

SEMI-ANNUAL REPORT

July–December 2013

Volume I



March 2014

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

Office of the Inspector General

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FOREWORD

This 18th Semi-Annual Report covers the time period of July through December 2013. Pursuant to California Penal Code Section 6125 et seq., the Office of the Inspector General (OIG) is required to report semi-annually on its oversight of the California Department of Corrections and Rehabilitation's (CDCR or the department) Office of Internal Affairs investigations and the employee discipline process. The OIG's Semi-Annual Reports 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, and critical incidents. Therefore, the OIG is now publishing the Semi-Annual Reports in a two-volume format to allow readers to more easily distinguish the various categories of oversight activity.

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

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

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DISCIPLINE MONITORING ACTIVITIES

The Office of the Inspector General's (OIG) Discipline Monitoring Unit 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 internal affairs investigations of alleged employee misconduct as well as the disciplinary decisions related to cases where allegations of employee misconduct were sustained by the hiring authority and any subsequent appeal. Volume I summarizes OIG monitoring activities for both administrative and criminal investigations conducted by the department.

Each case is reported in two separate phases, the "Pre-Disciplinary" Investigative Phase and the Disciplinary Phase. If the investigation of a case has concluded, by submission either to the department for disciplinary findings in an administrative case or to the district attorney's office for review in a criminal case, it is logged into the Investigative Phase table (see appendices). In the Disciplinary Phase, cases are reported once the department has made its decision to impose discipline and after resolution or conclusion of any appeal process. The two phases may be reported in the Combined Phases table if both concluded during the six-month reporting period. The OIG has received inquiries regarding the monitoring of use-of-force cases reported in Volume II, and specifically whether any of the use-of-force cases referred for Office of Internal Affairs investigation are ever actually investigated or further monitored by the OIG. In this report, the appendices have been modified to show the cases that have a use-of-force component. While the use of force is not always the source of the misconduct, the OIG opens for monitoring any Office of Internal Affairs case in which significant use of force is involved. In some of these cases, OIG staff were involved early in the review process. In others, the OIG monitored the case as an initial critical incident. Most misconduct in this area is identified by the department. In this report, 55 out of the 308 OIG-monitored cases had a use-of-force component.

This report provides an assessment of 308 monitored cases the OIG closed during the reporting period of July 1 through December 31, 2013. Most cases monitored by the OIG involve allegations of administrative misconduct. This includes cases for which the department conducted an internal affairs investigation and then determined if disciplinary action was appropriate, as well as direct action cases in which the department determined there may be sufficient evidence to impose discipline without an internal affairs investigation or with a subject-only interview.

The number of cases reported does not correlate to the number of cases the department's Office of Internal Affairs opened during the reporting period. It is only a reflection of the number of cases the OIG monitored that came to a conclusion during this period and were, therefore, reportable by the OIG.

THE EMPLOYEE DISCIPLINE PROCESS

Whenever the department reasonably believes employee misconduct may have occurred, it is the responsibility of the hiring authority to request an investigation in a timely manner. The matter is referred to the department's Central Intake Panel, which then determines if an internal affairs

investigation is warranted, whether enough information exists for the department to proceed with a disciplinary action without an investigation, if a subject-only interview is needed, or if no further action is warranted. The OIG participates in the Central Intake Panel meetings to monitor the process, provide recommendations on Central Intake Panel determinations, and determine which cases the OIG will accept for monitoring. 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 when the discharge does not constitute a warning shot.
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 a case is accepted for monitoring, the OIG follows it through the entire process. If an internal affairs investigation is conducted, the assigned OIG Special Assistant Inspector General consults with the investigators and the department attorney, if one is designated, throughout the process.

When the investigation is complete, the hiring authority is required to review the investigative report within 14 days of receipt of the report. Policy requires the hiring authority to consult with the assigned Special Assistant Inspector General on the discipline decision. If the Special Assistant Inspector General believes the hiring authority’s decision is unreasonable, the matter may be elevated to the next supervisory level through a process called executive review.¹

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

Employees who receive discipline have a right to challenge the discipline imposed against them by filing an appeal with the State Personnel Board, an independent State agency. The OIG monitoring continues through this appeal process. During this process, a case can be concluded by way of settlement (a mutual agreement between the department and employee), a unilateral action by one party withdrawing the appeal or disciplinary action, or a State Personnel Board decision after a contested hearing. In cases where the State Personnel Board decision is subsequently appealed in a superior court, the OIG continues to monitor the case until final resolution.

MONITORING THE PRE-DISCIPLINARY INVESTIGATIVE PHASE

The Pre-Disciplinary Investigative Phase starts with either the request for investigation by the hiring authority or direct initiation by the Office of Internal Affairs. This phase involves hiring authorities, the Central Intake Panel, assigned investigators, and department attorneys, if assigned.² It is not purely an investigative phase, although the investigation may be a major component.

MONITORING CENTRAL INTAKE

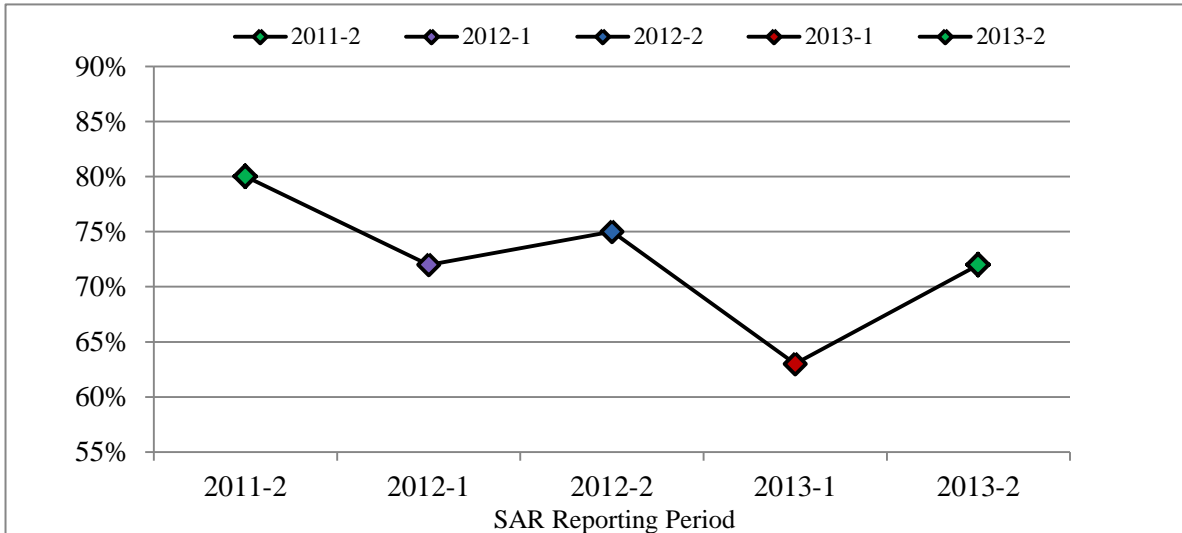
The department's Central Intake Panel meets weekly to review the referrals for investigation submitted from throughout the department. Within the OIG's Discipline Monitoring Unit are Special Assistant Inspectors General assigned to attend the weekly Central Intake Panel meetings and also review the investigation referrals. They make recommendations to the department regarding whether the case should be opened for investigation and the level of investigation needed. The Special Assistant Inspectors General also inform the department which cases the OIG will accept for monitoring. In this six-month reporting period, the OIG reviewed 1,157 cases forwarded to the department's Central Intake Panel for evaluation. This report reveals two areas where delays in the pre-disciplinary process are of concern.

