5, 2014, a parole agent allegedly made sexual advances toward another parole agent and refused to stop despite being told to do so. The parole agents served as employee relations officers for a parole region. On September 20, 2013, a regional parole administrator allegedly invited the two parole agents, whom she supervised, to her home, danced in lingerie, and made a sexually suggestive comment to them. The regional parole administrator also allegedly failed to take appropriate action upon being advised that one of the parole agents was harassing the other parole agent.

Disposition

The hiring authority sustained the allegations against the parole agent and imposed a 10 percent salary reduction for 18 months. The hiring authority did not sustain the allegations against the regional parole administrator. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the parole agent wherein the parole agent's penalty was modified to a 10 percent salary reduction for 13 months because he accepted responsibility and attended counseling regarding the behaviors that formed the basis of his disciplinary action. The OIG concurred.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-04	14-0193-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Other Failure of Good Behavior 3. Intoxication 4. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Suspension	Suspension

Incident Summary

On December 4, 2013, a sergeant was arrested after she was allegedly intoxicated in public, punched a security guard and was discourteous to him, was rude to outside law enforcement, and kicked a patrol vehicle.

Disposition

The hiring authority sustained the allegations that the sergeant was intoxicated in public, discourteous to a security guard and to outside law enforcement, and that she punched a security guard, but not the allegation that the sergeant was discourteous toward jail employees. The hiring authority imposed a three-working-day suspension. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant wherein the sergeant agreed to withdraw the appeal and the department agreed to remove the disciplinary action from her official personnel file. The OIG concurred because there was no change in penalty and a critical witness could not be located.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to adequately consult with the OIG regarding the draft disciplinary action and settlement discussions.

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 a reasonable amount of time to provide feedback regarding the draft disciplinary action. The department served the sergeant with a letter of intent on November 27, 2014, which advised that the department would serve the disciplinary action by December 27, 2014. The department attorney did not provide the OIG with a copy of the draft disciplinary action for review until December 22, 2014.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The OIG asked the department attorney to be included in any significant consultation with the hiring authority regarding settlement. The department attorney consulted with the hiring authority without notifying or including the OIG. Prior to the State Personnel Board hearing, the department attorney recommended that the hiring authority revoke the disciplinary action but the hiring authority wanted the OIG's input. When the department attorney consulted with the OIG, she informed the OIG that the hiring authority wanted to revoke the disciplinary action, thereby misrepresenting the hiring authority's position. Throughout the disciplinary process, the department attorney and her supervisor made multiple attempts to convince the hiring authority to revoke the disciplinary action despite an abundance of evidence proving three allegations and a lack of evidence supporting the sergeant's defense.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-07	14-0420-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On December 7, 2013, a youth counselor was allegedly dishonest when he claimed he had a pre-scheduled physician's appointment and could not work an overtime shift as ordered. Despite being ordered to do so, the youth counselor allegedly failed to provide a physician's note.

NORTH REGION

Disposition

The hiring authority sustained the allegation that the youth counselor was dishonest, but not the remaining allegation, and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-22	14-0633-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	Suspension

Incident Summary

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

Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the State Personnel Board hearing, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a suspension without pay for one year because the officer had been acquitted in his criminal trial. The officer agreed to withdraw his appeal. The OIG concurred because there was a subsequent case against the officer in which the hiring authority had determined dismissal to be the appropriate penalty.

Disciplinary Assessment

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

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

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 12, 2014. The department attorney was not ready to consult with the OIG and hiring authority regarding the disciplinary determinations until July 9, 2014, 119 days thereafter.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide written confirmation of penalty discussions.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney provided a draft pre-hearing settlement conference statement to the OIG only hours before it was filed, precluding meaningful feedback by the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The department attorney failed to timely consult with the OIG and hiring authority regarding the disciplinary determinations.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-16	14-1688-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Insubordination Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Letter of Reprimand	Letter of Reprimand

Incident Summary

On January 16, 2014, an investigative services unit sergeant allegedly provided inaccurate information to the Office of Internal Affairs regarding a confidential inmate source. The sergeant subsequently allegedly failed to provide a document regarding the same information to the Office of Internal Affairs after being ordered to do so. An investigative services unit lieutenant also allegedly failed to cooperate with the Office of Internal Affairs and failed to ensure the investigative services unit sergeant complied with requests and orders from the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegation that the sergeant provided inaccurate information to the Office of Internal Affairs regarding a confidential inmate source, but not the remaining allegations, and issued a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the lieutenant. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. After the hearing, the State Personnel Board upheld the letter of reprimand.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult regarding the disciplinary determinations. The department attorney failed to prepare an adequate draft disciplinary action and make appropriate objections at the State Personnel Board hearing.

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 December 9, 2014. However, the hiring authority did not consult with the department attorney and the OIG regarding the disciplinary determinations until January 13, 2015, 35 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not contain sufficient facts relevant to the alleged misconduct.
- Did the department's advocate appropriately object to evidence presented by appellant(s) at the hearing?
The department attorney failed to appropriately object to portions of cross-examination of the sergeant's attorney, the sergeant's attorney's closing argument, and documents offered by the sergeant's attorney.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-18	14-0287-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Sustained Unfounded 	Salary Reduction	Modified Salary Reduction

Incident Summary

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

NORTH REGION

Disposition

The hiring authority sustained the allegations against the first sergeant and the two officers and imposed a 5 percent salary reduction for 24 months against the sergeant and a 5 percent salary reduction for 18 months against each officer. The hiring authority determined that the investigation conclusively proved that the second sergeant's alleged misconduct did not occur. The OIG concurred with the hiring authority's determinations. At the *Skelly* hearings for the sergeant and the two officers, the hiring authority discovered that the second officer's use of force to restrain the inmate after he resisted was reasonable. Based on this new information, the hiring authority reduced the salary reduction to 5 percent for nine months and found insufficient evidence to sustain the allegation that the officer used unreasonable force. The OIG concurred based on the factors learned at the *Skelly* hearing. The sergeant and the officers filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with the sergeant and each officer due to newly discovered evidence regarding training on the department's use-of-force policy. The hiring authority reduced each officer's penalty to letters of reprimand which could be removed upon request eight months from the effective date. The officers agreed to withdraw their appeals. The hiring authority reduced the sergeant's penalty to a 5 percent salary reduction for three months and the sergeant agreed to withdraw his appeal. The OIG concurred with the settlements based on the new evidence discovered prior to the hearing.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-02	14-0976-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Suspension

Incident Summary

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

Disposition

The hiring authority for the sergeant sustained the allegations against him and dismissed him. The hiring authority for the nurse found insufficient evidence to sustain the allegation. The OIG concurred with the hiring authorities' determinations. The sergeant filed an appeal with the State Personnel Board. On the first day of the hearing, the department entered into a settlement with the sergeant wherein the department agreed to modify the penalty to a ten-month suspension and demotion to officer and the sergeant agreed to withdraw his appeal. The department settled the case because of new information the hiring authority believed undermined the dishonesty allegations. The OIG did not concur because there was sufficient evidence to sustain at least one dishonesty allegation. However, the OIG did not seek a higher level of review because there was sufficient new information to raise doubt regarding two of the other allegations, the reduced penalty was still a significant penalty, and the sergeant was removed from a supervisory role.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary findings conference and entered into a settlement wherein the sergeant's penalty was reduced without sufficient cause.

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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 September 12, 2014. The hiring authority for the sergeant did not consult with the OIG and department attorney regarding disciplinary determinations until October 9, 2014, 27 days thereafter.
- 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?
The hiring authority was not immediately available by telephone and did not return the department attorney's telephone calls. The department attorney eventually spoke with the chief deputy warden.
- 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 there was sufficient evidence to sustain at least one dishonesty allegation.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-06	14-0782-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Dishonesty Insubordination 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On February 6, 2014, and February 11, 2014, an officer was allegedly dishonest when he signed the name of another officer on the signature block of a Fair Labor Standards Act form. On those same dates, the second officer allegedly neglected to sign his name on the Fair Labor Standards Act form and was allegedly dishonest by claiming to a sergeant he forgot he signed in earlier that day. On February 11, 2014, the second officer allegedly failed to adequately document the incident as directed by his supervisor.

Disposition

The hiring authority sustained the allegations that the second officer failed to sign his name on the Fair Labor Standards Act form and made a dishonest statement to his supervisor, but not the remaining allegation, and imposed a 10 percent salary reduction for 24 months. The hiring authority found insufficient evidence to sustain the allegations 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 State Personnel Board proceedings, due to vacillating statements of the department's key witness, the department entered into a settlement agreement wherein the department reduced the penalty to a 10 percent salary reduction for 12 months and removed dishonesty from the disciplinary action. The OIG did not concur with the settlement; however, the settlement terms did not merit a higher level of review because of the evidentiary issues.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-08	14-0979-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On February 8, 2014, an officer allegedly improperly ordered inmates back to their cells during the evening program and then failed to activate an alarm to call for assistance when the inmates became irate. The officer also allegedly failed to wear his personal alarm device. The officer called for a second officer, who responded. The second officer allegedly deployed pepper spray from a distance of less than six feet at two inmates he claimed lunged toward him from their seats. The second officer also allegedly failed to sign his post orders.

Disposition

The hiring authority sustained the allegation that the first officer failed to timely activate an alarm, but not the remaining allegations, and imposed a 5 percent salary reduction for eight months. The officer retired before discipline could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he retired under adverse circumstances. The hiring authority sustained the allegations against the second officer except that he deployed pepper spray from less than six feet away. The hiring authority also added and sustained an allegation that the second officer failed to accurately document the events leading up to the use of force. The hiring authority imposed a 5 percent salary reduction for nine months. The OIG concurred with the hiring authority's determinations. The second officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the hiring authority reduced the penalty to 5 percent salary reduction for six months and agreed to remove the disciplinary action from the officer's official personnel file upon request. The OIG concurred with the settlement because the officer accepted responsibility for his actions.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-15	14-0651-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty Neglect of Duty Failure to Report 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Unfounded 	Salary Reduction	Modified Salary Reduction

Incident Summary

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

Disposition

The hiring authority sustained the allegations that the officer used unreasonable force and failed to accurately report the incident, but not the remaining allegations against the officer, and imposed a 5 percent salary reduction for 24 months. The hiring authority determined that the investigation conclusively proved that the lieutenant and two sergeants did not attempt to dissuade the inmate from filing a complaint. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. At the State Personnel Board Hearing, the department entered into a settlement agreement wherein the department agreed to reduce the penalty to a 5 percent salary reduction for 20 months, remove the disciplinary action from the officer's official personnel file after 12 months, and change "inexcusably neglected your duty" to "neglected your duty" in the disciplinary action. The officer agreed to withdraw his appeal. The OIG did not concur because there were no changed circumstances and no mitigating factors. However, the terms of the settlement did not merit a higher level of review because the penalty reduction was not significant.

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Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to properly draft the draft disciplinary action and the hiring authority reduced the penalty in the absence of a change in circumstances.	
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 draft disciplinary action contained an allegation that the hiring authority did not sustain.</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 hiring authority's decision to reduce the penalty because there was no change in circumstances.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-17	14-0918-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

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

Disposition

The hiring authority sustained the allegations against both officers and issued a letter of reprimand to the first officer because he was candid and accepted responsibility during his investigative interview. The hiring authority imposed a 5 percent salary reduction for two months on the second officer. The OIG concurred with the hiring authority's determinations. The first officer did not file an appeal with the State Personnel Board. The second officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement with the officer wherein the officer agreed to withdraw his appeal and the department reduced the penalty to a 5 percent salary reduction for one month. The OIG concurred because there were evidentiary issues and the officer voluntarily approached the employee relations officer and acknowledged his misconduct, accepted responsibility, and demonstrated remorse.

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the disciplinary process. The department failed to conduct the disciplinary findings conference in a timely manner and the employee relations officer failed to complete a case settlement report.	
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 August 18, 2014. The hiring authority did not consult with the OIG regarding the disciplinary determinations until December 19, 2014, four months thereafter.</i> If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021? <i>The employee relations officer did not complete a case settlement report.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the disciplinary findings conference in a timely manner.</i> 	

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-19	15-0810-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Attendance 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Suspension

Incident Summary

Between February 19, 2014 and February 18, 2015, an officer was allegedly absent from work 16 times without authorization. On February 8, 2015, and February 14, 2015, the officer allegedly reported late for an overtime shift and failed to follow orders to submit a memorandum explaining his tardiness. On February 14, 2015, the officer was allegedly dishonest to a supervisor regarding the reason for his tardiness. On February 27, 2015, the officer allegedly failed to follow orders to submit proof of training to a supervisor.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. After the *Skelly* hearing, the department entered into a settlement agreement with the officer wherein the hiring authority removed the dishonesty allegation and modified the penalty to a 10 percent salary reduction for 24 months. The OIG concurred with the settlement because the officer expressed remorse for his poor attendance and provided a plausible explanation for the miscommunication with the supervisor.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The employee relations officer failed to provide a copy of the proposed settlement agreement to the OIG for review until after it was completed and signed.

Assessment Questions

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

The employee relations officer failed to provide the OIG a copy of the proposed settlement agreement until after it was completed and signed.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-29	14-1730-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Suspension	Suspension

Incident Summary

On April 29, 2014, an officer was allegedly dishonest when he authored a rules violation report representing that he found a mobile phone and charger in an inmate's cell. The officer also allegedly failed to properly establish the chain of custody for the mobile phone that was found by a second officer. The second officer allegedly failed to document his discovery of the mobile phone and charger. A sergeant allegedly ordered the first officer to author the rules violation report indicating that the officer personally found the mobile phone and charger. The sergeant also allegedly failed to review the rules violation report.

Disposition

The hiring authority sustained the allegations against the sergeant and imposed a 60-working-day suspension. However, the sergeant retired before the disciplinary action took effect. The hiring authority placed a letter in the sergeant's official personnel file indicating the sergeant retired pending disciplinary action. The hiring authority sustained the allegations against each officer and imposed a 10 percent salary reduction for 24 months on the first officer and a 5 percent salary reduction for 12 months on the second. The OIG concurred with the hiring authority's determinations. Each officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into settlement agreements with each officer in which each agreed to withdraw their appeals. In exchange, the hiring authority reduced the penalty for the first officer to a 10 percent salary reduction for 21 months and the disciplinary action could be removed from his official personnel file 18 months after the effective date. The hiring authority reduced the penalty for the second officer to a 5 percent salary reduction for nine months and the disciplinary action could be removed from his official personnel file 18 months after the effective date. The OIG did not concur with the settlements. However, the terms of the settlements did not merit a higher level of review because the disciplinary actions could still be used for progressive discipline.

NORTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2014-05-05	14-2054-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 		

Incident Summary

On May 5, 2014, an officer allegedly used unreasonable force when he attempted to forcefully close a food port kept open by an inmate, resulting in the inmate being struck in the hand. In addition, the officer allegedly failed to back away from the cell and contact a supervisor and failed to report his use of force.

Disposition

The hiring authority sustained the allegation the officer failed to report his use of force, but not the remaining allegations, and imposed a 10 percent salary reduction for three months. The OIG concurred. After the *Skelly* hearing, the hiring authority reduced the penalty to a 5 percent salary reduction for four months. The OIG concurred because the officer accepted responsibility and expressed remorse. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, because a material witness could not remember whether the officer submitted a report, the department entered into a settlement agreement wherein hiring authority reduced the penalty to a 5 percent salary reduction for three months and the officer withdrew his appeal. The OIG concurred because of the evidentiary problem.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-05-07	15-0577-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Driving Under the Influence 3. Other Failure of Good Behavior 4. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 		

Incident Summary

On May 7, 2014, and October 31, 2014, an officer allegedly failed to notify the hiring authority that his driver's license had been suspended. On February 13, 2015, the officer allegedly drove under the influence of alcohol, failed to timely report his arrest to the hiring authority, violated court-ordered probation, and misused his authority when he displayed his department identification to outside law enforcement.

Disposition

The hiring authority sustained all allegations except that the officer misused his authority. The OIG concurred with the hiring authority's determination. The hiring authority imposed a 10 percent salary reduction for 24 months. The OIG did not concur because the officer sustained four prior disciplinary actions for driving under the influence, engaged in the misconduct while on court-ordered probation for driving under the influence, and was still receiving a salary reduction for prior disciplinary action. However, the OIG did not seek a higher level of review because the hiring authority enhanced the penalty based on the prior disciplinary actions and served a non-punitive termination. The officer retired before the disciplinary action and termination took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to timely conduct the disciplinary findings conference, identify the appropriate penalty, and properly conduct the *Skelly* hearing.