The OIG reviewed 1,157 cases referred to the Office of Internal Affairs. Approximately 22 percent (250 cases) met the OIG's criteria and were opened for monitoring.

The first area of concern is warden referrals to the Central Intake Panel. The department currently has no set timeliness standard for referring cases for investigation. Failure to timely refer a matter for investigation can severely compromise the quality of the investigation. The OIG recommends the department set a reasonable timeliness standard to refer cases to the Central Intake Panel. The following graph displays the number of cases that were referred to the Central Intake Panel within 45 days, a time frame the OIG deems reasonable.

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

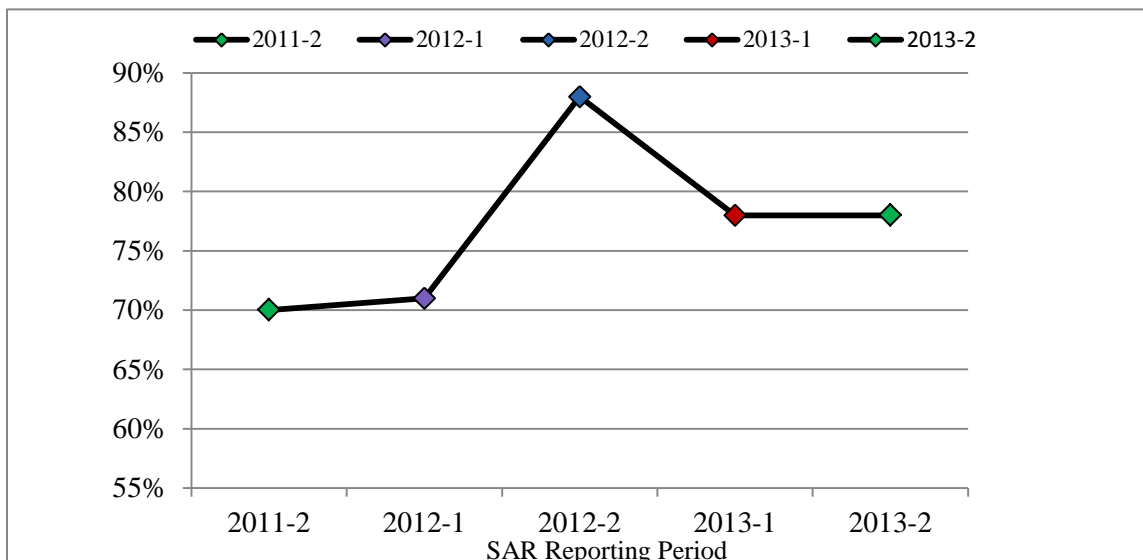
Chart 1: Cases Referred to the Central Intake Panel by the Hiring Authority Within 45 Days



Of the cases being reported this reporting period, the hiring authority timely referred 72 percent to the Central Intake Panel within 45 days, representing a 9 percent improvement over the last reporting period. There is an ongoing issue with timely referrals by hiring authorities, and without a timeliness standard for referring cases to the Office of Internal Affairs Central Intake Panel, there will continue to be great variation in referral rates.

A second area of delay in process with potential for negative impact is within the Office of Internal Affairs. Although departmental policy requires the Central Intake Panel to make a determination on a particular case within 30 days of referral to the Office of Internal Affairs, only 78 percent of the cases closed and reported in this time frame had timely determinations when they went through the Central Intake Panel process. This represents no change from the previous reporting period. Again, failure to make a timely determination on a case may impact the quality of the investigation. It should be noted that during this reporting period the OIA vacancy rate ranged from 19 percent to 27 percent.

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



As in the prior reporting period, the OIG recommended the Office of Internal Affairs Central Intake Panel include dishonesty allegations when the OIG believed the evidence supported such allegations. The number of such cases where the OIG recommendation was not followed increased from eight during the past reporting period to 11 for this reporting period. This number includes cases where the Office of Internal Affairs Central Intake Panel refused to add dishonesty allegations as well as those cases where the Central Intake Panel actually removed dishonesty allegations the hiring authority identified. Core *Madrid* allegation types and frequency are displayed in Chart 3, and it is noted the Office of Internal Affairs Central Intake Panel does allege dishonesty on many cases.

For those cases in which dishonesty was not alleged as the OIG recommended, the Office of Internal Affairs asserted that any investigation can uncover evidence to either support or refute dishonesty allegations and that the hiring authority can always add dishonesty when determining the allegations and penalty. However, hiring authorities still frequently defer to the central intake process to make those determinations pursuant to departmental policy. In addition, not all cases where the Office of Internal Affairs refuses to include dishonesty result in a full investigation. Some are returned to the hiring authority to take action without any further investigation.

Even if an investigation is approved, the failure to include dishonesty allegations at the beginning of the investigation still typically results in an investigation that does not adequately address the factors needed to determine whether dishonesty is or is not supported. In addition, hiring authorities are still reluctant to add allegations, especially dishonesty, if such were not already approved by the Office of Internal Affairs. Finally, failing to include dishonesty when the case is opened could also hinder the OIG's monitoring since the OIG may not have monitored a case that only involved neglect of duty.