<h3>Assessment Questions</h3> <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 18, 2015, and the officer was convicted on May 4, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until June 9, 2015, 36 days after the officer was convicted and 83 days after the case was returned to the hiring authority.</i> Did the HA who participated in the disciplinary conference select the appropriate penalty? <i>The OIG recommended dismissal based on prior similar actions and the likelihood of recurrence. The officer had been served with three prior disciplinary actions for driving under the influence and engaged in the misconduct while on court-ordered probation for driving under the influence and still receiving a salary reduction for prior disciplinary action. The officer also failed to comply with court-ordered alcohol treatment.</i> If there was a <i>Skelly</i> hearing, was it conducted pursuant to DOM? <i>The Skelly officer was an involved supervisor and failed to obtain a written waiver from the officer.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the disciplinary findings conference in a timely manner.</i>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-10	14-1807-IR	<ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Letter of Reprimand	No Penalty Imposed

<h3>Incident Summary</h3> <p>On May 10, 2014, an officer allegedly failed to step away from a food port and contact a sergeant when an inmate refused to close the food port. The officer also allegedly closed the food port on the inmate's hand, causing injury to the inmate's fingers. A sergeant allegedly failed to take appropriate action after learning the inmate reported being assaulted by the officer.</p>

<h3>Disposition</h3> <p>The hiring authority sustained the allegation that the officer failed to step away from a food port and contact a sergeant when the inmate refused to close the food port and imposed a letter of reprimand. The hiring authority found insufficient evidence to sustain the remaining allegations against the officer or the allegation against the sergeant. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the hearing, two witnesses provided new information that presented evidentiary issues. Based on the new information, the hiring authority withdrew the disciplinary action and provided more training to supervisors and officers. The OIG concurred based on the new information.</p>
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Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-13	14-1547-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Not Sustained 	Letter of Reprimand	Letter of Reprimand

Incident Summary

On May 13, 2014, an officer was arrested after he allegedly inflicted corporal injury on his wife and threatened her. On May 14, 2014, the officer allegedly violated a restraining order. On November 7, 2014, the officer pled guilty to disturbing the peace.

Disposition

The hiring authority sustained the allegation that the officer discredited the department when he was convicted of disturbing the peace and imposed a letter of reprimand. The hiring authority found insufficient evidence to sustain the other allegations. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-27	14-2037-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Dismissal	Dismissal

Incident Summary

On May 27, 2014, a sergeant, an officer, and a registered nurse allegedly failed to adequately assess and provide life-saving measures after discovering an unresponsive inmate in the shower. A physician eventually commenced life-saving measures, but the measures failed and the inmate was pronounced dead at the institution. After the incident, the sergeant and a lieutenant allegedly drafted narrative reports for medical staff and ordered medical staff to sign them. The lieutenant allegedly failed to properly review the incident reports.

Disposition

The hiring authority for custody staff sustained the allegations that the sergeant and the officer failed to timely start life-saving measures and imposed a 10 percent salary reduction for six months on the officer and a 10 percent salary reduction for 12 months on the sergeant. The hiring authority found insufficient evidence to sustain the allegations that the sergeant and the lieutenant authored reports on behalf of medical staff. However, the hiring authority sustained the allegation that the lieutenant failed to adequately review the incident reports, and added and sustained an allegation that the lieutenant improperly drafted a sample report for medical staff and failed to properly instruct medical staff regarding the purpose of the sample report. The hiring authority imposed a 5 percent salary reduction for six months on the lieutenant. The OIG concurred with the hiring authority's determinations. The hiring authority for the nurse sustained the allegation and dismissed her. The OIG concurred. The nurse resigned before the discipline was imposed. The hiring authority placed a letter in her official personnel file indicating she resigned under unfavorable circumstances. After the officer's *Skelly* hearing, the department entered into a settlement agreement with the officer wherein the hiring authority reduced the penalty to a 5 percent salary reduction for 10 months and agreed to remove the disciplinary action from his official personnel file after six months and the officer agreed not to file an appeal with the State Personnel Board. The OIG did not concur with the settlement because there were no additional mitigating circumstances. However, the terms of the settlement did not merit a higher level of review because the penalty reduction was not significant. The sergeant and the lieutenant each filed an appeal with the State Personnel Board. At their respective pre-hearing settlement conferences, the department entered into settlement agreements with the lieutenant and the sergeant wherein the hiring authority reduced the lieutenant's penalty to a 5 percent salary reduction for three months and agreed to remove the disciplinary action from his official personnel file after three months. The OIG concurred because the lieutenant accepted responsibility for his actions. The hiring authority reduced the penalty for the sergeant to a 10 percent salary reduction for ten months and agreed to remove the disciplinary action from his official personnel file after ten months. The OIG concurred because the sergeant accepted responsibility and the penalty reduction was not significant.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The employee relations officer improperly drafted the forms documenting the disciplinary determinations. The department attorney failed to adequately consult with the OIG and failed to provide a draft of the pre-hearing settlement conference statement before it was filed. The hiring authority improperly reduced the officer's penalty. As a result, the officer's penalty did not reflect the seriousness of the misconduct.

Assessment Questions

- Was the CDCR Form 403 documenting the penalty properly completed?
The employee relations officer failed to accurately document the aggravating factors in two of the three forms documenting the disciplinary determinations and failed to accurately document the penalty on another form.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney did not provide the OIG with a draft of one of the the pre-hearing settlement conference statements before it was filed.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement agreement with the officer because the hiring authority reduced the penalty without citing any change in circumstances.
- 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 timely notify the OIG that the lieutenant and sergeant had appealed to the State Personnel Board and the time and place of the pre-hearing settlement conference. The department attorney failed to provide the OIG with a draft of the pre-hearing settlement conference statement for the lieutenant's case before it was filed.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-28	14-2150-IR	1. Dishonesty 2. Discourteous Treatment	1. Sustained 2. Not Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

On May 28, 2014, an officer allegedly discussed an inmate's case factors while the inmate was in a holding cell in an area where other inmates were present. On July 23, 2014, the officer was allegedly dishonest when he denied discussing the inmate's case factors during the staff complaint investigation. On March 4, 2015, the officer was allegedly dishonest in his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations that the officer was dishonest during the staff complaint investigation and during the investigative interview, but not the remaining allegation, and dismissed the officer. 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 whereby 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	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-15	14-1687-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Suspension

Incident Summary

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

Disposition

The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. After an evidentiary hearing, the State Personnel Board sustained the allegation that the sergeant deployed pepper spray onto his neighbor's property, but not that the sergeant was dishonest, and reduced the penalty to a six-month suspension without pay. The administrative law judge made credibility determinations and found insufficient evidence of dishonesty.

Disciplinary Assessment

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

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The department attorney failed to thoroughly prepare witnesses for hearing, failed to adequately consult and cooperate with the OIG, and provided inaccurate information to the hiring authority regarding settlement. The disciplinary officer prepared an inaccurate form documenting the disciplinary determinations.

Assessment Questions

- Was the CDCR Form 403 documenting the penalty properly completed?
The form documenting the disciplinary determinations contained an incorrect aggravating factor and failed to include an applicable aggravating factor.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
Despite multiple requests by the OIG, the department attorney did not provide the pre-hearing settlement conference statement until February 5, 2015, after it was already filed on January 23, 2015.
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?
The department attorney failed to timely contact and subpoena three witnesses resulting in an inability to prepare two of the witnesses until the day of the hearing.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
Despite three requests by the OIG for the date of the pre-hearing settlement conference and the pre-hearing settlement conference statement, the department attorney did not provide the requested information to the OIG until February 5, 2015, five days before the pre-hearing settlement conference. In addition, the department attorney consulted with the hiring authority regarding the sergeant's settlement proposal without notifying the OIG of the consultation. Therefore, the OIG could not participate in the consultation. The department attorney also inaccurately advised the hiring authority that the OIG did not object to the settlement.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-22	14-1748-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Dishonesty 3. Unreasonable Use of Force 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On June 22, 2014, two officers allegedly deployed pepper spray on an inmate as the inmate attempted to prevent officers from removing a mattress from his cell. One of the officers allegedly deployed pepper spray from a distance of less than six feet and then struck the inmate with a baton twice while the inmate had his back turned and was not threatening the officer. The same officer then allegedly pulled the inmate backward onto the ground but failed to report it. The two officers and a third officer were allegedly dishonest when they reported that the inmate physically advanced toward one of the officers.

Disposition

The hiring authority sustained the allegation that the first officer failed to report his own use of force and imposed a 5 percent salary reduction for four months. The hiring authority found insufficient evidence to sustain the remaining allegations, but agreed to train all three officers to improve their report writing. The OIG concurred with the hiring authority's determinations. After a *Skelly* hearing, the department entered into a settlement agreement with the first officer wherein the hiring authority reduced the penalty to a 5 percent salary reduction for one month and the officer agreed not to file an appeal with the State Personnel Board. The OIG did not concur but did not seek a higher level of review because the officer had reported the majority of the force used and the failure to report the use of force was not intentional.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority improperly reduced the penalty significantly.

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The significant penalty reduction did not reflect the gravity of the misconduct and risk of harm to the public service, thereby increasing the likelihood of recurrence.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The department improperly reduced the penalty for one of the officers without new evidence or identification of flaws or risks to the case.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-13	14-2503-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Demotion	Demotion

Incident Summary

On August 13, 2014, a sergeant allegedly attempted to bring three computer discs into the secure perimeter in his lunchbox. The sergeant was allegedly dishonest when he told a lieutenant that the computer discs were work-related when, in fact, two of the discs contained books and video games.

Disposition

The hiring authority sustained the allegations and demoted the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the hearing, the sergeant withdrew his appeal.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney was not available for a timely disciplinary findings conference, failed to provide written confirmation of penalty discussions, and did not attend the *Skelly* hearing.

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 October 22, 2014. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until 54 days thereafter. The hiring authority attempted to schedule the consultation on November 13, 2014, but the department belatedly assigned a department attorney on December 15, 2014.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide to the hiring authority and the OIG written confirmation of penalty discussions.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-12-16	15-0473-IR	1. Weapons 2. Neglect of Duty	1. Sustained 2. Sustained		

Incident Summary

Between December 16, 2014 and December 29, 2014, an officer allegedly failed to notify the hiring authority of his being subject to a restraining order which prohibited him from owning or possessing firearms. During that time, the officer also allegedly reported for duty to an armed post.

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	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Suspension	FINAL Salary Reduction
2014-12-22	15-0249-IR	1. Dishonesty 2. Insubordination	1. Sustained 2. Sustained		

Incident Summary

On December 22, 2014, an officer allegedly failed to report to work at the time specified by a sergeant. The officer was allegedly dishonest when he subsequently told another sergeant that he had not been contacted regarding his work assignment and scheduled time.

NORTH REGION

Disposition

The hiring authority sustained the allegations and imposed a 60-working-day suspension. The OIG concurred. After service of the disciplinary action, the hiring authority learned of new evidence that impacted one of the witness's credibility. Based on this new information, the department entered into a settlement agreement wherein the hiring authority removed the dishonesty allegation and reduced the penalty to a 5 percent salary reduction for 12 months. In addition, the disciplinary action could be removed from the officer's official personnel file after 18 months. The officer agreed not to file an appeal with the State Personnel Board. The OIG concurred because of the newly-discovered evidentiary issue.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-26	15-0297-IR	1. Neglect of Duty 2. Intoxication	1. Sustained 2. Sustained	Suspension	Suspension

Incident Summary

On December 26, 2014, an officer allegedly reported to work and assumed an armed post while intoxicated.

Disposition

The hiring authority sustained the allegations and imposed a 60-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the penalty remained unchanged but the disciplinary action would be removed from the official personnel file two years after the effective date. In return, the officer agreed to withdraw his appeal. The OIG concurred because the penalty remained the same.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-28	15-0269-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Salary Reduction

Incident Summary

On December 28, 2014, an officer allegedly abandoned her post in the administrative segregation unit and left institutional grounds for over 30 minutes without prior approval from a supervisor, resulting in an all-hands response by the institution to account for the officer's whereabouts and safety.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-22	15-0656-IR	<ol style="list-style-type: none"> 1. Battery 2. Neglect of Duty 3. Discourteous Treatment 4. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Salary Reduction	Resignation

Incident Summary

On February 22, 2015, a parole agent allegedly refused to let his girlfriend out of his personal vehicle and transported her several miles against her will. After they returned to their apartment, he allegedly assaulted her. He was subsequently arrested and allegedly failed to report the arrest to the hiring authority.

Disposition

The hiring authority sustained allegations of neglect of duty, battery, and discourteous treatment, but not the failure of good behavior allegation, and determined the appropriate penalty to be a 10 percent salary reduction for 24 months. However, the hiring authority combined the disciplinary action with another action pending against the parole agent and served him with a notice of dismissal. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement wherein the parole agent resigned from state service, agreed not to seek future employment with the department, and withdrew the appeal. The OIG concurred with the settlement because it ensured that the parole agent would not return to work for the department.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner. The department attorney failed to provide written confirmation of penalty discussions and prepare an appropriate draft disciplinary action.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on April 1, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 27, 2015, 26 days thereafter.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide the hiring authority and the OIG written confirmation of penalty discussions.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action omitted an allegation the hiring authority sustained.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-19	15-0807-IR	<ol style="list-style-type: none"> 1. Misuse of Authority 2. Intoxication 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Suspension	Suspension

Incident Summary

On March 19, 2015, an off-duty officer allegedly visited a local high school in uniform while intoxicated to speak with students who had reportedly bullied his brother.

NORTH REGION

Disposition

The hiring authority sustained the allegations and imposed a three-working-day suspension. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-18	13-0916-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Dishonesty 3. Retaliation 4. Neglect of Duty 5. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On January 18, 2012, an employee relations officer allegedly falsified a state employment application. Between July 2012 and January 2013, the employee relations officer allegedly falsified her attendance records on 25 occasions. A superintendent allegedly retaliated against an executive secretary who reported the employee relations officer's alleged misconduct. The superintendent also allegedly allowed the employee relations officer to drive his assigned state vehicle on her lunch breaks and allowed the employee relations officer to bring her two children to work during business hours and allowed them to utilize state computers.

Disposition

The hiring authority sustained the allegation that the employee relations officer falsified her application for State employment, but not that she falsified her attendance records, and imposed a 10 percent salary reduction for 24 months. The hiring authority did not sustain the allegations against the superintendent. The OIG concurred with the hiring authority's determinations. The employee relations officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board determined that the employee relations officer submitted an inaccurate resume in connection with the application for State employment, but not that she was dishonest, and modified the penalty to a 5 percent salary reduction for six months.

Disciplinary Assessment

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

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

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 3, 2014. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 31, 2014, nearly five months thereafter.

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-03	14-0693-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Discourteous Treatment 5. Dishonesty 6. Failure to Report 7. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 	Dismissal	Suspension

Incident Summary

On February 3, 2013, a lieutenant allegedly called an inmate a racially derogatory name, directed profanity at the inmate, and ordered an officer not to report what had occurred because the lieutenant was going to report the incident. The lieutenant allegedly did not report it. The lieutenant also allegedly ordered officers to escort the agitated inmate without being handcuffed, which ultimately led to the use of force on the inmate and an officer being assaulted. Three officers allegedly observed the lieutenant's verbal assault toward the inmate, but failed to report it. One of those officers also allegedly failed to properly document subsequent placement of the inmate in handcuffs and in a holding cell. A sergeant allegedly delayed reporting the incident and was dishonest when he filed a discrimination complaint against the lieutenant for allegedly calling an inmate a racially derogatory name.

Disposition

The hiring authority sustained all allegations against the lieutenant, except that he called an inmate a racially derogatory name, and served the lieutenant with a notice of dismissal. The hiring authority sustained the allegation that a sergeant failed to report the misconduct of the lieutenant, but not that he was dishonest, and imposed a salary reduction of 5 percent for 24 months. The sergeant retired before the imposition of penalty. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired under adverse circumstances. The hiring authority sustained the allegation that an officer failed to follow holding cell procedures, but not that she failed to report misconduct, and imposed a salary reduction of 5 percent for six months. The hiring authority found insufficient evidence to sustain the allegations against the other two officers. The OIG concurred with the hiring authority's determinations. The lieutenant and first officer filed appeals with the State Personnel Board. Prior to a hearing, the hiring authority entered into a settlement with the officer wherein the disciplinary action would be removed early from the official personnel file, the penalty remained unchanged, and the officer agreed to withdraw her appeal. The OIG concurred with the settlement because the substance of the penalty was not changed. Following a hearing, the State Personnel Board reduced the lieutenant's penalty to a three-month-suspension after finding he was not dishonest but merely neglectful and discourteous in his treatment of the inmate.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-01	14-2674-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

Between May 1, 2013 and September 22, 2014, a parole agent allegedly failed to properly supervise a parolee, failed to appropriately document official forms, and documented on forms that he had been properly supervising the parolee when he had not. The parole agent allegedly indicated he had conducted home visits, obtained drug tests, and contacted the parolee's family members at the parolee's residence, but the parolee did not reside there. The parole agent also allegedly failed to update the parolee's current address on the appropriate documents and in the computer system. On September 22, 2014, the parole agent allegedly completed a discharge review indicating the parolee was attending a day reporting center when the parolee was not. On February 25, 2015, the parole agent was allegedly dishonest to the Office of Internal Affairs.

SOUTH REGION

Disposition

The hiring authority sustained the allegations and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the parole agent wherein he resigned in lieu of termination. The OIG concurred with the settlement because it ensured the parole agent would no longer work for the department.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-20	14-0759-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Discourteous Treatment 4. Failure to Report 5. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 	Dismissal	Suspension

Incident Summary

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

Disposition

The hiring authority sustained all allegations against the lieutenant, except that he used a racial epithet toward an inmate, and dismissed the lieutenant. The hiring authority did not sustain the allegations against the three officers. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board sustained all of the allegations, except for the dishonesty allegation, and reduced the penalty to a three-month suspension.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-01	13-2456-IR	<ol style="list-style-type: none"> 1. Over-Familiarity 2. Contraband 3. Neglect of Duty 4. Misuse of State Equipment or Property 5. Dishonesty 6. Over-Familiarity 7. Contraband 8. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained 	Dismissal	Suspension

Incident Summary

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

SOUTH REGION

Disposition

The hiring authority sustained all allegations except that the lieutenant had a sexual conversation with an inmate and improperly stored computer thumb drives in his desk. The department attorney and the OIG disagreed with the findings that the lieutenant's activities were sexual in nature. The department attorney elevated the matter to the hiring authority's supervisor who requested additional investigation. Following the investigation, the Office of Internal Affairs returned the case to the hiring authority who found sufficient evidence to sustain allegations that the lieutenant possessed tobacco in his desk, revealed personal information to inmates, improperly stored an inmate's file in his desk, failed to follow policy when an inmate's family member contacted him, and all allegations related to misuse of the state computer. However, the hiring authority found insufficient evidence to sustain allegations that the lieutenant's computer misuse was sexual in nature, that his denial of such usage was dishonest, and that the lieutenant had a sexual conversation with an inmate, provided tobacco to an inmate, improperly stored computer thumb drives in his desk, and reviewed his personal mobile phone with an inmate. The hiring authority dismissed the lieutenant. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board sustained all allegations except that the lieutenant shared personal information with inmates and improperly stored an inmate file, revoked the dismissal, and imposed a ten-month suspension.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-11	14-0801-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Failure to Report Use of Force 4. Failure to Report 5. Neglect of Duty 6. Dishonesty 7. Failure to Report 8. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained 	Dismissal	Salary Reduction

Incident Summary

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

Disposition

The hiring authority sustained the allegations against the first youth counselor, except for three dishonesty allegations, and served a notice of dismissal. The hiring authority sustained the allegations against the second youth counselor, except for one dishonesty allegation, and served a notice of dismissal. The hiring authority sustained the allegations against the senior youth counselor, except that he failed to report the use of force and that he was dishonest, and imposed a salary reduction of 10 percent for 12 months. The OIG concurred with the hiring authority's determinations. The first youth counselor filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the youth counselor agreed to resign in lieu of termination and never to seek employment with the department in the future. The OIG concurred because it ensured that the youth counselor would not return to work for the department. After the *Skelly* hearing for the second youth counselor, the department discovered that the second youth counselor was very sensitive to pepper spray and, after the first disbursement of spray, could not see the rest of the incident. Based on this information, the department entered into a settlement agreement reducing the penalty to a salary reduction of 10 percent for 24 months and removing the dishonesty allegation from the disciplinary action. In exchange, the youth counselor agreed to not file an appeal with the State Personnel Board. The OIG concurred based on the new information discovered at the *Skelly* hearing. The senior youth counselor filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the disciplinary action due to a lack of evidence.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to adequately cooperate with the OIG.	
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? <p><i>The department attorney failed to inform the OIG of the status of the State Personnel Board decision. The State Personnel Board mailed its decision to the department attorney on October 8, 2015, but on October 27, 2015, the department attorney failed to respond to OIG's request for the status of the decision. On November 30, 2015, the department attorney informed the OIG that no decision had yet been received.</i></p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-03-08	14-1108-IR	<ol style="list-style-type: none"> Dishonesty Theft 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Dismissal

Incident Summary

On March 8, 2014, an officer allegedly stole and redeemed two meal tickets belonging to a second officer. The first officer allegedly falsely signed the name of the second officer upon redeeming the meal tickets and was dishonest during her interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-15	14-1289-IR	<ol style="list-style-type: none"> Dishonesty Assault Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Retirement in Lieu of Termination

Incident Summary

On April 15, 2014, a sergeant was arrested after he allegedly made threats against his daughter. The sergeant also allegedly battered his daughter and was dishonest to outside law enforcement about his actions.

Disposition

The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. During the State Personnel board hearing, the sergeant retired in lieu of dismissal and agreed to never seek employment with the department in the future. In exchange, the department agreed to remove the dishonesty allegation from the disciplinary action. The OIG concurred with the settlement except for removing the dishonesty allegation. However, the terms of the settlement did not merit a higher level of review because the ultimate goal of ensuring the sergeant did not work for the department was achieved.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
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The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to adequately cooperate with the OIG. The hiring authority unnecessarily removed a provable dishonesty allegation in order to settle the case.

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.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney failed to provide the OIG with a draft of the pre-hearing settlement conference statement until the day it was filed, allowing insufficient time for review and feedback.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The hiring authority unnecessarily removed a provable dishonesty allegation in order to settle the case.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not timely provide the OIG with a draft of the pre-hearing settlement conference statement.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-23	14-2485-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty 4. Dishonesty 5. Contraband 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 	Dismissal	Suspension

Incident Summary

On April 23, 2014, an officer allegedly brought a screwdriver set into the institution for use by inmates. On September 11, 2014, and then again on March 10, 2015, the officer was allegedly dishonest to the Office of Internal Affairs when he denied being aware that a yard crew inmate tortured a rodent and then denied knowing that, once he was made aware of the mistreatment of the animal, he should not have permitted the inmate to work on the yard crew. A second officer allegedly failed to supervise an inmate who was given the screwdriver set.

Disposition

The hiring authority sustained allegations that the first officer provided a security tool to an inmate, failed to monitor the inmate during his use of the tool, and was dishonest to the Office of Internal Affairs, but not the remaining allegations, and dismissed him. The hiring authority sustained the allegation against the second officer and imposed a 5 percent salary reduction for six months. The OIG concurred. Both officers filed appeals with the State Personnel Board. For the first officer, the department combined this case with another disciplinary action against the first officer. Subsequently, the department discovered significant weaknesses in witness statements in both cases. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the first officer combining both cases wherein the hiring authority reduced the penalty to a six-month suspension and removed dishonesty from the disciplinary action. The OIG concurred with the reduced penalty based upon those weaknesses but did not concur with removing dishonesty. The OIG did not seek a higher level of review because the penalty was appropriate. Before the second officer's State Personnel Board hearing, the hiring authority entered into a settlement agreement with the second officer reducing the penalty to a letter of reprimand and giving him one month back pay because he expressed remorse at the *Skelly* hearing. The department did not inform or consult with the OIG regarding the provision for back pay prior to the settlement. The OIG concurred with the reduced penalty but not with the decision to provide back pay.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner. The department attorney failed to thoroughly review the settlement agreement before entering into the settlement with the first officer. As a result, the settlement agreement included a term to which the department had not agreed. The department failed to adequately consult with the OIG regarding the settlement.</p>	

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 October 1, 2014. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until November 6, 2014, 36 days thereafter.
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?

The settlement agreement did not accurately set forth the agreed-upon terms.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?

The department attorney did not complete the case settlement report for the second officer's settlement.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?

The department failed to advise the OIG of all of the settlement terms for the second officer. The department attorney did not provide a copy of the settlement agreement to the OIG prior to entering into a settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur with providing back pay to the second officer. The department failed to inform the OIG of the back pay provision prior to finalizing the settlement. As a result, the OIG could not make a recommendation to the hiring authority and department attorney regarding the back pay provision.
- 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 a draft of the settlement agreement for the second officer prior to entering into the settlement agreement and failed to consult with the OIG regarding the agreement to give the officer back pay.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

The hiring authority failed to consult with the OIG regarding the agreement to give the officer back pay.
- Was the disciplinary phase conducted with due diligence by the department?

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-26	14-1416-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Dismissal

Incident Summary

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

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board found the officer did not violate departmental policy when he made the announcement, but found the officer had been dishonest, and upheld the dismissal.

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-06	14-1617-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On May 6, 2014, an officer allegedly failed to activate his alarm and place an inmate in handcuffs after observing the inmate argue with a materials and store supervisor and angrily push a window towards a laundry staff member. The officer also allegedly falsified his report regarding the incident and signed a false rules violation report for the inmate without reviewing the document for accuracy.

Disposition

The hiring authority sustained the allegation that the officer signed a rules violation report without reading it first but found insufficient evidence to sustain the remaining allegations. The hiring authority imposed a salary reduction of 5 percent for three months. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner and the employee relations officer failed to provide the form documenting the disciplinary determinations to the OIG.	

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 December 2, 2014. However, the hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until January 12, 2015, 41 days thereafter.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The employee relations officer failed to provide the form documenting the disciplinary determinations.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-09-10	14-2813-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Misuse of Authority 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On September 10, 2014, a sergeant allegedly prepared a report for an officer by using another officer's report as a template. The sergeant also allegedly misused his authority when he told the officer to "stick to his guns" if questioned about the report. The officer allegedly signed the report the sergeant prepared without thoroughly reviewing the report for accuracy. Both the sergeant and officer allegedly submitted the report to a lieutenant knowing that the officer had not prepared the report.

SOUTH REGION

Disposition

The hiring authority sustained the allegations that the sergeant and the officer neglected their duties in preparing their reports, but not that either was dishonest or that the sergeant misused his authority, and imposed a 10 percent salary reduction for 12 months on each. The OIG concurred. The sergeant and the officer filed appeals with the State Personnel Board. At the sergeant's pre-hearing settlement conference, the department entered into a settlement agreement with the sergeant wherein the department reduced the penalty to a 10 percent salary reduction for nine months because of the sergeant's effort in a new critical assignment and because he withdrew his appeal. The OIG concurred based on the sergeant's marked improvement. At the officer's pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the department reduced the penalty to a 10 percent salary reduction for 11 months to run consecutively with a salary reduction in another pending disciplinary action and the officer agreed to withdraw his appeal. The OIG concurred because the modification was insignificant and assisted in the resolution of two cases.

Disciplinary Assessment

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

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 21, 2015. However, the hiring authority did not consult with the department attorney and the OIG regarding the disciplinary determinations until May 22, 2015, 31 days thereafter.

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-17	15-0651-IR	1. Dishonesty	1. Sustained	Dismissal	Suspension

Incident Summary

On November 17, 2014, an officer allegedly falsely testified at an inmate's rules violation hearing, resulting in an inappropriate "not guilty" finding.

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 in conjunction with another pending disciplinary action against the officer. The department reduced the penalty in the other case to a six-month suspension and withdrew the dishonesty allegation in this case because a critical witness represented he made an error in documentation and therefore the officer had not been dishonest. The OIG concurred with the settlement due to the evidentiary problem.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions and failed to thoroughly review the settlement agreement before entering into the settlement.

Assessment Questions

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

The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.

- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?

The settlement agreement did not accurately set forth the agreed-upon terms.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-14	15-0302-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Salary Reduction

Incident Summary

On December 14, 2014, while in another state, an officer allegedly committed a misdemeanor by carrying a concealed weapon while under the influence of alcohol.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 12 months and suspended the officer's concealed carry weapon permit for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board but failed to appear at the pre-hearing settlement conference. The State Personnel Board dismissed the appeal.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to conduct the disciplinary findings conference in a timely manner. The employee relations officer failed to adequately consult with the OIG and failed to properly prepare the disciplinary action that was served on the officer.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on February 4, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until June 4, 2015, four months thereafter.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The employee relations officer failed to provide a copy of the draft disciplinary action and consult with the OIG.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The employee relations officer did not correctly identify the officer's institution, did not reference the law the officer violated, and did not reference that the officer carried the firearm concealed when outside law enforcement contacted him.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The employee relations officer did not provide a draft disciplinary action to the OIG for review and did not notify the OIG of the appeal the officer filed.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-03	15-0897-IR	1. Neglect of Duty	1. Sustained	Dismissal	Modified Salary Reduction

Incident Summary

On February 3, 2015, inmates left receptacles containing urine in a classroom and, when alerted to the unsanitary conditions, a lieutenant and a sergeant allegedly directed officers not to clean the classroom. The lieutenant also witnessed the sergeant directing officers not to clean the classroom, but allegedly failed to intervene and prevent the sergeant from committing misconduct.

SOUTH REGION

Disposition

The hiring authority sustained the allegations against the lieutenant and imposed a 10 percent salary reduction for 18 months. The hiring authority also sustained the allegations against the sergeant, combined this case with other pending disciplinary actions, and dismissed the sergeant. The OIG concurred with the hiring authority's determinations. The sergeant and lieutenant each filed an appeal with the State Personnel Board. Prior to hearing, the lieutenant produced new evidence indicating it was the sergeant who told the officers not to clean the room and the lieutenant did not hear the sergeant give the direction. The lieutenant also took responsibility for not better ensuring policy was followed. Therefore, the hiring authority entered into a settlement agreement wherein the hiring authority reduced the penalty to a 10 percent salary reduction for eight months and agreed to remove the disciplinary action from the lieutenant's official personnel file in two years. The OIG concurred based on the changed circumstances. During the State Personnel Board hearing, the sergeant entered into a settlement agreement that included his other pending cases. The sergeant retired in lieu of dismissal and agreed to never seek employment with the department in the future. In exchange, the department agreed to remove the dishonesty allegations from the sergeant's other cases. The OIG did not concur with removing the dishonesty allegations. However, the terms of the settlement did not merit a higher level of review because the ultimate goal of ensuring the sergeant did not work for the department was achieved.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions and timely provide the OIG with the pre-hearing settlement conference statement. The hiring authority improperly agreed to remove dishonesty allegations from other disciplinary actions against the sergeant.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide written confirmation of penalty discussions.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney provided the OIG with the draft pre-hearing settlement conference statement on the day it was filed, allowing insufficient time for review.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement agreement because it included removing dishonesty allegations from the sergeant's other pending cases.
- 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 timely provide the OIG with the pre-hearing settlement conference statement.

APPENDIX C COMBINED PHASE CASES

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-07-01	14-1905-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Dismissal	Dismissal

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

Incident Summary

From July 1, 2011, to December 2011, an officer allegedly molested a 13-year-old girl several times. On June 27, 2014, the officer allegedly molested a 15-year-old girl. The officer was arrested on July 11, 2014, and July 14, 2014, for engaging in lewd and lascivious acts with minors and allegedly failed to notify the hiring authority of his second arrest.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to correctly assess relevant dates in the case management system.

Assessment Questions

- 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 earliest incident date as June 27, 2014, when the correct date was July 1, 2011. The department attorney also incorrectly assessed the deadline for taking disciplinary action as July 15, 2015, when the correct deadline was July 12, 2015.

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 was imposed.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-12	14-2659-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

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

Incident Summary

Between February 12, 2014, and June 26, 2014, an officer allegedly failed to supervise an inmate by documenting that the inmate was working as a janitor in a housing unit when the inmate was signed in at the library.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and conduct the investigative findings conference. The Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

CENTRAL REGION

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 11, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 2, 2014, 52 days after the date of discovery.

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on October 2, 2014, but did not take action until November 12, 2014, 41 days after the receipt of the request.

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 14, 2015. 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 18, 2015, two months thereafter.

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

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination. The hiring authority also failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for five months and the officer withdrew his appeal. The OIG did not concur with the settlement because no new information warranted a penalty reduction. However, the terms of the settlement did not merit a higher level of review because the penalty was within the appropriate penalty range for the misconduct.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner and entered into a settlement reducing the penalty even though no new evidence, flaws, or risks justifying the reduction were identified. The department attorney failed to properly draft the draft and final disciplinary actions and failed to cooperate with the OIG.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 14, 2015. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 18, 2015, two months thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action failed to accurately identify the involved inmate, incorrectly suggested the officer was overly familiar with the inmate, and failed to accurately list the relevant supporting documents.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The served disciplinary action failed to accurately identify the involved inmate and incorrectly suggested the officer was overly familiar with the inmate.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement reducing the penalty because no new evidence, flaws or risks justifying the reduction were identified.
- 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 the case settlement report in a timely manner.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-24	14-2074-IR	1. Misuse of Authority 2. Neglect of Duty 3. Misuse of Authority	1. Sustained 2. Sustained 3. Not Sustained	Suspension	Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

On June 24, 2014, an officer allegedly violated the inmate appeal process, abused his authority, and threatened to send the inmate to administrative segregation if the inmate did not withdraw his complaint against the officer.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent in-charge did not cooperate with the OIG. Also, the underlying incident took place on June 24, 2014. On September 5, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until June 1, 2015.