Of the 11 cases mentioned above, two cases involved incidents where the Office of Internal Affairs removed dishonesty allegations the hiring authority identified. One of these cases involved an officer who called in to work late, claiming he blew out his tires and needed to replace them that day. He was ordered to provide written documentation that he had the tires replaced. When he appeared for work, he brought a receipt for tires purchased the week prior. The original allegations were insubordination and dishonesty. However, the Office of Internal Affairs removed the dishonesty allegation leaving only insubordination. The OIG recommended at least an interview of the officer to explore potential dishonesty. The Office of Internal Affairs refused, and the case was returned to the hiring authority to take action regarding only insubordination without any investigation into whether or not he had provided a false statement to excuse his tardiness. The case has not yet reached the point for the hiring authority to determine the allegations.

The second case where a dishonesty allegation was removed involved a registered nurse who altered four meal tickets to a later expiration date. Again, the initial allegation was dishonesty but the Office of Internal Affairs changed it to neglect of duty and rejected the OIG recommendation to investigate it as dishonesty despite the OIG's objection. During the disciplinary process the department attorney agreed with the OIG and recommended adding dishonesty. However, the hiring authority did not sustain the dishonesty allegation.

In the remaining eight cases, the OIG recommended adding dishonesty allegations but the Office of Internal Affairs did not follow the OIG recommendation. The majority of these cases involved false documentation. In one such case, a correctional counselor forged a warden's signature on a corrective action plan without the warden's approval. The warden was on vacation at the time. The OIG recommended dishonesty for falsifying an official document. However, the Office of Internal Affairs approved only neglect of duty. In addition, the initial hiring authority also refused to allege dishonesty. The OIG sought a higher level of review. The higher level manager agreed that the facts supported alleging and sustaining a dishonesty allegation in accordance with the OIG recommendation.

In another case, an officer altered a form and submitted it to the hiring authority to request family medical leave. The OIG recommended a dishonesty allegation but the Office of Internal Affairs refused. Based on the officer's interview the assigned special agent did add a dishonesty allegation. However, the hiring authority did not sustain the allegation.

Other cases involved falsely documenting safety and security logs. In one such case, a youth correctional counselor pre-signed security check logs, pre-signing the log for an entire watch. A lieutenant conducting rounds noticed the log entry before the end of watch. The OIG recommended changing the allegation to dishonesty for falsifying a record, but the Office of Internal Affairs denied the request. The hiring authority agreed with the OIG that the behavior was dishonest and dismissed the correctional counselor from employment.

Another case involved an officer who failed to sufficiently complete security checks or inmate counts. An inmate who was allegedly checked was found dead at 6:30 a.m. in rigor mortis. His cellmate confessed to killing him at midnight. The officer documented completing counts at 1:30 a.m., 2:30 a.m., and 4:30 a.m. The officer's post orders clearly stated that the officer was to see "live, breathing flesh." The OIG recommended a dishonesty allegation for documenting that the counts were completed when circumstances indicated the officer could not have seen live, breathing flesh if the inmate was killed at midnight. The Office of Internal Affairs denied the request. This is another case that has not yet reached the point for the hiring authority to determine the allegations.

A similar case involved an officer who intentionally completed an official document stating he had completed 15-minute checks that he had not completed. Again, the OIG recommended a dishonesty allegation but the Office of Internal Affairs alleged only neglect of duty. Another case involved a nurse who failed to timely document 15-minute welfare checks. The OIG recommended a dishonesty allegation because the nurse documented completing the welfare checks after the time they were allegedly completed. There was also evidence that a supervisor witnessed the nurse in the break room during some of the times entered. The Office of Internal Affairs denied the request. Neither of these cases have reached the time for the hiring authority to determine the allegations.

Another case involved an officer who used her restricted access to the Strategic Offender Management System to alter a negative count and enter an inaccurate count for a unit she did not count. The OIG argued for dishonesty based on the false entries. Neither the Office of Internal Affairs nor the hiring authority added the allegation.

Another case involved an office technician who placed his application for another job into the application folder after the deadline had passed for submission of the application. He also placed a back-dated time stamp on the application to make it appear he submitted the application on time. Despite the OIG's request to allege dishonesty, the Office of Internal Affairs refused, only alleging other failure of good behavior. The hiring authority also failed to allege dishonesty.

Finally, the Office of Internal Affairs even refused to include a dishonesty allegation when an officer admitted he was dishonest. The officer called in sick and provided a doctor's note excusing him from work when he was not sick. He later admitted he had gone to Disneyland. Despite the OIG's urging to allege dishonesty, the Office of Internal Affairs denied the request and the hiring authority did not add the dishonesty allegation.

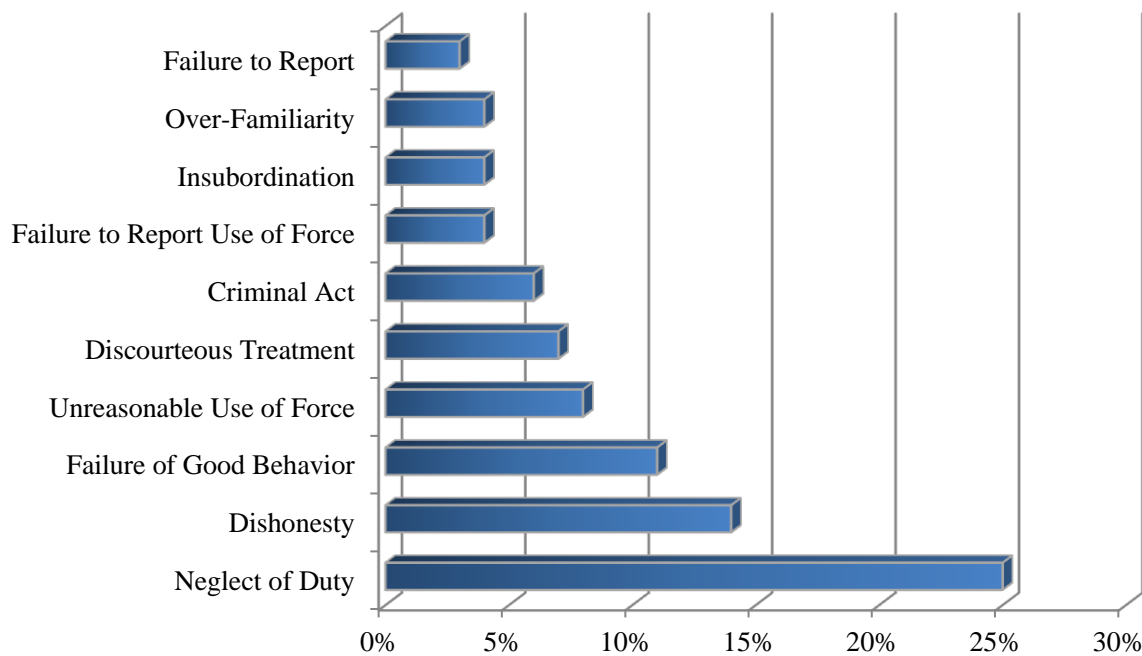
As the foregoing cases demonstrate, the Office of Internal Affairs Central Intake Unit failed to allege dishonesty even in the face of evidence supporting such an allegation and despite the OIG's urging. Although the Office of Internal Affairs does allege and investigate dishonesty allegations on a regular basis, that does not excuse the failure to properly allege dishonesty in all cases where supported. Alleging dishonesty does not mean that dishonesty will ultimately be found, nor does it mean that termination will be the end result in all dishonesty cases. However, without properly identifying the allegation at the inception of the case, the department may be allowing potentially dishonest employees to go undisciplined where appropriate. It also tends to limit the scope of the investigation, and field agents then rely on the omission to avoid confronting and thoroughly investigating dishonesty by the employee. Since reporting this issue, the OIG and the Office of Internal Affairs have now agreed on a process to elevate the issue whenever an OIG recommendation to allege dishonesty is not followed at the Central Intake Panel.

ALLEGATION TYPE DISTRIBUTION

Consistent with prior reporting periods, the OIG focused a large portion of its monitoring activities on cases involving core *Madrid* issues. The core *Madrid* allegations involve unreasonable use of force, officer dishonesty, failure to report misconduct, and code of silence. Sworn staff cases are given priority for monitoring. In this reporting period the OIG monitored cases involving 534 sworn officers, representing 89 percent of all subjects reported in the monitoring tables.

Chart 3 provides a summary of the types of allegations in the OIG closed cases this reporting period for the core *Madrid* allegations of misconduct and the most frequent other allegation types monitored. It is important to note that a single case often contains many allegations of misconduct; therefore, the number of allegations exceeds the number of cases reported. This chart does not reflect any trends regarding CDCR discipline issues, but rather is only a reflection of the allegation distribution for the OIG-monitored closed cases during the reporting period.

Chart 3: Core *Madrid* Allegations for Cases Closed by the OIG July–December 2013



MONITORING THE DISCIPLINARY PHASE

The Disciplinary Phase starts with the hiring authority's determination whether to sustain the allegations. If the allegations are sustained, the hiring authority must impose a penalty consistent with the provisions of CDCR's policies and procedures.

FINDINGS AND PENALTIES

A critical step in the administrative disciplinary process is when a hiring authority determines which allegations should be sustained, if any, and the appropriate penalty. Based on the evidence presented, the hiring authority must 1) determine whether there is enough evidence to make a finding; 2) find that the allegations are either not sustained, unfounded, exonerated, or no finding; or 3) find that the allegations are sustained. If the allegations are sustained, the hiring authority must determine the appropriate penalty. The appropriate penalty must be drawn from the disciplinary matrix,³ which sets out penalty ranges for each category of misconduct found in CDCR's policies and procedures. The hiring authority consults with the department attorney (on cases where an attorney is assigned) and the Special Assistant Inspector General if it is an OIG-monitored case. The hiring authority considers each case on its own merits to determine penalty, while taking into consideration any aggravating or mitigating factors.

EXECUTIVE REVIEW

If either the Special Assistant Inspector General or the department attorney believes the hiring authority has made an unreasonable decision as to findings or penalty, executive review can be sought pursuant to CDCR's policies and procedures. In the executive review, the hiring authority's supervisor, the department attorney's supervisor, and an OIG supervisor determine the findings and penalty.

Executive review is a critical part of the discipline process. It is designed to be used sparingly and only when there are significant differing opinions that cannot be resolved at the initial hiring authority level. The fact that there are only three being reported for this time frame indicates that the department and the OIG are able to work together in adherence to the matrix and discipline policies in the majority of cases.

Overall, for the last five reporting periods, 19 out of 24 executive review decisions were ultimately consistent with OIG recommendations. The OIG continues to believe executive review is a valuable tool, and will invoke it whenever necessary. Chart 4 provides a comparison of executive review requests between this reporting period and prior reporting periods. In the current reporting period, executive review was requested four times: three times by the OIG and

³ Department Operations Manual, Chapter 3, Section 33030.17, states "Sufficient evidence establishing preponderance is necessary before any disciplinary action can be taken. The Employee Disciplinary Matrix shall be the foundation for all disciplinary action considered and imposed by the department and shall be utilized by the Hiring Authority to determine the penalty to impose for misconduct." The disciplinary matrix is located in the Department Operations Manual, Chapter 3, Section 33030.19.

once by the department. Two of the four cases that received executive review this reporting period were decided consistent with the OIG’s position.

Chart 4: Executive Review

Reporting Period	Department Requested Executive Review	OIG Requested Executive Review	Total Number of Requests for Executive Review	Executive Review Decision Consistent with OIG’s Position
Jul–Dec 2013	1	3	4	2
Jan–Jun 2013	1	2	3	3 ⁴
Jul–Dec 2012	0	2	2	0
Jan–Jun 2012	0	6	6	5
Jul–Dec 2011	4	4	9	9
			24	19

⁴ In the two cases for which the OIG requested executive review, the department modified its position in conformance with the OIG’s recommendation prior to a final decision being made by the Executive Review Committee.

CASE SUFFICIENCY RATINGS

The OIG and the department continue to work collaboratively to improve the internal affairs investigation and employee discipline processes. The OIG assesses each case to determine, on the whole, whether the Pre-Disciplinary Investigative Phase or the Disciplinary Phase sufficiently complied with department policies. An insufficient rating does not necessarily mean that a bad outcome occurred. An insufficient rating simply indicates that there were departures from policy that had the potential for creating an adverse outcome. In some cases the departure from policy did result in a bad outcome. Minor deviations will not result in an insufficient rating. Not all cases were designated to be handled by a department attorney. In addition, the Pre-Disciplinary Investigative Phase also includes the hiring authority and Central Intake Panel, which may be responsible for the insufficiency. The same is true for the Disciplinary Phase involving the hiring authority, or, when assigned, the department attorney. Either entity may be responsible for an insufficiency. The individual assessments in the appendices give specific reasons for each case rating. The OIG's role is to assess the department as a whole, so the entity responsible within the department is less relevant to the OIG's reporting. However, the OIG provides specifics within the appendices for the department's use.