Assessment Questions

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent in-charge failed to cooperate with the OIG when scheduling a case conference, attempted to dictate the conditions under which the OIG would participate in the case conference, and refused to set target dates for completing the investigation.

CENTRAL REGION

Disposition
 The hiring authority sustained the allegations, except that the officer threatened to send the inmate to administrative segregation, and imposed a 60-working-day suspension. The hiring authority non-punitively terminated the officer in another matter before disciplinary action could be imposed. Therefore, the hiring authority converted the suspension to a 10 percent salary reduction for 30 months in the event the officer returns to state service. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment Procedural Rating: **Sufficient**
 Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-15	14-2437-IR	1. Failure to Report Use of Force 2. Neglect of Duty 3. Failure to Report Use of Force 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Training	Training

Case Type: Administrative Investigation

Incident Summary
 On July 15, 2014, a sergeant and six officers allegedly failed to accurately report an inmate was hit in the head with a baton. The sergeant also allegedly allowed an officer to turn in two reports for the same incident.

Predisciplinary Assessment Procedural Rating: **Insufficient**
 Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to timely conduct interviews, appropriately conduct the investigation, and adequately cooperate with the department attorney and the OIG. The special agent and the employee relations officer also failed to adequately cooperate with the OIG.

CENTRAL REGION

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 July 15, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 4, 2014, 51 days after the date of discovery.
- Were all of the interviews thorough and appropriately conducted?
Special agents and the department attorney conducted a surreptitious recording of an inmate interview in violation of an Office of Internal Affairs policy. The Office of Internal Affairs also interviewed one of the officers without properly advising him of his rights.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to consult with the OIG when scheduling and conducting an interview of one of the officers.
- Was the investigation thorough and appropriately conducted?
After conducting an initial interview, the Office of Internal Affairs delayed six months before conducting additional interviews. The Office of Internal Affairs interviewed one officer without properly advising him of his rights and failed to interview a key witness.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The special agent failed to consult with the department attorney before conducting an interview and as a result, interviewed an officer as a witness without proper advisement of rights.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The department failed to provide the OIG with the form documenting the investigative findings despite repeated requests.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The special agent delayed six months between interviews. As a result, a key witness retired and was not interviewed.

Disposition

The hiring authority sustained the allegations that the officer who struck the inmate with the baton failed to accurately report his use of force and that the sergeant permitted the officer to submit two reports documenting the incident. The hiring authority ordered training. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-19	14-2552-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

On July 19, 2014, an officer allegedly initiated a cell search without sufficient officers present, pulled an inmate's mattress to the floor while the inmate was sitting on it, and failed to timely activate his alarm.

CENTRAL REGION

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, failed to properly determine whether the investigation was sufficient, and failed to appropriately request additional investigation. The special agent failed to accurately identify the appropriate allegations and scope of the investigation, failed to conduct thorough interviews and a thorough investigation, and failed to prepare thorough draft and final investigative reports. The department attorney failed to provide appropriate substantive feedback regarding the investigative report and failed to provide appropriate legal advice to the hiring authority regarding the sufficiency of the investigation. Additionally, the underlying incident took place on July 19, 2014. On November 10, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until April 10, 2015.

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 July 19, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 29, 2014, 72 days after the date of discovery.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent failed to identify additional allegations based on the inmate's complaint.
- Were all of the interviews thorough and appropriately conducted?
The special agent failed to ask the inmate and witnesses about the inmate's claim of unreasonable force during the post-search escort.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorney made a timely entry but did not provide appropriate substantive feedback addressing the thoroughness of the report.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not address the inmate's claim that an officer used unreasonable force during the escort.
- Was the final investigative report thorough and appropriately drafted?
The OIG recommended additional investigation to address the inmate's claim that an officer used unreasonable force during the escort. The special agent did not accept the recommendation and the final investigative report failed to address the claim of unreasonable force.
- Was the investigation thorough and appropriately conducted?
The investigation failed to address the inmate's claim that an officer used unreasonable force during the escort.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority deemed the investigation sufficient despite the failure to address the inmate's claim of unreasonable force.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority determined no additional investigation was necessary despite the failure to address the inmate's claim of unreasonable force.
- 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 that the investigation was sufficient despite the failure to address the inmate's claim of unreasonable force.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

CENTRAL REGION

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. Prior to the pre-hearing settlement conference, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for four months because the officer expressed remorse. The OIG did not concur but did not seek a higher level of review because the penalty was within the appropriate range for the misconduct.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority entered into a settlement agreement reducing the officer's penalty that was not consistent with departmental policy.

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The settlement was not based on new evidence, flaws, or risks in the case to support reducing the penalty.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with modifying the penalty because no new evidence, flaws, or risks in the case were identified. The officer was remorseful only after the hiring authority sustained the initial penalty following the Skelly hearing.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-11	14-2438-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Failure to Report Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

On August 11, 2014, an officer allegedly punched an inmate in the face while guarding him at a hospital, failed to report the force she used, and denied to a supervisor that she used force. On August 13, 2014, the officer was allegedly dishonest in a memorandum regarding the incident.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures governing the pre-disciplinary process. However, the underlying incident took place on August 11, 2014. On October 13, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until March 18, 2015.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. After the *Skelly* hearing, the department entered into a settlement agreement with the officer wherein the hiring authority removed the dishonesty allegations and reduced the penalty to a 5 percent salary reduction for six months and the officer agreed to not file an appeal. The OIG did not concur with the settlement because the settlement was not consistent with the factors set forth in the department's disciplinary matrix, but did not seek a higher level of review because of conflicting evidence.

Disciplinary Assessment

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

The department failed to comply with the policies and procedures governing the disciplinary process. The assistant chief counsel failed to appropriately advise the department, intentionally interfered with attempts to independently assess compliance with departmental policy, and provided misleading information to the OIG. The hiring authority and employee relations officer failed to cooperate with the OIG. The hiring authority inappropriately modified the discipline.

CENTRAL REGION

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
When the OIG attempted to independently determine whether the department complied with the department's disciplinary matrix, the assistant chief counsel improperly advised the hiring authority and employee relations officer regarding their obligation to consult with the OIG.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
There was no new evidence nor were there flaws or risks identified to support the settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur because there was no new evidence nor were there flaws or risks identified to support the settlement.
- 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 failed to provide the Skelly officer's written recommendation to the OIG in a timely manner. The employee relations officer failed to cooperate with the OIG when asked for information concerning what occurred at the Skelly hearing. The assistant chief counsel encouraged the department to not cooperate with the OIG and intentionally interfered with the OIG's attempts to independently determine whether the department complied with the department's disciplinary matrix. The assistant chief counsel provided misleading information to the OIG regarding the hiring authority's decision to modify the penalty.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The hiring authority failed to cooperate when the OIG attempted to independently determine whether the department complied with the department's disciplinary matrix and improperly deferred the OIG's questions to the assistant chief counsel.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-08-14	14-2462-IR	1. Unreasonable Use of Force 2. Unreasonable Use of Force 3. Failure to Report Use of Force	1. Sustained 2. Not Sustained 3. Not Sustained		

Case Type: **Administrative Investigation**

Incident Summary

On August 14, 2014, an officer allegedly struck a handcuffed inmate in the leg with a baton when the inmate posed no imminent threat to the officer. A second officer allegedly failed to accurately report the use of force she observed.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to conduct the investigative findings conference in a timely manner. The department attorney failed to timely provide recommendations regarding the investigative findings and failed to provide the hiring authority with appropriate legal advice regarding the investigative findings.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 29, 2015. 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 July 16, 2015, 17 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney recommended not sustaining a use-of-force allegation even though the force is clearly depicted in a visual recording.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney failed to provide her recommendations regarding the investigative findings until approximately 40 minutes before the investigative findings conference.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegation the first officer used unreasonable force, but not that the force was unnecessary, and imposed a 5 percent salary reduction for 13 months. The OIG did not concur but did not seek a higher level of review due to conflicting evidence. The hiring authority found insufficient evidence to sustain the allegation against the second officer. The OIG concurred. The first officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the officer withdrew his appeal, the salary reduction remained unchanged, and the department agreed to remove the disciplinary action from the officer's official personnel file after 13 months. The OIG did not concur with the settlement. However, the terms of the settlement did not merit a higher level of review because the salary reduction remained unchanged and the action would serve as a basis for progressive discipline.

Disciplinary Assessment

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

The department failed to comply with the policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary findings conference, failed to select appropriate causes for discipline, failed to select an appropriate penalty, and agreed to a penalty modification that was not consistent with departmental policy. The department attorney failed to provide the hiring authority with appropriate legal advice and failed to provide the OIG with the case settlement report.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 29, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 16, 2015, 17 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney recommended the hiring authority select an inappropriate cause for discipline.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority failed to select a more serious and appropriate use-of-force charge from the department's disciplinary matrix.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority selected a lower penalty than appropriate for the misconduct.
- 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 to support a modification.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The department did not identify any new evidence, flaws, or risks to support a modification.
- 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 the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely conduct the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-09-02	14-2534-IR	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Discourteous Treatment 4. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Suspension	Suspension

Case Type: **Administrative Investigation**

Incident Summary

On September 2, 2014, an officer allegedly failed to complete the security log. On September 3, 2014, the officer allegedly yelled at his supervisors when they attempted to counsel him about the matter and later altered the logs to make it appear as though he had completed them.

Predisciplinary Assessment

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

The department sufficiently complied with policies and procedures governing the pre-disciplinary process. However, the underlying incident took place on September 2, 2014. On November 3, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until May 26, 2015.

CENTRAL REGION

Disposition

The hiring authority sustained all allegations, except that the officer was dishonest, and imposed a 36-working-day suspension. The OIG concurred. However, the hiring authority dismissed the officer in an unrelated matter before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating the officer was dismissed pending other disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Demotion
2014-09-15	14-2609-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained		

Case Type: **Administrative Investigation**

Incident Summary

On September 15, 2014, a sergeant allegedly failed to correctly assign weapons and ammunition to patrol staff and failed to maintain control of the weapons. The sergeant and an officer were allegedly dishonest in reporting their involvement in the incident.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to appropriately conduct some interviews, failed to conduct a thorough investigation, failed to appropriately prepare the draft investigative report, and failed to timely complete the investigation. The hiring authority failed to request additional necessary investigation. Additionally, the underlying incident took place on September 15, 2014. On November 17, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until April 7, 2015.

Assessment Questions

- Were all of the interviews thorough and appropriately conducted?

The special agent failed to have witnesses properly identify the location of persons on diagrams during investigative interviews.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The special agent failed to adequately explain drawings created during investigative interviews or describe the location of witnesses in the draft investigative report.
- Was the investigation thorough and appropriately conducted?

The special agent failed to interview an officer who was present during the incident because he transferred to a more distant institution and the deadline for taking disciplinary action was about to expire.
- If the HA determined additional investigation was necessary, was additional investigation requested?

Although the hiring authority determined an additional witness should have been interviewed, the hiring authority did not request further investigation because the deadline for taking disciplinary action was about to expire.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

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

Disposition

The hiring authority sustained the allegation that the sergeant failed to maintain control of weapons and ammunition, but not the remaining allegations against the sergeant or the officer, and imposed a 10 percent salary reduction for 24 months against the sergeant. The OIG concurred with the hiring authority's determinations. Prior to the *Skelly* hearing, the sergeant offered to demote to the rank of officer in lieu of the salary reduction. The department entered into a settlement agreement whereby the sergeant was demoted. The OIG concurred because the penalty was within the appropriate range for the misconduct.

CENTRAL REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-16	15-0138-IR	1. Over-Familiarity 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Suspension	Suspension

Case Type: **Administrative Investigation**

Incident Summary
 On October 16, 2014, an officer allegedly accepted food from inmates and was dishonest about the incident. On October 28, 2014, the officer allegedly gave inmates a frying pan from a locked storage locker.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to consult with the OIG and to properly prepare for the investigation. The department attorney failed to properly advise the hiring authority regarding the investigative findings.	

Assessment Questions

- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?
The special agent failed to confer with the OIG prior to finalizing the investigative plan.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not listen to the audio recording of the complaining inmate's interview.
- 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 to not sustain the overfamiliarity and neglect of duty allegations despite the officer's admissions.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

Disposition
 The hiring authority sustained the allegations that the officer was overly familiar and neglected her duties, but found insufficient evidence to sustain the allegation that she was dishonest, and determined a 55-working-day suspension was the appropriate penalty. 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 she retired pending disciplinary action.

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-22	15-1081-IR	1. Neglect of Duty 2. Use of Force 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On October 22, 2014, an officer allegedly slammed an inmate's head against a wall, failed to report his use of force, failed to search a holding cell before placing the inmate inside, and failed to initiate a holding cell log. A sergeant and two other officers allegedly failed to accurately report the use of force. Additionally, the sergeant allegedly failed to have the inmate submit to an unclothed body search before he was removed from the holding cell and failed to inform custody staff the inmate might have a weapon.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner. The employee relations officer failed to properly complete the form documenting the investigative findings.

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 October 22, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 30, 2015, six months after the date of discovery.
- Was the CDCR Form 402 documenting the findings properly completed?
The form documenting the investigative findings contained inconsistent information regarding the sustained allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

Disposition

The hiring authority sustained allegations against the first officer for failing to search the holding cell and initiate a holding cell log, but not the remaining allegations, and imposed a 5 percent salary reduction for three months. The hiring authority sustained an allegation against the sergeant for failing to conduct an unclothed body search on an inmate before the inmate exited a holding cell, but not the remaining allegations, and imposed a 5 percent salary reduction for nine months. The hiring authority did not sustain allegations against the other two officers. The OIG concurred with the hiring authority's determinations. After *Skelly* hearings, the hiring authority determined the officer's actions were allowed under an exception to the policy and the policy gave the sergeant discretion to remove the inmate from the holding cell. Due to the mitigating information, the hiring authority withdrew the disciplinary actions against the sergeant and officer. The OIG concurred with the hiring authority's determination based on the new information.

Disciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-20	15-0631-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Insubordination/Willful Disobedience 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Suspension	Suspension

Case Type: Direct Action with Subject Only Interview

Incident Summary

On February 20, 2015, an associate warden allegedly failed to video record an inmate while he was being removed from his cell, interviewed, and provided with his property as directed by the warden. The associate warden was allegedly dishonest when he claimed he completed the assignment as directed.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to properly determine additional investigation was necessary and the department attorney failed to provide appropriate advice regarding the sufficiency of the investigation.

Assessment Questions

- Did the HA properly determine whether additional investigation was necessary?
The hiring authority improperly determined additional investigation was not necessary to determine investigative findings.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney failed to advise the hiring authority that additional investigation was necessary to determine the investigative findings.

Disposition

The hiring authority sustained the allegation the associate warden failed to follow instructions and imposed a ten-working-day suspension. The hiring authority found insufficient evidence to sustain allegations the associate warden was insubordinate, dishonest, and endangered others. The OIG did not concur because the information concerning these allegations was not complete because the associate warden was unavailable for interview. The associate warden retired before disciplinary action could be imposed.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-04	15-1080-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Salary Reduction	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 4, 2015, two officers allegedly conducted an unauthorized cell extraction when no emergency existed and no sergeant was present, leading to an attack on the officers and a use-of-force incident. The first officer also allegedly failed to wear a face mask and the second officer allegedly failed to activate an alarm.

CENTRAL REGION

Predisciplinary Assessment <p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Officer of Internal Affairs and to conduct the investigative findings conference and failed to consider whether additional investigation was necessary. The department attorney erroneously advised the hiring authority it was unnecessary to determine whether additional investigation was necessary.</p>	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 March 4, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 29, 2015, 56 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 returned the case to the hiring authority on May 27, 2015. 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 24, 2015, 28 days thereafter.</i>• Did the HA properly determine whether additional investigation was necessary? <i>The hiring authority failed to determine whether the investigation was adequate.</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 erroneously advised the hiring authority it was not necessary to determine whether the investigation was adequate.</i>• Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to conduct the investigative findings conference in a timely manner.</i>	
Disposition <p>The hiring authority sustained the allegations and issued each officer a letter of reprimand. The OIG did not concur with the hiring authority's penalty determination and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined there was insufficient evidence to sustain the allegation that the cell entry was unnecessary. The OIG did not concur with that determination. However, because the hiring authority's supervisor imposed a 5 percent salary reduction for two months on each officer, the OIG did not seek a higher level of review because the penalty imposed was appropriate for the misconduct. The first officer did not file an appeal with the State Personnel Board. The second officer filed an appeal with the State Personnel Board but later withdrew it.</p>	
Disciplinary Assessment <p>The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner and failed to make appropriate disciplinary determinations. As a result, the OIG sought a higher level of review. The hiring authority's supervisor also failed to make appropriate disciplinary determinations. The department attorney failed to provide appropriate legal advice concerning disciplinary determinations.</p>	Procedural Rating: Sufficient Substantive Rating: Insufficient

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on May 27, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until June 24, 2015, 28 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney inappropriately advised the hiring authority to impose a letter of reprimand. The assistant chief counsel later inappropriately advised the hiring authority's supervisor the penalty should be a letter of instruction.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority failed to identify that the officers violated the department's use of force policy when they entered the cell without authorization.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority failed to select the appropriate penalty by imposing a letter of reprimand.
- If an executive review was invoked in the case, did OIG request the executive review?
The OIG sought a higher level of review because the hiring authority failed to include all appropriate causes for discipline and failed to select the appropriate penalty.
- If an executive review was invoked, was the appropriate decision made?
The hiring authority's supervisor failed to select the appropriate causes for discipline.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-07-09	15-1725-IR	1. Misuse of Authority 2. Driving Under the Influence	1. Sustained 2. Sustained		

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

Incident Summary

On July 9, 2015, an officer allegedly drove under the influence of alcohol and attempted to use her position as an officer to gain preferential treatment from outside law enforcement.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for six months. The OIG did not concur with the penalty but did not seek a higher level of review because the penalty was within the guidelines of the department's disciplinary matrix for the misconduct. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The employee relations officer failed to properly draft the disciplinary action and the form documenting disciplinary determinations.

CENTRAL REGION

Assessment Questions	
<ul style="list-style-type: none"> Was the CDCR Form 403 documenting the penalty properly completed? <p><i>The form documenting the disciplinary determinations failed to list a mitigating factor the hiring authority considered when making his disciplinary decision.</i></p>	<ul style="list-style-type: none"> Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <p><i>The draft disciplinary action did not include required language regarding the officer's appeal rights.</i></p>

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-13	15-1791-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Reprimand	Letter of Reprimand

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On July 13, 2015, an officer allegedly left institutional grounds without approval, failed to supervise inmates during the time she was gone, and was dishonest when she failed to adjust her time records to account for time she was absent without approval.

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

Disposition
 The hiring authority sustained allegations that the officer left her post without approval and failed to adjust her time records, but not the remaining allegations, and imposed a letter of reprimand. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the disciplinary process. The employee relations officer and the hiring authority failed to adequately consult with the OIG.	

Assessment Questions	
<ul style="list-style-type: none"> Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG? <p><i>The employee relations officer failed to provide the OIG with a copy of the draft disciplinary action and failed to consult with the OIG.</i></p>	<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? <p><i>The employee relations officer failed to provide the OIG with a copy of the draft disciplinary action and consult with the OIG and failed to notify the OIG of the Skelly hearing, preventing the OIG from monitoring the hearing.</i></p>
<ul style="list-style-type: none"> Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <p><i>The hiring authority failed to consult with the OIG regarding the penalty after the Skelly hearing.</i></p>	

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-27	15-1848-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Controlled Substance 3. Misuse of Authority 4. Failure to Report 5. Neglect of Duty 6. Intoxication 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On July 27, 2015, a lieutenant allegedly drove his vehicle under the influence of methamphetamine and while using his mobile phone, attempted to gain leniency based on his status as a peace officer, and was dishonest to outside law enforcement regarding his illegal drug use. The lieutenant also allegedly failed to report illegal drug activity he witnessed and failed to report his arrest to the hiring authority.

Predisciplinary Assessment

	Procedural Rating: Insufficient Substantive Rating: Sufficient
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The department failed to comply with policies and procedures governing the pre-disciplinary process. The employee relations officer failed to confirm relevant dates in the case management system and the hiring authority failed to conduct the investigative findings conference in a timely manner.

Assessment Questions

- 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 employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on September 9, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until November 20, 2015, 72 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner.

Disposition
 The hiring authority sustained the allegations and dismissed the lieutenant. The OIG concurred. However, the lieutenant resigned before disciplinary action could be imposed. The hiring authority placed a letter in the lieutenant's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

	Procedural Rating: Insufficient Substantive Rating: Sufficient
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The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on September 9, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until November 20, 2015, 72 days thereafter.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-08	15-1729-IR	<ol style="list-style-type: none"> Driving Under the Influence Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Suspension	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 8, 2015, an officer allegedly drove his vehicle while intoxicated. The officer was arrested for causing a collision that caused significant injuries to others. The officer also allegedly failed to timely notify the hiring authority of his arrest.					
Predisciplinary Assessment The department sufficiently complied with policies and procedures governing the pre-disciplinary process.				Procedural Rating: Sufficient Substantive Rating: Sufficient	
Disposition The hiring authority sustained the allegations and imposed a 60-working-day suspension. The OIG concurred with sustaining the allegations but not with the penalty. However, the OIG did not seek a higher level of review because the department dismissed the officer from state service for other reasons. Since the officer no longer worked for the department, no disciplinary action was imposed. The hiring authority placed a letter in the officer's official personnel file indicating the allegations were sustained.					
Disciplinary Assessment The department sufficiently complied with policies and procedures governing the disciplinary process.				Procedural Rating: Sufficient Substantive Rating: Sufficient	

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-05	15-0247-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between February 5, 2013, and November 20, 2014, a parole agent allegedly failed to adequately supervise parolees on his assigned caseload, document supervision activities, and falsely recorded drug testing and home visits that did not take place.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and served the parole agent with 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 that he resigned pending disciplinary action.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to properly draft the disciplinary action.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney failed to timely respond to the hiring authority's request for legal advice about retaining the disciplinary action in the parole agent's official personnel file when the parole agent retired prior to the effective date of the dismissal.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The department attorney incorrectly cited a critical regulation pertaining to the parole agent's appeal rights.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-01	15-0325-IR	1. Disclosure of Confidential Information	1. Sustained	Demotion	Demotion

Case Type: **Administrative Investigation**

Incident Summary

Between May 1, 2013, and October 31, 2013, an Office of Internal Affairs special agent allegedly inappropriately released confidential information regarding multiple internal investigations, including information regarding a pending criminal investigation.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegation and demoted the special agent to a lieutenant. The OIG concurred. The special agent filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the special agent withdrew his appeal. Shortly after the special agent's return to the institution as a lieutenant, the department promoted him to an acting captain position.

NORTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-23	15-1555-IR	1. Failure to Report 2. Dishonesty	1. Sustained 2. Not Sustained	Suspension	Suspension

Case Type: Administrative Investigation

Incident Summary

On October 23, 2013, an Office of Internal Affairs special agent allegedly falsely advised an employee relations officer that he had reported his misconduct to a senior special agent. On March 11, 2015, the employee relations officer allegedly withheld information during an interview with the Office of Internal Affairs.

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

Disposition

The hiring authority sustained the allegation against the employee relations officer and imposed a 45-working-day suspension. The hiring authority found insufficient evidence to sustain the allegation against the special agent. The OIG concurred with the hiring authority's determinations. The employee relations officer retired after the hiring authority served the disciplinary action but prior to imposition of the disciplinary action. The hiring authority placed a letter in the employee relations officer's official personnel file indicating she retired under adverse circumstances.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-01	15-1209-IR	1. Dishonesty 2. Over-Familiarity 3. Contraband 4. Failure to Report 5. Neglect of Duty 6. Failure to Report	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

Between January 1, 2014, and July 14, 2015, an officer was allegedly overly familiar with an inmate and the inmate's parents and communicated with the parents via a mobile phone. The officer also allegedly brought food from the inmate's family into the institution and delivered it to the inmate, provided other food items to the inmate, received a gift from the inmate's family, and conspired with the inmate and his family to conceal their overly-familiar relationship. The officer also allegedly failed to report her own misconduct. On July 6, 2015, the officer was allegedly dishonest in her interview with the Office of Internal Affairs.

NORTH REGION

Predisciplinary Assessment		Procedural Rating: Insufficient
		Substantive Rating: Sufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. Despite the OIG's repeated recommendations to immediately assign an attorney, the regional assistant chief counsel delayed almost two weeks after the Office of Internal Affairs approved an investigation to assign a department attorney, thereby compromising the ability of the Office of Internal Affairs to conduct an expedited investigation and delaying the rejection of the officer on probation.</p>		
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 2, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 20, 2015, almost five months 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 attorney did not attend a critical witness interview due to legitimate safety concerns.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner and the regional assistant chief counsel failed to timely assign a department attorney.</i> 		
Disposition		
<p>The hiring authority sustained all allegations except that the officer failed to report her own misconduct. The hiring authority dismissed the officer and served a rejection during probation. The OIG concurred with the hiring authority's determinations. The officer resigned before the disciplinary action took effect. A letter indicating the officer resigned under unfavorable circumstances was placed in her official personnel file.</p>		
Disciplinary Assessment		Procedural Rating: Sufficient
		Substantive Rating: Sufficient
<p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>		

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-22	14-2390-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary
 On January 22, 2014, an officer allegedly failed to provide an interpreter to an inmate and failed to serve the inmate with a copy of a rules violation report. The officer then allegedly falsely documented that he had provided an interpreter and served a rules violation report.

Predisciplinary Assessment		Procedural Rating: Insufficient
		Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to timely confirm relevant dates. The Office of Internal Affairs failed to complete a thorough investigation and concluded the investigation with only two days remaining before the deadline to take disciplinary action. As a result, the Office of Internal Affairs did not investigate other potential employee misconduct.</p>		

NORTH REGION

Assessment Questions

- 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 was assigned on November 2, 2014, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 4, 2014, 32 days after assignment.

- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on July 28, 2015, two days before the deadline to take disciplinary action.

- Was the investigation thorough and appropriately conducted?

Although the allegations against the officer were adequately addressed, the investigation uncovered additional potential employee misconduct; however, the Office of Internal Affairs did not thoroughly investigate this additional potential misconduct.

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

The Office of Internal Affairs completed its investigation only two days before the deadline to take disciplinary action.

Disposition

The hiring authority found insufficient evidence to sustain the allegations, but added and sustained an allegation that the officer documented that he provided the inmate with an interpreter but did not ensure that the interpreter was actually used. The hiring authority issued a letter of instruction. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-10	14-2502-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

Between February 10, 2014, and August 8, 2014, an officer allegedly failed to secure cell doors on multiple occasions. On August 9, 2014, the officer and a second officer allegedly failed to secure a cell door, which permitted an inmate to enter the cell and attack two inmates with an inmate-manufactured weapon.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations except the allegation that the first officer failed to secure the cell door on August 9, 2014. The hiring authority issued a letter of reprimand to the first officer and a 5 percent salary reduction for eight months on the second officer. The OIG concurred with the hiring authority's determinations. The first officer did not file an appeal with the State Personnel Board. After the second officer's *Skelly* hearing, the department entered into a settlement agreement with the second officer reducing the penalty to a 5 percent salary reduction for five months and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred because the officer accepted responsibility, initiated a corrective action plan, and mentored other officers about the risks of not securing cell doors.

NORTH REGION

Disciplinary Assessment		Procedural Rating: Insufficient	
		Substantive Rating: Sufficient	
The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to appropriately draft the settlement agreement.			
Assessment Questions			
<ul style="list-style-type: none"> If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM? <i>The settlement agreement failed to include a key clause required by departmental policy.</i> 			
Incident Date 2014-03-07	OIG Case Number 15-1036-IR	Allegations 1. Neglect of Duty 2. Misuse of State Equipment or Property 3. Neglect of Duty	Findings 1. Sustained 2. Sustained 3. Not Sustained
		Penalty INITIAL: Salary Reduction FINAL: Modified Salary Reduction	
Case Type: Administrative Investigation			
Incident Summary			
On March 7, 2014, an officer who discovered an inmate hanging from a noose in his cell allegedly failed to possess and sound his personal alarm and failed to maintain constant observation of the inmate until responding officers arrived. A second officer allegedly failed to make appropriate entries into the unit log book regarding security checks and a third officer allegedly failed to sign his post orders.			
Predisciplinary Assessment		Procedural Rating: Insufficient	
		Substantive Rating: Sufficient	
The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.			
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 March 27, 2015, but did not take action until May 20, 2015, 54 days after the receipt of the request.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.</i> 			
Disposition			
The hiring authority sustained the allegations that the first officer failed to carry his personal alarm and failed to maintain constant observation of the inmate, but not the third allegation against the first officer or the allegations against the other officers. The hiring authority imposed a 5 percent salary reduction for four months on the first officer. The OIG concurred with the hiring authority's determinations. Following the first officer's <i>Skelly</i> hearing, the department entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for two months and the disciplinary action could be removed from officer's personnel file after 18 months. The OIG concurred because the officer accepted responsibility and expressed remorse.			
Disciplinary Assessment		Procedural Rating: Sufficient	
		Substantive Rating: Sufficient	
The department sufficiently complied with policies and procedures governing the disciplinary process.			

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-05	15-2483-IR	1. Attendance	1. Sustained	Dismissal	Dismissal

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

Incident Summary

Between April 5, 2014, and April 30, 2015, an officer was allegedly absent from work 54 days.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The employee relations officer failed to enter critical dates into the case management system and the hiring authority failed to conduct the investigation findings conference in a timely manner.

Assessment Questions

- 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 employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on May 13, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until October 19, 2015, more than five months thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegation, combined the case with another case, and served a notice of dismissal. The OIG concurred. However, the officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on May 13, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until October 19, 2015, more than five months thereafter.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-11	14-1414-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Exonerated 	Salary Reduction	Modified Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On May 11, 2014, a sergeant allegedly instructed officers to enter the cell of an inmate who was a safety risk to himself and officers without first placing the inmate in handcuffs or evaluating a controlled use of force. The sergeant was also allegedly dishonest when he stated in his report that he did not order the inmate to submit to handcuffs prior to entering the cell. A lieutenant and four officers reported that the sergeant did give the orders and the inmate refused to comply. The lieutenant allegedly allowed the officers to enter the cell without having the inmate placed in handcuffs or evaluating a controlled use of force. The sergeant allegedly rewrote the four officers' reports, had them review the reports, and requested they sign them if accurate. The four officers allegedly signed the reports the sergeant wrote, claiming the reports as their own. A fifth officer was allegedly present during the use of force but failed to submit a report.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to attend five key witness interviews. The hiring authority failed to accurately document the investigative findings regarding one of the officers. Additionally, the underlying incident took place on May 11, 2014. On June 25, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until February 3, 2015.

Assessment Questions

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney failed to attend five key witness interviews.
- Was the CDCR Form 402 documenting the findings properly completed?
The form documenting the investigative findings for one officer indicated the hiring authority had exonerated the officer when the true finding was not sustained.

Disposition

The hiring authority sustained the allegations that the sergeant rewrote four officers' reports and that the officers signed them and imposed a 10 percent salary reduction for eight months on the sergeant and proposed letters of instruction for the four officers. The OIG concurred with the findings but not with the penalties and elevated the matter to the hiring authority's supervisor, who imposed a 10 percent salary reduction for 12 months on the sergeant and letters of reprimand to the four officers. The OIG concurred. The hiring authority determined that the sergeant and lieutenant had allowed the cell door to be opened without considering a controlled use of force; however, the investigation revealed the actions were justified, lawful, and proper. The OIG concurred. The hiring authority found insufficient evidence to sustain the allegations that the sergeant was dishonest in his report or that the fifth officer witnessed force but failed to report it. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement reducing the penalty to a salary reduction of 10 percent for eight months and removing the disciplinary action from the sergeant's official personnel file in one year and the sergeant withdrew his appeal. The OIG did not concur with the settlement but did not elevate the matter to the hiring authority's supervisor again. The officers did not file appeals with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to select the appropriate causes for discipline and the appropriate penalty. The hiring authority and his supervisor failed to consult with the OIG regarding delegation of authority. The hiring authority entered into a settlement improperly reducing the penalty in the absence of changed circumstances. The department attorney failed to appropriately advise the hiring authority regarding the penalty and failed to consult with the OIG concerning the delegation of authority. The employee relations officer failed to appropriately draft the form documenting the disciplinary determinations.

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Assessment Questions

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

The department attorney inappropriately recommended corrective action and training rather than disciplinary action even though the involved officers and sergeant had sufficient training and experience to know their actions were inappropriate.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

The hiring authority selected the penalty for neglecting a duty when the penalty for providing misleading information should have been identified. The four officers knowingly signed and submitted reports they did not write. The sergeant admittedly prepared the reports for the officers. The hiring authority selected the penalty for neglecting a duty when the penalty for submitting a false report was a more appropriate choice. The four officers knowingly signed and submitted reports they did not write. The sergeant admittedly prepared the reports for the officers.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The hiring authority who participated in the disciplinary findings conference imposed penalties that did not reflect the seriousness of the misconduct.
- Was the CDCR Form 403 documenting the penalty properly completed?