The southern region Employment Advocacy and Prosecution Team cases improved 4 percent this reporting period, and it is hoped this continues to reflect the positive actions taken subsequent to the OIG's prior reporting of major problems with that region.

Finally, in addition to monitoring adherence to existing policies, whenever the OIG identifies a policy gap or a better practice to be followed, it will make specific recommendations. In this report and in prior reports, the OIG monitored cases involving inmates ordered to lie down on the yard during alarm procedures in inclement weather. Specific policies were not in place to account for situations requiring exceptions to be made in the interest of health and safety during extreme weather conditions. The OIG recommended the department implement a policy that takes into account inmate welfare during inclement weather, and the department has implemented a policy addressing this issue.

We have also monitored several cases in this report and prior reports involving off-duty misconduct of officers while in possession of a firearm authorized by a CDCR concealed carry weapon (CCW) permit. We are now addressing this policy gap with a recommendation to the department.

Chart 5 groups the OIG's assessments by region for both the Pre-Disciplinary Investigative Phase and Disciplinary Phase assessments. As depicted in Chart 7 and Chart 8, these insufficiencies resulted in bad outcomes in 76 percent of the Disciplinary Phase cases this reporting period, and these ratings are discussed in detail for each case in Appendix A, B, or C. Once again, the cause for the insufficiency within the two phases may be due to the hiring authority, the Office of Internal Affairs, or the department attorney, but the following charts provide sufficiency ratings for the department as a whole.

Chart 5: Department Case Sufficiency Ratings by Region (2013)

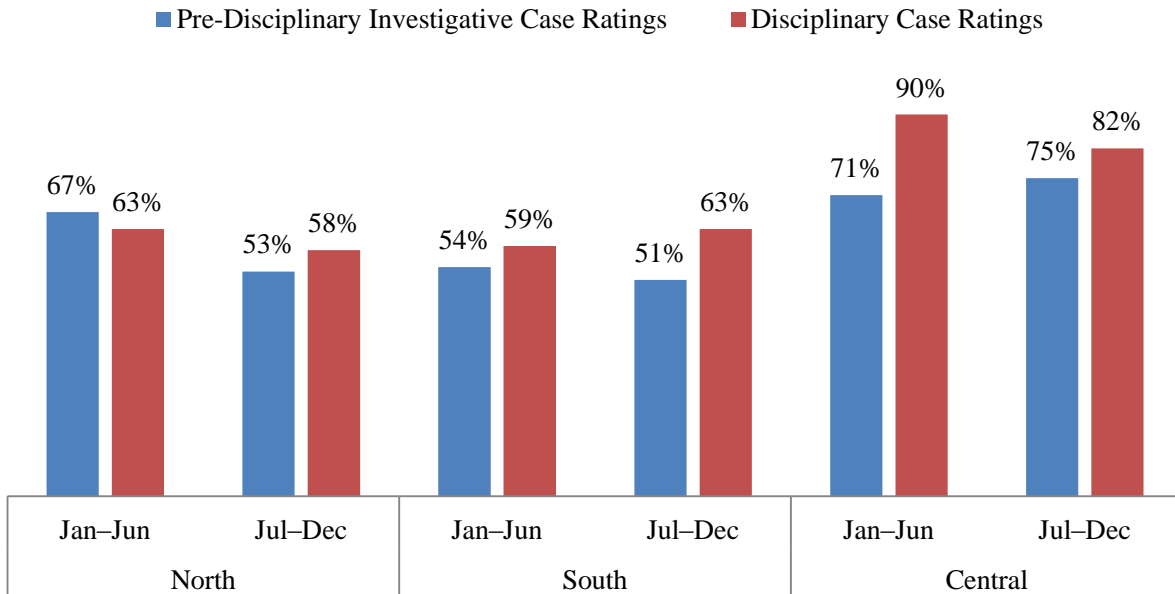


Chart 6 compares Pre-Disciplinary Investigative and Disciplinary overall statewide sufficiency ratings during the previous and current reporting periods. Out of the 308 monitored cases being reported, 60 percent of the Pre-Disciplinary Investigative cases and 68 percent of the Disciplinary cases were assessed as sufficient. Sufficient case ratings for the Pre-Disciplinary Investigative Phase dropped by 4 percent, and case ratings for the Disciplinary Phase dropped by 1 percent in this reporting period. The specific reasons for the insufficiencies in each case are detailed in Appendices A, B, and C.

Chart 6: Department Overall Case Sufficiency Ratings Comparison

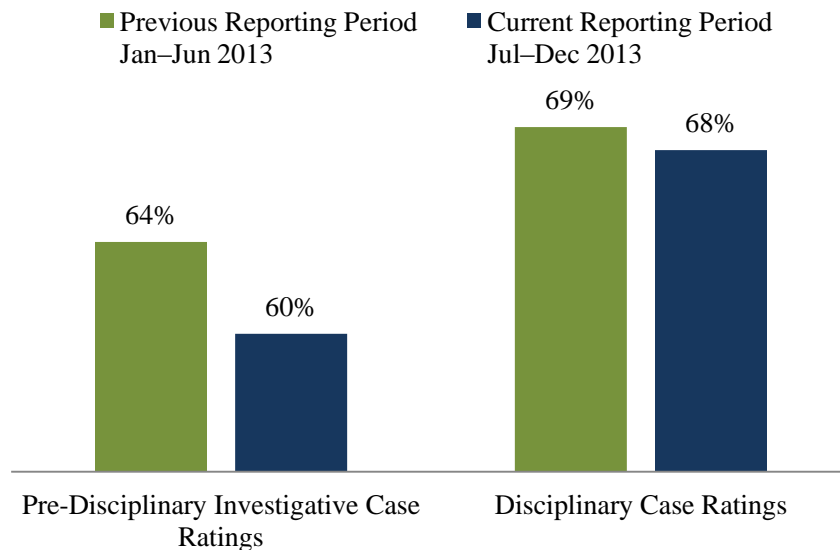


Chart 7 demonstrates that of the 70 insufficient cases in the Disciplinary Phase, 17 deficiencies (24 percent) stemmed from process issues, and 53 deficiencies (76 percent) were due to outcome issues. While the cases with process issues may still have had satisfactory outcomes, they need to be addressed because of the potential for failed outcomes in the future if processes continue to break down. The causes for deficiencies in the prior reporting period are also displayed for comparison purposes. Sufficiency is evaluated based upon the department's adherence to its own rules and policies, and certain failures may be deemed process issues because they are attributed to timeliness or documentation.

Chart 7: Causes for Deficiencies in the Disciplinary Phase

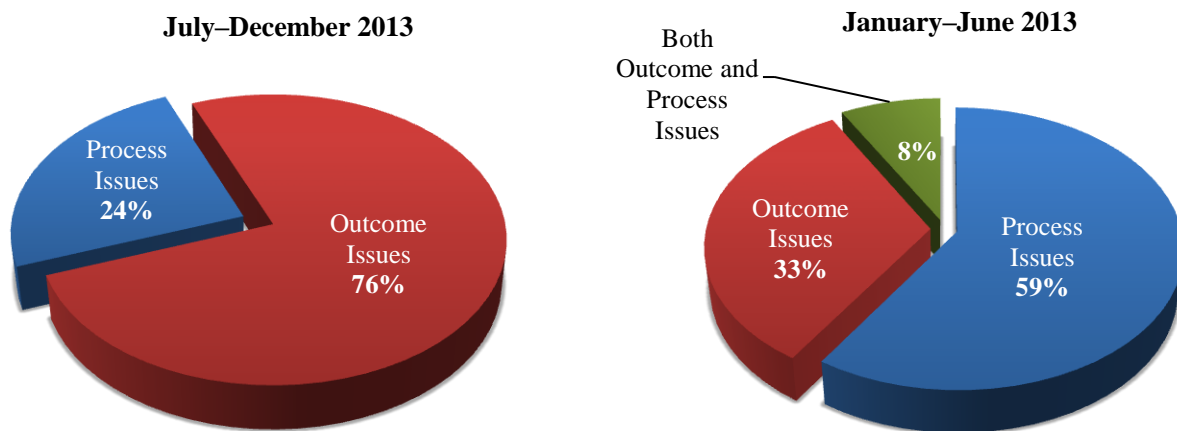
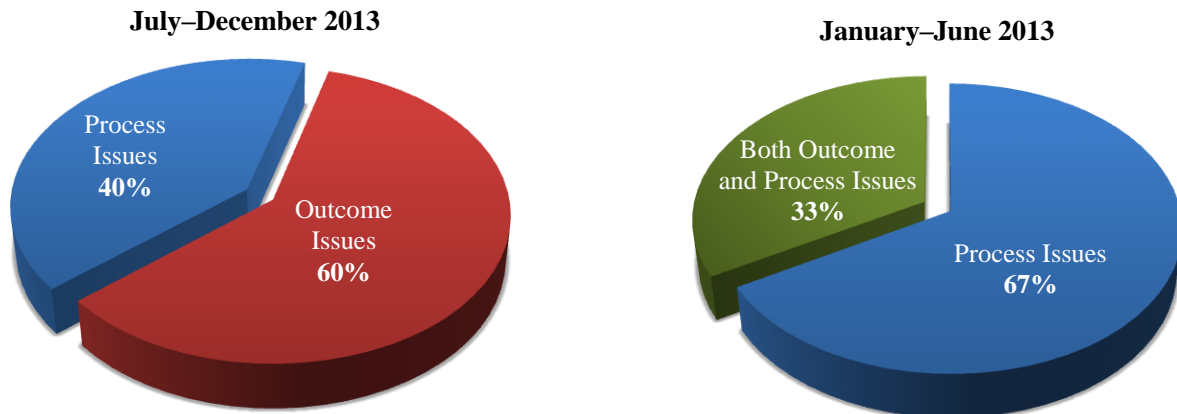


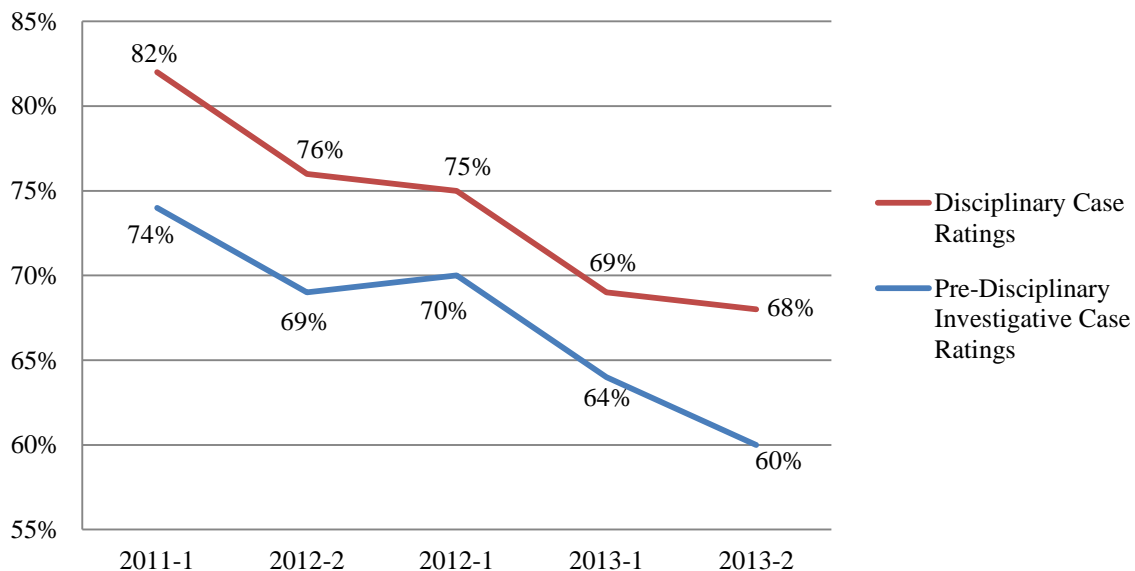
Chart 8 demonstrates that of the 67 insufficient cases in the Pre-Disciplinary Investigative Phase, 27 insufficiencies (40 percent) were due to process issues, and 40 deficiencies (60 percent) were due to outcome issues, and provides a chart from the last reporting period for comparison purposes. A process deficiency is typically a failure to meet a timeline or complete a requirement within the monitoring process. An outcome issue is a failure to investigate in a thorough or complete manner, or other actions that are a detriment to the investigation, even though a hiring authority may deem it sufficient enough to make a decision.