The form documenting the disciplinary determinations for four of the officers incorrectly listed aggravating and mitigating factors.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The reduced penalty did not reflect the gravity of the misconduct or the risk of harm to the public service, mitigating factors were already considered by the hiring authority, and no new evidence, flaws or risks in the case were identified to support the reduction.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur because there was no change in circumstance that would warrant a reduction of the penalty.
- If an executive review was invoked in the case, did OIG request the executive review?

The OIG elevated the matter to the hiring authority's supervisor because the penalty was insufficient in comparison to the seriousness of 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 failed to schedule or participate in a consultation the OIG requested with the hiring authority. The department attorney also failed to consult with the OIG regarding the hiring authority's supervisor's delegation of authority, requiring the assistant chief counsel to intervene.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-12	14-1729-IR	1. Medical - Denied Care 2. Neglect of Duty	1. Sustained 2. Sustained	Suspension	Suspension

Case Type: **Administrative Investigation**

Incident Summary

On June 12, 2014, two officers allegedly denied an inmate's repeated requests for medical assistance. The inmate refused to return to his cell and the officers allegedly placed him in a holding cell while handcuffed and failed to notify a sergeant or start a holding cell log.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs delayed conducting the investigation for nearly eight months, resulting in some witnesses being unavailable.

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Assessment Questions

- Was the investigation thorough and appropriately conducted?

The Office of Internal Affairs assigned a special agent on August 4, 2014, but the special agent conducted no substantive investigative work until December 4, 2014, four months later. Thereafter, the special agent conducted no substantive investigative work from December 11, 2014, through April 8, 2015, an additional delay of nearly four months. During the delays, the department released several inmate witnesses and transferred others to remote institutions. Some witnesses could not be located for an interview.

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

The special agent delayed commencing and continuing the investigation for a combined delay of nearly eight months.

Disposition

The hiring authority sustained the allegations and imposed a 15-working-day suspension on the first officer and a one-working day suspension on the second officer. The first officer was found more culpable because he had informed the second officer he would be responsible for the inmate. 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 for the first officer, the hiring authority entered into a settlement agreement wherein the officer withdrew his appeal and the penalty remained the same, but a penalty in a second case of alleged misconduct by the first officer was slightly reduced. The OIG concurred with the settlement because there was no reduction in penalty in this case. The second officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to timely provide the OIG with a draft pre-hearing settlement conference statement before it was filed.

Assessment Questions

- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The department attorney failed to provide the draft pre-hearing settlement conference statement to the OIG until the evening before it was filed, allowing inadequate time for review and consultation prior to filing.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-20	14-2228-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty 3. Unreasonable Use of Force 4. Failure to Report Use of Force 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Letter of Instruction	Letter of Instruction

Case Type: **Administrative Investigation**

Incident Summary

On June 20, 2014, a sergeant and an officer allegedly punched and kicked an inmate. A lieutenant, a nurse, and three other officers allegedly observed the force and failed to report it. Another sergeant allegedly collaborated with the nurse to write her report. The nurse and one officer allegedly failed to accurately report the use of force they observed.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The department attorney failed to timely assess the deadline for taking disciplinary action. The special agent failed to conduct a thorough investigation, failed to prepare a proper draft investigative report, and failed to timely complete the investigation. Additionally, the incident took place on June 20, 2014. On September 25, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until March 11, 2015.

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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 June 20, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 26, 2014, 67 days thereafter.
- 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 was assigned October 9, 2014, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 31, 2014, 22 days after assignment.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent failed to obtain all relevant evidence before starting interviews.
- Were all of the interviews thorough and appropriately conducted?
The special agent failed to question an officer regarding conflicting statements made during a rules violation report hearing. The special agent did not re-interview the officer after the evidence was obtained.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not summarize and include all relevant exhibits.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its report and submitted it to the hiring authority on June 11, 2015, nine days before the deadline to take disciplinary action.
- Was the investigation thorough and appropriately conducted?
The special agent failed to obtain all relevant evidence prior to the interviews and thus did not question an officer about conflicting statements she made. The special agent also failed to interview an additional witness who was identified during the investigation. Further interviews would have been requested if the deadline to take disciplinary action was not so near.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely complete the investigation.

Disposition

The hiring authority for the lieutenant, sergeants, and officers found insufficient evidence to sustain the allegations, but added and sustained an allegation that one of the officers failed to timely and accurately report the use of force he observed. The hiring authority issued a letter of instruction. The hiring authority for the nurse found insufficient evidence to sustain the allegation, but added and sustained an allegation that the nurse failed to timely and accurately report the use of force she observed and issued a letter of instruction. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-28	14-2282-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty 4. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On June 28, 2014, a cadet was allegedly overheard participating in the sale of narcotics during a wiretap operation conducted by outside law enforcement. The cadet also allegedly falsified his pre-employment history statement, disclosed institutional operations information to an unauthorized person, and refused to participate in an interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the cadet resigned before disciplinary action could be imposed. The hiring authority placed a letter in the cadet's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-29	14-2175-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Discourteous Treatment 3. Threat/Intimidation 4. Failure to Report 5. Weapons 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Salary Reduction	Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

Between June 29, 2014, and August 6, 2014, an officer allegedly pointed a less-lethal weapon and shouted profanities at an inmate on three separate occasions. On December 23, 2014, the officer allegedly used profane and racially insulting language to another inmate. Seven other officers allegedly witnessed one or more of the incidents and failed to report the misconduct. A sergeant allegedly received complaints from inmates about the incidents but failed to report the misconduct.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The special agent failed to adequately consult with the OIG and the department attorney regarding significant decisions and failed to timely complete the investigation.

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Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?

The special agent identified several officers as subjects of the investigation without consulting the OIG and the department attorney. The department attorney and the OIG disagreed with the decision to name those officers as subjects as there was insufficient evidence to believe that some of them engaged in misconduct.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on June 18, 2015, ten days before the deadline to take disciplinary action.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent identified several officers as subjects of the investigation without consulting the OIG. The OIG disagreed with the decision to name those officers as subjects as there was insufficient evidence to believe that some of them engaged in misconduct.
- Was the investigation thorough and appropriately conducted?

The special agent identified several officers as subjects of the investigation without consulting the OIG and the department attorney.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?

The special agent failed to consult with the department attorney prior to identifying officers as subjects of the investigation. As a result, the department attorney was not present at those interviews.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

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

Disposition

The hiring authority sustained the allegations that the first officer was discourteous towards an inmate on August 6, 2014, and December 23, 2014, but not the remaining allegations, and imposed a 5 percent salary reduction for 12 months. The officer did not file an appeal. The hiring authority sustained an allegation against one of the other officers for failing to properly report one of the incidents, but not the remaining allegations against the officer, and provided written counseling and training. The hiring authority did not sustain any allegations against the sergeant or any of the other officers. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-30	14-2751-IR	1. Neglect of Duty 2. Unreasonable Use of Force 3. Failure to Report Use of Force	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: **Administrative Investigation**

Incident Summary

On June 30, 2014, an officer allegedly failed to request assistance when an inmate became disruptive and then unreasonably used physical force to take the inmate to the ground. A second officer allegedly witnessed the force but failed to report it. From June 30, 2014, through July 8, 2014, during the use-of-force review process, an associate warden, a captain, and a lieutenant allegedly failed to identify the first officer's failure to request assistance as a policy violation.

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Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination.

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 June 30, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 30, 2014, four months after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on October 30, 2014, but did not take action until December 3, 2014, 34 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to take timely action on the referral.

Disposition

The hiring authority sustained the allegation that the first officer failed to request assistance when the inmate became disruptive, but not the allegation that he used unreasonable force, and served the officer with a letter of instruction. The hiring authority sustained the allegations against the associate warden, captain, and lieutenant and decided to serve them with letters of instruction. The associate warden retired during the investigation. A letter indicating the associate warden retired pending corrective action was placed in his official personnel file. The hiring authority found insufficient evidence to sustain the allegation against the second officer. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-03	14-2173-IR	1. Neglect of Duty 2. Insubordination	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On July 3, 2014, an officer allegedly opened cell doors from the control panel in violation of a sergeant's order, failed to secure the cell doors after the release of the inmates, and failed to supervise the inmates while they were out on the tier, resulting in one inmate battering another inmate.

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

The department sufficiently complied with policies and procedures governing the pre-disciplinary process. However, the underlying incident took place on July 3, 2014. On September 25, 2014, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until April 8, 2015.

Disposition

The hiring authority sustained the allegation that the officer failed to secure cell doors after inmates were released and failed to properly supervise inmates on the tier, but not the remaining allegation, and imposed a salary reduction of 10 percent for six months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the officer wherein the officer withdrew his appeal in this case and a second case and the hiring authority reduced the penalty to a salary reduction of 10 percent for five months. The OIG concurred because the officer accepted responsibility and expressed remorse.

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Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions and failed to timely provide a draft of the pre-hearing settlement conference statement to the OIG .	
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 failed to provide written confirmation of penalty discussions to the hiring authority and the OIG.</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 a draft of the pre-hearing settlement conference statement to the OIG until the evening before it was filed, allowing inadequate time for review and consultation.</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 provide written confirmation of penalty discussions and failed to timely provide a draft of the pre-hearing settlement conference statement to the OIG .</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-11	15-1323-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Exonerated	Letter of Reprimand	Letter of Reprimand

Case Type: Direct Action (No Subject Interview)

Incident Summary	
On July 11, 2014, two officers allegedly failed to properly search an inmate prior to and after removing him from his cell and failed to maintain constant visual observation of the inmate once he was placed in a holding cell. The inmate was later found in possession of a mobile phone and an inmate-manufactured weapon he had used to assault another officer.	
Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the department attorney improperly assessed the deadline for taking disciplinary action.	

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, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 4, 2015, more than ten 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 correctly assess the deadline for taking disciplinary action. The department attorney assessed the deadline for taking disciplinary action as July 22, 2015, when the deadline was actually July 11, 2015.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs.</i> 	

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Disposition

The hiring authority sustained the allegations against the first officer and issued a letter of reprimand. The officer did not file an appeal with the State Personnel Board. The hiring authority sustained the allegation that the second officer failed to search the inmate, but determined that while the second officer did not maintain constant visual observation of the inmate after placing him in a holding cell, her actions were justified, lawful, and proper. The hiring authority issued a letter of instruction to the second officer. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-20	14-2270-IR	<ol style="list-style-type: none"> 1. Discharge of Lethal Weapon 2. Misuse of Authority 3. Other Failure of Good Behavior 4. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On July 20, 2014, an officer allegedly discharged his handgun in a hotel room while intoxicated and subsequently displayed his badge to a private citizen, told him he was an officer, and asserted he could do whatever he wanted with his firearm. On July 20, 2014, and July 21, 2014, the officer was allegedly dishonest to outside law enforcement when he denied he intended to hurt himself despite reports that he allegedly held the handgun to his head.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained all allegations, except that the officer was dishonest to outside law enforcement, and determined dismissal was the appropriate penalty. The OIG concurred. The department non-punitively dismissed the officer before taking disciplinary action. A letter indicating the officer was dismissed pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-21	14-2338-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty 3. Unreasonable Use of Force 4. Threat/Intimidation 5. Medical-Undetermined 6. Misuse of Authority 7. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

On July 21, 2014, an officer allegedly pushed an inmate into a shower in retaliation for the inmate singing too loudly. The officer also allegedly conducted a retaliatory cell search, threw and kicked the inmate's personal property, including his medications, out of the cell, and uttered a threatening profanity toward the inmate. A sergeant allegedly failed to take appropriate action when another officer reported the first officer's misconduct.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations against the sergeant and imposed a 5 percent salary reduction for 12 months, but found insufficient evidence to sustain the allegations against the officer. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the sergeant agreed to withdraw his appeal in exchange for a reduced penalty of a 5 percent salary reduction for nine months, removal of willful disobedience as a cause for discipline, and upon written notice, removal of the disciplinary action from his official personnel file after two years. The OIG concurred because at the pre-hearing settlement conference, the sergeant took responsibility, demonstrated insight, and expressed sincere remorse.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-25	14-2418-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty 4. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Unfounded 	Letter of Reprimand	Letter of Reprimand

Case Type: **Administrative Investigation**

Incident Summary

On July 25, 2014, an officer was allegedly dishonest when she called the institution and reported that she would be using Family Medical Leave Act benefits to be off work. The officer also allegedly used more Family Medical Leave Act benefits than were approved and failed to submit medical verification for the time off. On July 28, 2014, a sergeant allegedly falsely told a captain that the officer was off work taking care of personal business.

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs, the department attorney incorrectly assessed the deadline to take disciplinary action, and the special agent failed to enter witness names into the case management system. Additionally, the underlying incident took place on July 25, 2014. On November 4, 2014, the Office of Internal Affairs assigned a special agent, but he did not conduct the first interview until May 28, 2015.</p>	

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 28, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 15, 2014, 49 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 August 18, 2015, when the deadline was actually July 28, 2015.</i> Did the special agent appropriately enter case activity in the case management system? <i>The special agent failed to identify the witnesses interviewed in the case management system.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs.</i> 	

Disposition	
<p>The hiring authority sustained the allegation that the officer exceeded her approved family medical leave and failed to submit medical verification, but not the remaining allegations, and issued a letter of reprimand. The hiring authority determined that the investigation conclusively proved the sergeant's alleged misconduct did not occur. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.</p>	

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
<p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-04	14-2551-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary
On August 4, 2014, an officer allegedly altered a leave form to reflect an additional month of leave beyond that which a physician had certified.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conference. The department attorney failed to timely assess relevant dates, failed to timely consult with the special agent and the OIG, and failed to attend the officer's interview. The special agent failed to conduct any substantive investigative activity from January 23, 2015, through May 4, 2015, more than three months. The delays allowed the officer who would have been served with a dismissal to prolong her employment with the department.</p>	

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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 8, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 1, 2014, 54 days after the date of discovery.

- 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?

A department attorney was assigned on October 29, 2014, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 18, 2014, 50 days after assignment.

- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?

The department attorney did not contact the assigned special agent or the OIG to discuss elements of a thorough investigation until December 16, 2014, 48 days after assignment.

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?

The department attorney failed to attend the officer's interview.

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 21, 2015. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 30, 2015, 40 days thereafter.

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

The hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conference.

Disposition

The hiring authority sustained the allegation and determined that the appropriate penalty was dismissal. The OIG concurred. However, the officer retired prior to the completion of the investigation; therefore, disciplinary action was not taken. The hiring authority placed a letter in the officer's official personnel file indicating the officer retired pending disciplinary action.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the disciplinary findings conference in a timely manner.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 21, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 30, 2015, 40 days thereafter.

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-04	15-0354-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Intoxication-Driving Under the Influence 3. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)

Incident Summary

On August 4, 2014, an officer was arrested for allegedly driving under the influence. The officer allegedly failed to report her arrest to the hiring authority and was dishonest to a lieutenant about the incident.

Predisciplinary Assessment

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

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

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 pending disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-15	14-2752-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Unreasonable Use of Force 3. Failure to Report Use of Force 4. Threat/Intimidation 5. Failure to Report 6. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained 	Letter of Instruction	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary

On August 15, 2014, an officer allegedly pushed a handcuffed inmate to the ground and a second officer allegedly kicked the inmate while he was on the ground. The officers also allegedly failed to report the use of force and were involved in a coordinated effort to conceal the misconduct. A lieutenant and a captain allegedly dissuaded the inmate from reporting the misconduct, failed to afford the inmate due process regarding a rules violation associated with the incident, and were involved in a coordinated effort to conceal the misconduct. A second lieutenant allegedly observed the incident but failed to submit a report.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on October 21, 2014, but did not take action until December 3, 2014, 43 days after the receipt of the request.

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

The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

Disposition

The hiring authority sustained the allegation against the second lieutenant and issued a letter of instruction. The OIG concurred with sustaining the allegation but not with the decision to issue a letter of instruction. The OIG did not seek a higher level of review because the lieutenant accepted responsibility, had a positive work history, and the letter of instruction may be used as progressive discipline. The hiring authority found insufficient evidence to sustain the allegations against the officers, first lieutenant, and captain. The OIG concurred.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-01	15-0135-IR	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Over-Familiarity 3. Unauthorized Communications 4. Contraband 5. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between October 1, 2014, and November 12, 2014, an officer allegedly wrote romantic letters to an inmate and engaged in a sexual relationship with him. Between October 1, 2014, and July 13, 2015, the officer allegedly failed to report her misconduct. On November 12, 2014, the officer allegedly provided an inmate with unauthorized food.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating she retired pending disciplinary action.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-01	15-0356-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

On October 1, 2014, two officers allegedly allowed an inmate out of his cell and to move, unescorted, in the building, allowed a second inmate into the building without performing a clothed body search, and failed to sign their post orders. The first officer allegedly allowed the second inmate, as well as a third inmate, to move around the building without placing them in handcuffs. A control booth officer allegedly allowed the first inmate to move around the building without handcuffs or an escort.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings conference. The employee relations officer did not make an entry confirming the deadline for taking disciplinary action.