Chart 8: Causes for Deficiencies in the Pre-Disciplinary Investigative Phase



Over the past four reporting periods, the overall sufficiency ratings for both Pre-Disciplinary Investigative and Disciplinary cases have declined. In 2011, 74 percent of Pre-Disciplinary Investigative cases received sufficient ratings, and 82 percent of Disciplinary cases were rated sufficient. In the 2012 reporting period, the sufficiency rating dropped 5 percent in Pre-Disciplinary Investigative cases and 6 percent in Disciplinary cases, for sufficiency ratings of 69 percent and 76 percent, respectively. The current reporting period represents the lowest sufficiency rating of the past five prior periods at 60 percent for Pre-Disciplinary Investigative cases and 68 percent for Disciplinary cases. These downward trends may not signal a particular entity is wholly responsible, be they hiring authorities, the Office of Internal Affairs, or department attorneys, in every case. As previously noted, it also does not necessarily translate into automatic failed outcomes. However, the downward trend for the department as a whole, regardless of these factors, needs to be addressed. To the degree that the Office of Internal Affairs was negatively impacted by staffing shortages, it is now able to hire and fill vacancies. Hopefully that will help improve performance.

Chart 9: Department Overall Case Sufficiency Ratings Comparison



PROCESS OUTSIDE OF THE DEPARTMENT TO BRING CHARGES

During this reporting period the OIG became aware of the State Personnel Board (SPB) practice of allowing parties to request to file charges (RTFC) against State employees as set out in Title II, California Code of Regulations, Section 52.7. This allows a requesting party other than the hiring authority to request disciplinary action against State employees. The OIG learned that in some of these cases, the department had initially taken it upon itself to defend employees alleged by outside parties to have committed administrative misconduct.

With regard to the State Personnel Board practice of allowing parties to request to file charges against State employees, the OIG is concerned about potential misuse of this process. During this reporting period, SPB has granted permission to file charges against Office of Internal Affairs

investigators who investigated allegations of serious misconduct. While there may have been errors during the investigation, the OIG has concerns about the chilling effect on internal affairs investigations if disgruntled parties are allowed to bring charges against investigators without clear and convincing evidence of intentional misconduct. This is made more alarming when the allegations are based upon a decision by the SPB not to sustain charges from the underlying investigation. Will department investigators be subject to malfeasance accusations whenever a SPB administrative law judge fails to sustain an investigation based upon a finding of insufficient evidence? The OIG has been prevented from monitoring this case because the SPB has determined that the OIG authority to monitor correctional officer misconduct cases is limited to those cases brought by the department's Office of Internal Affairs and not outside entities. California Code of Regulations, Title 2, Section 52.7 lists the requirements to bring charges, but it is unclear what the standard is for SPB to approve such a request.

Of additional concern is the department's assumption of the defense of department employees who have been charged with administrative misconduct through the State Personnel Board's request to file charges process. To the OIG's knowledge, there have been at least three such cases during this reporting period. In each case, the Employment Advocacy Prosecution Team (EAPT) assigned a Vertical Advocate to defend the employee(s) charged with administrative misconduct. In spite of the OIG's warning that assigning an EAPT Vertical Advocate to represent an employee charged with administrative misconduct is potentially an irreconcilable conflict of interest, the Office of Legal Affairs did not initially heed the caution being recommended by the OIG. Because these cases do not go through the normal filing process and Central Intake Panel review, the OIG is not notified in advance.

The CDCR Department Operations Manual (DOM) defines the roles and responsibilities of EAPT and its Vertical Advocates. According to DOM Chapter 3, Article 22, Section 33030.4, "EAPT is responsible for the operation of the Vertical Advocacy Model in the Department's Office of Legal Affairs." Section 33030.5.5 further defines the responsibility of the Vertical Advocate. Among other responsibilities is the requirement to "Provide legal consultation to the Hiring Authority on all designated cases and coordinating with the Special Assistant Inspector General for cases the BIR is monitoring, regarding the application of the disciplinary matrix to determine the appropriate penalty; and "Representing **the Department** [emphasis added] for designated cases in disciplinary matters before the State Personnel Board...." Finally, Section 33030.28.1 defines the role of the Vertical Advocate at the State Personnel Board hearing. Among the duties of the Vertical Advocate is the duty to "...within ethical limits, present evidence in the best light possible for the Department."

It is clear that the duty of the EAPT Vertical Advocate is to represent the department, not the individual charged with misconduct, and to provide the hiring authority with the best possible legal advice. Those duties are incompatible with representing department employees who are charged with administrative misconduct. After the OIG's expressions of concern, the department is now making arrangements for others to represent the employees in the following cases and has revised its conflict analysis policy regarding RTFC cases.

In one case, a non-custody staff member was supervised by a correctional lieutenant. That lieutenant disciplined the staff member, eventually terminating the staff member's employment.

The staff member appealed the termination to the SPB, and after an evidentiary hearing, the termination was reversed and the SPB made an adverse credibility determination regarding the lieutenant's testimony and the write-ups on the behavior of the employee. As a result of the credibility determinations, the employee requested to file charges for dishonesty against the lieutenant, and the request was granted by the SPB. An EAPT Vertical Advocate represented the lieutenant in his misconduct hearing. The SPB found that the lieutenant was dishonest and that the conduct was aggravated and likely to recur. However, the SPB did not recommend termination, which is presumed by the CDCR employee discipline matrix. The EAPT Vertical Advocate would now have a conflict if they wished to appeal the penalty and pursue dismissal of the lieutenant, who has now been found to be dishonest.

In the second case, a department employee requested to file charges against a high-ranking department official for, among other things, dishonesty, neglect of duty, misuse of State property, and retaliation. An EAPT Vertical Advocate represented the high-ranking department official at the settlement conference, and agreed to the payment of approximately \$35,000 of departmental money to resolve the claim of the employee. This included dismissal of all claims of administrative misconduct against the high-ranking official. The authority for the settlement was given by the same high-ranking official who was the subject of the charges for administrative misconduct. As a result of the settlement, all charges were dropped and no further inquiry is planned into potential misconduct by a high-ranking official. The EAPT Vertical Advocate should have realized the impropriety of the manager settling a case against himself and advised against it. The OIG was not notified of the case in time to monitor it fully and, therefore, makes no judgment on the merits of the settlement or the underlying charges. The department has said it will look into the matter further. It appears there was a conflict of interest for both the attorney advising the manager, and the manager.