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 October 1, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 20, 2015, 111 days after the date of discovery.
- 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 employee relations officer did not make an entry confirming the deadline for taking disciplinary action.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on February 11, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until April 16, 2015, 64 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs and did not timely conduct the investigative findings conference.

Disposition

The hiring authority sustained the allegations against the first officer, except that the officer failed to search one of the inmates, and imposed a 5 percent salary reduction for six months. The OIG concurred. After a *Skelly* hearing, the hiring authority entered into a settlement with the officer reducing the penalty to a 5 percent salary reduction for three months. The OIG concurred because, at the *Skelly* hearing, the officer accepted responsibility. The hiring authority sustained the allegation that the second officer failed to sign her post orders, but not the other allegations, and issued a letter of instruction. The hiring authority sustained the allegation against the control booth officer and issued a letter of reprimand. The OIG concurred with these determinations. The control booth officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG regarding the disciplinary determinations.

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Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on February 11, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 16, 2015, 64 days thereafter.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority did not timely consult with the OIG regarding the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-19	14-2810-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Dismissal	Resignation in Lieu of Termination

Case Type: Direct Action with Subject Only Interview

Incident Summary

On October 19, 2014, an officer allegedly assaulted his girlfriend. On October 24, 2014, the officer allegedly brought his mobile phone into the institution and was dishonest to a lieutenant when he stated the mobile phone was in his vehicle. On February 4, 2015, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.

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

Disposition

The hiring authority sustained all allegations, except that the officer assaulted his girlfriend, and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the officer resigned in lieu of termination and withdrew his appeal. The OIG concurred because it accomplished the goal of ending the officer's employment with the department.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-22	14-2854-IR	<ol style="list-style-type: none"> 1. Controlled Substances 	<ol style="list-style-type: none"> 1. Sustained 	Dismissal	No Penalty Imposed

Case Type: Direct Action (No Subject Interview)

Incident Summary

On October 22, 2014, an officer allegedly tested positive for barbiturates.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
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The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority delayed conducting the investigative findings conference.

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Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on December 17, 2014. 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 27, 2015, 41 days thereafter.

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

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

Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. At the *Skelly* hearing, the officer produced new evidence which provided a medical explanation for the positive drug test result. Based on this new information, the hiring authority withdrew the action and submitted a request for an investigation, which the Office of Internal Affairs granted. The hiring authority subsequently found insufficient evidence to sustain the allegation. The OIG concurred.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-03	15-1120-IR	1. Over-Familiarity 2. Contraband	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between November 3, 2014, and January 19, 2015, an officer was allegedly overly familiar with inmates and accepted bribes to smuggle mobile phones into the institution.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, the special agent failed to include critical evidence in the report, and the department attorney failed to recommend including the critical evidence.

NORTH REGION

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 November 5, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 20, 2015, 76 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 department attorney did not provide appropriate substantive feedback addressing the thoroughness of the investigative report.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report failed to include critical evidence.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report failed to include critical evidence.
- Was the investigation thorough and appropriately conducted?
The special agent failed to include critical evidence in the investigative report.
- If the HA determined additional investigation was necessary, was additional investigation requested?
Despite the Office of Internal Affairs' failure to include critical evidence in its report, the hiring authority deemed the investigation sufficient because he had copies of the evidence the special agent failed to include and, therefore, did not request additional investigation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

Disposition

The hiring authority sustained the allegations and 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

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-22	15-0385-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Discrimination/Harassment 4. Misuse of Authority 5. Failure to Report 6. Insubordination/Willful Disobedience 7. Neglect of Duty 8. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Sustained 8. Sustained 	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

Between November 22, 2014, and November 24, 2014, a parole agent allegedly sent sexually harassing text messages to a parolee's girlfriend and improperly used his authority to influence the girlfriend to destroy the messages. Between March 5, 2015, and March 9, 2015, the parole agent allegedly disobeyed an order not to discuss the investigation with co-workers and on March 9, 2015, the parole agent was allegedly dishonest during an Office of Internal Affairs interview.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the parole agent resigned before disciplinary action could be imposed. The hiring authority placed a letter in the parole agent's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-14	15-0292-IR	<ol style="list-style-type: none"> 1. Insubordination 2. Controlled Substance 3. Neglect of Duty 4. Controlled Substance 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Salary Reduction	Salary Reduction

Case Type: Direct Action with Subject Only Interview

Incident Summary

Between December 14 and 15, 2014, an officer allegedly failed to complete welfare checks as his supervisor directed, consumed prescription medication not prescribed to him, reported to his shift impaired and less than alert, appeared on institutional grounds in unauthorized clothes, and consumed cold medicine that impaired his ability to perform his duties.

Predisciplinary Assessment

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

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

NORTH REGION

Disposition

The hiring authority sustained all allegations, except that the officer consumed cold medicine that impaired his ability to perform his duties, and imposed a 10 percent salary reduction for nine months. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-01-25	15-0576-IR	<ol style="list-style-type: none"> Dishonesty Attendance Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between January 25, 2015, and January 28, 2015, an officer was allegedly absent without authorization. On January 25, 2015, the officer was allegedly dishonest when he informed a supervisor he was caring for his sick father. On February 2, 2015, the officer was allegedly dishonest to another supervisor regarding the reason for his absence and his father's residence. He also allegedly entered false information on his timesheet. On May 13, 2015, and June 24, 2015, the officer was allegedly dishonest during interviews with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to enter critical dates into the case management system and the special agent failed to prepare an appropriate draft investigative report.

Assessment Questions

- 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 did not make an entry confirming the dates of the alleged incidents.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
In the draft investigative report, the special agent included part of a witness's social security number and complete date of birth and failed to list critical documents collected during the investigation.

Disposition

The hiring authority sustained the allegations, except for three that were improperly worded, and served a notice of dismissal. The sustained allegations addressed the misconduct described in the three allegations that were not sustained. The OIG concurred with the hiring authority's determinations. The officer retired before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-20	15-1371-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Negligent/Dangerous Driving with Collison 3. Controlled Substance 4. Insubordination/Willful Disobedience 5. Neglect of Duty 6. Intoxication 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

On February 20, 2015, an officer was arrested for allegedly driving under the influence of a controlled substance resulting in a collision and was allegedly dishonest to outside law enforcement when he denied taking any medications. The officer also allegedly drove his vehicle in a negligent manner, failed to notify the hiring authority of his arrest or that his driver's license had been suspended, and reported to work under the influence of a controlled substance. The officer was also allegedly dishonest to an employee relations officer and failed to provide requested information to the employee relations officer regarding the status of his driver's license.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the case to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

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 February 20, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 4, 2015, 104 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on June 4, 2015, but did not take action until July 8, 2015, 34 days after the receipt of the request.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the case to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

Disposition

The hiring authority sustained the allegations, except that the officer drove under the influence of a controlled substance resulting in a collision, combined this case with another case, and served a notice of dismissal. The OIG concurred. However, the officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

Procedural Rating: Sufficient
Substantive Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-03-02	15-0998-IR	1. Unreasonable Use of Force	1. Sustained		

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 2, 2015, a lieutenant allegedly grabbed an inmate's arm, lifted his upper body, and dragged him approximately eight feet to his cell after the inmate attempted to lie on the ground and refused to return to his cell.

Predisciplinary Assessment

Procedural Rating: Insufficient

Substantive Rating: Sufficient

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely conduct the investigative findings conference. The employee relations officer failed to enter critical dates into the case management system.

Assessment Questions

- 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 employee relations officer failed to make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on May 13, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 16, 2015, 34 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for three months. The OIG concurred. The lieutenant did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Procedural Rating: Sufficient

Substantive Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-03-06	15-0808-IR	1. Intoxication 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained		

Case Type: Direct Action with Subject Only Interview

Incident Summary

On March 6, 2015, an officer was arrested after he allegedly drove his vehicle while under the influence of alcohol and collided with a wire fence. The officer was allegedly dishonest when he told outside law enforcement that he swerved to avoid another vehicle. The officer also allegedly failed to report his arrest to the hiring authority and was allegedly dishonest when he reported to the hiring authority that he fell asleep and drove off the road.

NORTH REGION

Predisciplinary Assessment		Procedural Rating: Sufficient		Substantive Rating: Insufficient	
The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make an appropriate initial determination regarding the allegations and the employee relations officer failed to make an entry into the case management system confirming relevant dates.					
Assessment Questions					
<ul style="list-style-type: none"> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The OIG disagreed with the Office of Internal Affairs' decision to remove a third dishonesty allegation.</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 entries into the case management system confirming relevant dates.</i> 					
Disposition					
The hiring authority sustained the allegation that the officer drove under the influence of alcohol and collided with a wire fence and imposed a 5 percent salary reduction for 24 months. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment		Procedural Rating: Sufficient		Substantive Rating: Sufficient	
The department sufficiently complied with policies and procedures governing the disciplinary process.					
Incident Date 2015-03-11	OIG Case Number 15-1034-IR	Allegations 1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment	Findings 1. Sustained 2. Sustained 3. Sustained	Penalty INITIAL: Dismissal FINAL: Dismissal	
Case Type: Direct Action (No Subject Interview)					
Incident Summary					
On March 11, 2015, an officer allegedly left his post early without a sergeant's approval and falsified his time sheet. The officer also allegedly became hostile when asked what time he left the institution and was dishonest when he denied to a sergeant that he left work early.					
Predisciplinary Assessment		Procedural Rating: Insufficient		Substantive Rating: Sufficient	
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the employee relations officer failed to enter relevant dates into the case management system.					

NORTH REGION

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 12, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 1, 2015, 50 days after the date of discovery.

- 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 employee relations officer did not make any entry into the case management system confirming relevant dates.

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

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

Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer was previously dismissed from state service based on prior misconduct. Therefore, disciplinary action was not imposed.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-12	15-1216-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On March 12, 2015, a cadet allegedly threw a mobile phone and bottle at his girlfriend and inappropriately displayed a firearm, threatening to shoot himself. On the same day, the cadet allegedly falsely claimed to have taken a family member to a medical appointment to excuse his absence from the academy. The cadet also allegedly subsequently submitted a false memorandum regarding his absence.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely decision regarding the hiring authority's request for investigation and the department attorney failed to attend a key witness interview.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on April 27, 2015, but did not take action until June 17, 2015, 51 days after the receipt of the request.

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?

The department attorney did not attend the interview of the complaining witness.

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

The Office of Internal Affairs failed to make a timely determination regarding the request for investigation.

NORTH REGION

Disposition

The hiring authority sustained the allegations and served the cadet with a notice of dismissal and a rejection during probation. The OIG concurred. However, the cadet resigned before the disciplinary action and rejection took effect. The hiring authority placed a letter in the cadet's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney inappropriately advised the hiring authority not to impose disciplinary action and failed to adequately consult with the OIG.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
Although the department attorney initially advised the hiring authority to issue a rejection during probation and a disciplinary action, the department attorney later recommended that the hiring authority issue only a rejection during probation. After consulting the OIG, the hiring authority issued both.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
At the disciplinary findings conference, the hiring authority decided to issue both a rejection during probation and a disciplinary action. After this conference, the department attorney inappropriately decided that the hiring authority should not serve a disciplinary action and did not consult the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-13	15-1000-IR	1. Neglect of Duty 2. Weapons	1. Sustained 2. Not Sustained	Salary Reduction	Letter of Reprimand

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

Incident Summary

On March 13, 2015, two officers assigned to a transportation unit allegedly made an unscheduled stop in a store parking lot to exchange two inmates with a transportation unit from a different institution and allegedly purchased food for the inmates. One of the officers also allegedly carried a handgun without ensuring the second officer was also qualified to use the weapon.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to take timely action on the request for investigation and the hiring authority failed to timely conduct the investigative findings conference. The employee relations officer failed to make an entry into the case management system confirming relevant dates.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on April 8, 2015, but did not take action until May 13, 2015, 35 days after receipt of the request.
- 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 employee relations officer failed to make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on May 13, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until June 16, 2015, 34 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to take timely action on the request for investigation and the hiring authority failed to timely conduct the investigative findings conference.

Disposition

The hiring authority sustained the allegations, except that the officer carried a handgun without ensuring the second officer was qualified, and imposed a 5 percent salary reduction for 12 months on each. The OIG concurred. After the *Skelly* hearings, the hiring authority discovered that the officers had not been trained on the new policy regarding unscheduled stops. Due to this mitigating information, the hiring authority entered into settlement agreements with the officers wherein the penalty was reduced to a letter of reprimand against each and the disciplinary actions could be removed from their official personnel files after one year. In exchange, the officers agreed to not file appeals with the State Personnel Board. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-04-15	15-1123-IR	1. Misuse of State Equipment or Property	1. Sustained	Letter of Reprimand	Letter of Reprimand

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

Incident Summary

On April 15, 2015, an Office of Internal Affairs special agent allegedly drove her husband in a State vehicle on a personal trip from Central California to Los Angeles.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely conduct the investigative findings conference.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on June 3, 2015. 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 July 22, 2015, 49 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely conduct the investigative findings conference.

Disposition

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

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the disciplinary findings conference. The department attorney failed to provide written confirmation of penalty discussions.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on June 3, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 22, 2015, 49 days thereafter.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney failed to provide written confirmation of the penalty discussions to the hiring authority and the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely consult with the OIG and the department attorney regarding disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-04-25	15-1180-IR	1. Misuse of Authority 2. Intoxication 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained		

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

Incident Summary

On April 25, 2015, an officer was arrested after he allegedly drove while under the influence of alcohol. The officer also allegedly attempted to use his status as a peace officer to gain favor with outside law enforcement and was dishonest when he told outside law enforcement that he had not consumed alcohol.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations, except for dishonesty, and imposed a 5 percent salary reduction for 36 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

NORTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
2015-05-13	15-1440-IR	1. Neglect of Duty	1. Sustained	INITIAL Suspension	FINAL Modified Suspension

Case Type: Direct Action (No Subject Interview)

Incident Summary

On May 13, 2015, an officer assigned to a fire camp allegedly failed to restrain an inmate who was waiting to be returned to an institution, thereby allowing the inmate to obtain a mobile phone and escape.

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

Disposition

The hiring authority sustained the allegation and imposed a 15-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 wherein the hiring authority reduced the penalty to a 10-working-day suspension and the disciplinary action could be removed after 24 months. In exchange, the officer agreed to withdraw his appeal. The OIG concurred because the officer accepted responsibility for his misconduct.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
2015-06-11	15-1556-IR	1. Controlled Substance	1. Sustained	INITIAL Dismissal	FINAL Dismissal

Case Type: Direct Action (No Subject Interview)

Incident Summary

On June 11, 2015, an officer allegedly tested positive for marijuana.

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

Disposition

The hiring authority sustained the allegation and dismissed the officer. 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	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures governing the disciplinary process.	

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-24	15-1824-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)

Incident Summary

On July 24, 2015, an officer allegedly choked his wife in the presence of their child, provided a dishonest statement to outside law enforcement regarding the incident, and failed to report his arrest to the department.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The employee relations officer failed to make an entry confirming the deadline to take disciplinary action and the hiring authority failed to timely consult with the OIG regarding the investigative findings.

Assessment Questions

- 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 employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on September 9, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until October 13, 2015, 34 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely consult with the OIG regarding the investigative findings.

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. Before disciplinary action could be imposed, the department separated the officer from employment for being absent without leave while he was in custody at the county jail.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-30	15-1992-IR	<ol style="list-style-type: none"> Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained 	Letter of Reprimand	Letter of Instruction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On July 30, 2015, an officer allegedly used unreasonable force to stop an inmate from hiding contraband.

NORTH REGION

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the case, the department attorney incorrectly assessed the deadline for taking disciplinary action, and the hiring authority failed to conduct the investigative findings conference in a timely manner.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on August 28, 2015, but did not take action until September 30, 2015, 33 days after the receipt of the request.

- 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 assessed the date of discovery as August 6, 2015, when the correct date was July 30, 2015, and the deadline for taking disciplinary action as August 5, 2016, when the correct deadline was July 30, 2016.

- 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 September 30, 2015. 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 October 19, 2015, 19 days thereafter.

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

The Office of Internal Affairs failed to make a timely determination regarding the case and the hiring authority failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegation and served the officer with an official letter of reprimand. The OIG concurred. After a *Skelly* hearing, the hiring authority reduced the penalty to a letter of instruction and provided additional training because the officer had not been adequately trained and she accepted responsibility for her conduct. The OIG concurred based on the officer accepting responsibility and because training would reduce the likelihood of recurrence.

Disciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-01	14-1900-IR	<ol style="list-style-type: none"> Over-Familiarity Contraband Contraband 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	Salary Reduction

Case Type: Administrative Investigation

Incident Summary

From April 1, 2013, to June 25, 2014, a lieutenant allegedly brought food and tobacco into the institution for inmates and provided inmates with his personal information. On June 25, 2014, the lieutenant allegedly brought a bottle opener, screwdriver, and a parachute cord into the institution.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations that the lieutenant brought contraband into the institution and was overly familiar with an inmate, but not that the lieutenant brought food and tobacco for inmates, and determined that a salary reduction of 5 percent for 24 months was the appropriate penalty. The OIG concurred. However, the lieutenant retired before disciplinary action could be imposed. The hiring authority placed a letter in the lieutenant's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-27	15-0162-IR	<ol style="list-style-type: none"> Dishonesty 	<ol style="list-style-type: none"> Sustained 	Dismissal	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On April 27, 2013, an officer was assigned to maintain constant observation of an inmate being placed on contraband surveillance watch. Despite the officer's presence a few feet from the inmate, the inmate, without the officer's knowledge, accessed methamphetamine totaling 12.1 grams with packaging. On November 22, 2013, during an Office of Internal Affairs interview, the officer admitted to leaving the inmate alone one time after which he claimed he confirmed the inmate had not accessed any contraband. During the Office of Internal Affairs interview, the officer adamantly denied leaving the cell at any other time and could not explain how the inmate accessed the methamphetamine without his knowledge. On August 14, 2014, during preparation for a State Personnel Board hearing, the department learned that a sergeant observed the officer leave the inmate's cell a second time, leaving the inmate alone, and allowing the inmate to access the methamphetamine. The officer's union attorney informed the officer of this evidence and, upon learning this information, the officer finally admitted he left the cell a second time.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make an appropriate initial determination and prepared a draft investigative report that failed to establish the sequence of critical events. The department attorney failed to attend an initial case conference with the Office of Internal Affairs and failed to properly determine the deadline for taking disciplinary action.

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' initial decision to not add a dishonesty allegation. The OIG elevated the matter to the Office of Internal Affairs management, following which the Office of Internal Affairs added the allegation.
- Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention?
The Office of Internal Affairs initially refused to add a dishonesty allegation and only did so after the OIG elevated the matter to Office of Internal Affairs management.
- Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan?
Although the special agent provided the department attorney with notice, the department attorney failed to appear at the initial case conference.
- 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 failed to make an entry regarding relevant dates and incorrectly determined that the deadline for taking disciplinary action had expired.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft report did not include information about the sequence of critical events.

Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. Following a *Skelly* hearing, the hiring authority decided to withdraw the disciplinary action because the hiring authority changed his mind regarding the sufficiency of the evidence. The OIG did not concur and elevated the matter to the hiring authority's supervisor because the officer did not present any new information at the *Skelly* hearing. The hiring authority's supervisor also decided to withdraw the action. The OIG did not concur and elevated the matter to the deputy director who decided likewise. The OIG did not concur and elevated the matter to the director of the Division of Adult Institutions who also decided to withdraw the action. The OIG did not concur and elevated the matter to the undersecretary who withdrew the disciplinary action. The OIG did not concur.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney prepared an inadequate draft disciplinary action. The department failed to properly conduct the *Skelly* hearing and improperly withdrew the disciplinary action.

SOUTH REGION

Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action contained incorrect dates for critical events and witness statements and did not include all exhibits required to be disclosed.
- If there was a Skelly hearing, was it conducted pursuant to DOM?
The Skelly officer incorrectly assessed the deadline for taking disciplinary action.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The department improperly withdrew the disciplinary action after the Skelly hearing despite no new evidence, circumstances, or justification for doing so. Neither the OIG nor the department attorney concurred with the decision. Both the OIG and the department attorney sought higher levels of review without success.
- If an executive review was invoked in the case, did OIG request the executive review?
The OIG and the department attorney sought a higher level of review based on the lack of any justification for withdrawing the disciplinary action after the Skelly hearing. The department accepted the officer's unreasonable claim of memory loss. In reports prepared within days of the event, the officer failed to include the fact that he left the inmate alone a second time. Nine months after the incident, under direct and specific questioning during an Office of Internal Affairs interview, the officer adamantly denied leaving the inmate alone a second time. Sixteen months after the incident, the officer then recalled leaving the inmate alone a second time, but only when the department disclosed to the officer that a witness directly contradicted the officer's version of the facts.
- If an executive review was invoked, was the appropriate decision made?
The hiring authority, the hiring authority's supervisor, the deputy director, the director of the Division of Adult Institutions, and the undersecretary improperly decided to withdraw the disciplinary action despite any new evidence or change in circumstances and despite strong evidence of dishonesty. Ultimately, the undersecretary withdrew the disciplinary action despite the OIG and the department attorney recommendations not to do so.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-05	15-0094-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between September 5, 2013, and November 13, 2014, a parole agent allegedly falsified information in official documents, failed to properly supervise parolees, failed to update critical information regarding parolees in official data bases, and failed to properly document case records. On May 7, 2015, the parole agent was allegedly dishonest during his Office of Internal Affairs interview.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The Office of Internal Affairs failed to make a timely decision regarding the request for investigation and the hiring authority failed to conduct the investigative findings conference in a timely manner.

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on November 21, 2014, but did not take action until December 31, 2014, 40 days after the receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and returned the case to the hiring authority on July 6, 2015. 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 6, 2015, 31 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the request for investigation and the hiring authority failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained allegations that the parole agent falsified official documents, failed to properly supervise parolees on his caseload, and failed to complete required documentation and enter information in official data bases, but not two dishonesty allegations and one neglect of duty allegation. The hiring authority determined that dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the hiring authority previously dismissed the parole agent in another case. Therefore, the dismissal was not imposed.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-18	14-2133-IR	1. Dishonesty 2. Insubordination	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On May 18, 2014, an officer allegedly falsified official documents when he pre-recorded the times of his required security checks and disobeyed a direct order given to him on May 4, 2014, not to pre-record the checks.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the department attorney failed to provide appropriate legal advice regarding the sufficiency of the evidence.

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 18, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 13, 2014, 87 days after the date of discovery.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority that there was insufficient evidence to sustain any allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

SOUTH REGION

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. However, the department dismissed the officer for other reasons before the disciplinary action took effect.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-23	15-0773-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between June 23, 2014, and March 3, 2015, a parole agent allegedly failed to timely submit discharge review reports for two parolees and one of the reports allegedly contained false information. The parole agent also allegedly falsified official documents regarding parolee home visits, drug testing, and other contacts. On October 27, 2014, a second parole agent allegedly failed to timely follow up regarding a police report contained in a parolee's file.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations against the first parole agent and determined that dismissal was the appropriate penalty. The OIG concurred. However, the parole agent resigned before disciplinary action could be imposed. The hiring authority placed a letter in the parole agent's official personnel file indicating he resigned pending disciplinary action. The hiring authority found insufficient evidence to sustain the allegation against the second parole agent. The OIG concurred.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-15	14-2858-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between July 15, 2014, and November 17, 2014, a parole agent allegedly failed to supervise a parolee assigned to the parole agent's caseload. The parole agent also allegedly falsified official documents indicating that he had obtained drug tests from the parolee when he had not done so.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. The hiring authority dismissed the parole agent in another case prior to completion of the investigation. Therefore, discipline was not imposed.

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-16	14-2134-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Failure to Report 4. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

On July 16, 2014, an officer allegedly grabbed an inmate by his shirt, pulled him off a chair, and dragged him on the floor even though the inmate did not pose a threat. The officer also allegedly made false statements in his report and attempted to persuade a witness to file a false report.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to conduct the investigative findings conference in a timely manner.	

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 12, 2015. 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 19, 2015, 38 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations of unreasonable use of force, dishonesty, and attempting to persuade a witness to file a false report, but not misuse of authority, and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer retired prior to the completion of the investigation; therefore, disciplinary action was not taken. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-02	14-2737-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Failure to Report Use of Force 4. Failure to Report 5. Failure to Report Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 	Dismissal	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary

On August 2, 2014, a sergeant allegedly poked an inmate in the eye, shoved the inmate from behind, and failed to report his use of force. The sergeant also allegedly attempted to dissuade an officer from reporting the sergeant's misconduct. On April 21, 2015, the sergeant was allegedly dishonest to the Office of Internal Affairs. Three officers allegedly saw the use of force but failed to report it.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to make a timely determination regarding the referral and failed to include all relevant allegations in the scope of the investigation.

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 2, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 20, 2014, 79 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on October 20, 2014, but did not take action until November 26, 2014, 37 days after the receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not add a dishonesty allegation based on an officer's written report in which he omitted a material fact regarding the alleged use of force. The officer later stated he did in fact witness the use of force.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the referral.

Disposition

The hiring authority sustained the allegations against the sergeant, combined the case with other pending disciplinary actions, and dismissed him. The hiring authority did not sustain the allegations against the three officers. However, the hiring authority issued letters of instruction to two of the officers regarding correctional awareness. The third officer retired prior to completion of the investigation. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. During the State Personnel Board hearing, the sergeant retired in lieu of dismissal and agreed to never seek employment with the department in the future. In exchange, the department agreed to remove the dishonesty allegations from the disciplinary action. The OIG did not concur with removing the dishonesty allegations; however, the terms of the settlement did not merit a higher level of review because the ultimate goal of ensuring the sergeant did not work for the department was achieved.

Disciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide written confirmation of penalty discussions and failed to timely provide the OIG with the pre-hearing settlement conference statement. The hiring authority improperly agreed to remove dishonesty allegations from the disciplinary action.

SOUTH REGION

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.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney provided the OIG with the draft pre-hearing settlement conference statement on the day it was filed, not providing sufficient time for review.
- 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 the dishonesty allegations.
- 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 the pre-hearing settlement conference statement with sufficient time for adequate review.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-22	14-2860-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Dismissal	Dismissal

Case Type: Direct Action with Subject Only Interview

Incident Summary

On October 22, 2014, a lieutenant allegedly reported working overtime to complete an assignment a captain ordered him to complete before the end of the shift. A computer log confirmed the lieutenant completed the task before the end of his shift. The lieutenant also allegedly falsely reported in a memorandum that it took him 45 minutes of overtime to complete the assignment.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney. The department attorney did not understand the underlying issues and as a result, provided the hiring authority with inappropriate legal advice. The department attorney also failed to adequately consult with the OIG.

SOUTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 2, 2015. 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, 2015, 33 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney did not have a clear understanding of the process of editing a document using the computerized system and as a result, provided the hiring authority with inappropriate legal advice.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney did not inform the OIG that she intended to speak with three witnesses regarding the case. The department attorney then relied on those discussions to advise the hiring authority.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained allegations of dishonesty in a memorandum and insubordination for working overtime, but not falsification of a timesheet, and selected the penalty of dismissal. The OIG concurred. However, the hiring authority previously dismissed the lieutenant based on other cases and, therefore, the penalty in this case could not be imposed. Subsequently, the lieutenant entered into a settlement agreement with the department in his other cases wherein he agreed to serve a lengthy suspension and retire.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-23	15-0638-IR	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Salary Reduction	Letter of Instruction

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

Incident Summary

Between December 23, 2014, and December 29, 2014, an officer allegedly ignored a sergeant's orders to obtain a required password for a departmental database to enter institutional counts. On December 29, 2014, after the officer observed one inmate tattooing another inmate, a sergeant ordered the officer to attend medical evaluations of the inmates and to complete a rules violation report for the inmates. The officer allegedly left his post without permission, falsified the sign-out log to indicate he completed his entire shift, failed to be present for the medical evaluations, and failed to accurately complete the rules violation reports.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to make a timely decision regarding the referral and failed to approve an interview of the officer. The employee relations officer failed to make an entry into the case management system confirming the relevant dates. The hiring authority failed to consult with the OIG and make a timely determination regarding the investigative findings.

SOUTH REGION

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 29, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 17, 2015, 50 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on February 17, 2015, but did not take action until March 25, 2015, 36 days after the receipt of the request.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not interview the officer to confirm what the officer wrote on the documentation and to confirm that he left the institution.
- 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 employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on March 25, 2015. However, the hiring authority did not determine the investigative findings until April 29, 2015, 35 days thereafter. The hiring authority also failed to consult with the OIG regarding the decision.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority failed to consult with the OIG regarding the sufficiency of the investigation and the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely decision. The hiring authority failed to make a timely determination regarding the investigative findings.

Disposition

The hiring authority sustained all allegations, except for dishonesty, and imposed a 10 percent salary reduction for six months. Although the OIG was not consulted, the OIG concurred with the decision. After the *Skelly* hearing, the hiring authority determined that the officer had limited experience in the department, had not been provided proper supervision, and his pay was docked for leaving early. Based on these factors, the hiring authority unilaterally withdrew the disciplinary action and issued a letter of instruction. Although the OIG was not consulted, the OIG concurred with the disposition.

Disciplinary Assessment

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

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to consult with the OIG and make a timely determination regarding the disciplinary determinations.

SOUTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on March 25, 2015. However, the hiring authority did not determine the discipline until April 29, 2015, 35 days thereafter. The hiring authority also failed to consult with the OIG regarding the decision.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
The hiring authority withdrew the disciplinary action and imposed corrective action without consulting the OIG.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The employee relations officer failed to consult with the OIG regarding the disciplinary determinations, the Skelly hearing, withdrawal of the disciplinary action, and the contents and service of the letter of instruction.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The hiring authority failed to consult with the OIG regarding the disciplinary determinations, the Skelly hearing, withdrawal of the disciplinary action, and the contents and service of the letter of instruction.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to make a timely decision regarding the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-26	15-1747-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Instruction

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

Incident Summary

On March 26, 2015, a control booth officer allegedly inappropriately released an inmate from his cell. The inmate attacked and caused significant injuries to another inmate.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the employee relations officer failed to enter the required information into the case management system.

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 20, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 27, 2015, 68 days after the date of discovery.
- 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 employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

SOUTH REGION

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. After the *Skelly* hearing, the hiring authority discovered that the first inmate was inappropriately housed with the second inmate and that the officer had been required to open the door numerous times during the day to allow the second inmate to attend various programs. Due to this mitigating information, the hiring authority withdrew the disciplinary action and issued a letter of instruction. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-04-10	15-1175-IR	<ol style="list-style-type: none"> Weapons Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 		

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

Incident Summary

On April 10, 2015, an officer was arrested after he allegedly brought an unauthorized firearm onto the grounds of a federal facility and left the firearm unsecured.

Predisciplinary Assessment

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

The department failed to comply with policies and procedures governing the pre-disciplinary process. The department attorney failed to make a timely entry into the case management system regarding the deadline for taking disciplinary action and the hiring authority failed to timely consult regarding the sufficiency of the investigation and investigative findings.

Assessment Questions

- 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 was assigned on June 23, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until July 23, 2015, 30 days after assignment.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs returned the case to the hiring authority on June 10, 2015. 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 July 24, 2015, 44 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority failed to timely consult regarding the sufficiency of the investigation and the investigative findings.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 24 months and suspended his concealed carry weapons permit. The OIG concurred. The officer filed an appeal with the State Personnel Board. However, the officer failed to appear for State Personnel Board proceedings and the State Personnel Board dismissed his appeal.

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-12	15-1827-IR	<ol style="list-style-type: none"> Misuse of Authority Discourteous Treatment Intoxication 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On July 12, 2015, a sergeant was arrested after allegedly operating a boat while under the influence of alcohol. The sergeant also allegedly accused outside law enforcement officers of being dishonest and asked for leniency because he works for the department.					
Predisciplinary Assessment				Procedural Rating:	Sufficient
				Substantive Rating:	Sufficient
The department sufficiently complied with policies and procedures governing the pre-disciplinary process.					
Disposition					
The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 19 months. The OIG concurred. During the <i>Skelly</i> hearing, the sergeant admitted his misconduct and apologized. Based on this new information, the department entered into a settlement agreement with the sergeant reducing the penalty to a 5 percent salary reduction for 28 months. The OIG concurred based on the new information.					
Disciplinary Assessment				Procedural Rating:	Sufficient
				Substantive Rating:	Sufficient
The department sufficiently complied with policies and procedures governing the disciplinary process.					



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OFFICE OF THE INSPECTOR GENERAL

Robert A. Barton
INSPECTOR GENERAL

Roy W. Wesley
CHIEF DEPUTY INSPECTOR GENERAL

STATE OF CALIFORNIA
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