In the third case, the department is representing two officers who have been charged with misconduct while performing their official duties. The case has not yet been adjudicated; however, the department initially assigned EAPT Vertical Advocates to defend the Office of Internal Affairs agents. The OIG believes this case is distinguishable from the other two. In the case involving the lieutenant, an administrative law judge found him non-credible, tantamount to a witness who perjures himself or herself. In that case the OIG maintains the department should not have provided a defense at all. In the second case involving a high-ranking department manager, there were no findings against him. If the allegations stemmed from his good faith actions within the scope of his duties, he may have been entitled to defense by the department, but it should not have been the EAPT unit and he certainly should not have had settlement authority. Even in the third case where the OIG agrees the agents charged with misconduct should have a defense provided by the department, assistance from the Attorney General's Office should be sought to avoid any potential conflict.

VOLUME I CONCLUSION

The OIG serves a vital oversight role in CDCR's investigation and employee discipline process. Since the termination of the *Madrid* federal litigation, the OIG has attempted to assist CDCR in implementing and maintaining reforms mandated by the court for internal investigations and the employee discipline process. In addition, the Semi-Annual Reports now state specific recommendations resulting from OIG monitoring activities regarding policies and procedures within CDCR.

The OIG also reports systemic flaws. For example, as previously reported, the amount of time to begin and complete investigations and the disciplinary process within CDCR is still too long. It is problematic to the alleged subjects, who sometimes wait years for allegations to be resolved, to the morale of the department and its inability to separate subpar employees expediently, and to the efficacy of the investigative process itself. There are some things the department cannot control once the case has entered the adversarial process, and timing is in the control of the State Personnel Board. But there are other ways the department can try to alleviate the problem of delays. The department has instituted policies to establish time guidelines, such as 30 days for the Central Intake Panel to process a case, 14 days for a hiring authority to review an investigation after receiving it, and 30 days to serve an adverse action after a final decision has been made. As the OIG reports indicate, there is a significant percentage of cases where these timelines are not met, and the department is doing worse now than two years ago when the *Madrid* litigation ended. The department has indicated it is going to set a timeliness standard for hiring authorities to send cases to the Central Intake Panel as recommended by the OIG. The ability of the Office of Internal Affairs to fill vacancies may also help in this area.

Another area of continuing concern is the percentage of cases rated insufficient for either process or outcome. While it is true that many cases that are untimely processed still end in appropriate results, it is hard to credit the department for that outcome. The danger, as explained, is the potential failures in the future.

The OIG identified potential conflicts by the Office of Legal Affairs, specifically EAPT Vertical Advocates representing employees charged in an RTFC process, along with other conflicts described, such as a manager being allowed to settle an allegation by staff against that very manager. The OIG is hopeful a new policy on conflict analysis will address those concerns.

Finally, this report indicates the Office of Internal Affairs Central Intake Panel still did not follow OIG recommendations on dishonesty, and the number of cases increased from eight to 11 from the OIG's last report. The Office of Internal Affairs management is now working on this issue to create a supervisory review process, and the OIG is hopeful this will address the concerns.

A totally separate area of concern is the State Personnel Board process found in California Code of Regulations, Title 2, Section 52.7, which allows for Office of Internal Affairs investigators to be accused of misconduct and brought up on misconduct allegations by an employee for their good faith investigation. It is one matter to hold them accountable for flaws in their investigation and that should be done at a supervisory level. It is quite another matter to charge them with

misconduct for carrying out an assigned investigation. This case is different from the others that involved allegations against employees for their potential misconduct, such as perjury or harassment. This precedent, taken to an extreme, would mean every time an administrative law judge finds an Office of Internal Affairs investigated employee not guilty of allegations on the basis of insufficient evidence at a State Personnel Board hearing, the successful appellant could ask for charges against the investigators on the basis of that finding. Certainly if agents perjure themselves, plant evidence, or intentionally falsify reports, they should be held accountable, but the administrative law judge made no such findings on the underlying case.

The OIG has no jurisdiction to make recommendations to the State Personnel Board, but rather is simply reporting for transparency purposes the potentially huge negative impact such a practice may have on investigators in the future. They will be less willing to tackle difficult or controversial investigations. To avoid a conflict in this instance where investigators are being accused for performing their duties, the OIG recommended that if the department were to provide representation, it should be the Attorney General or counsel outside of the employment law prosecution team of CDCR. The OIG should have the ability to adequately monitor and report on such cases involving CDCR employees, regardless of who alleges the misconduct, and may seek legislative authority to do so. Transparency in such cases is no less important and may actually be more necessary as the case with the high-ranking manager illustrates. By providing transparent monitoring and consistent reporting, the OIG continually strives to preserve the progress achieved under the *Madrid* lawsuit and maintain the public's trust in the corrections system.

VOLUME I RECOMMENDATIONS

The OIG recommends the department implement the following four recommendations from the Volume I Semi-Annual Report, July–December 2013 reporting period, and three prior recommendations from the January–June 2013 reporting period.

Recommendation 1.1 was prompted in part by a monitored case where numerous inmates suffered burns when forced to kneel on hot pavement during an alarm response on a yard during an extremely hot day in summer.

1.1 The OIG recommends the department modify its statewide policy to ensure the welfare and safety of inmates during alarm response incidents during inclement weather.

Fully Implemented

The department implemented this recommendation by specifying its policy to ensure the welfare and safety of inmates in inclement weather during an alarm response.

Recommendation 1.2 was prompted by past monitored cases and two cases during this reporting period that the OIG monitored involving off-duty CDCR officers carrying weapons while under the influence of alcohol. There is no departmental policy addressing when these officers' permits should be revoked. Best practices in most jurisdictions incorporate an automatic revocation for concealed carry weapons (CCW) permit holders who possess a weapon and consume alcohol. Off-duty correctional officers subject the issuing department and the State to civil liability under these circumstances. Off-duty possession of a weapon is not within the scope of the CDCR peace officer position, and to carry a weapon officers must have a CCW permit issued by CDCR.

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

Implementation Response Requested

Recommendation 1.3 was based upon the numerous monitored cases in this reporting period and several prior reporting periods where sworn officers with sustained allegations involving dishonesty, domestic violence, and excessive force have not been terminated by the department. When these employees subsequently witness crime, the criminal prosecutions are jeopardized. Furthermore, prosecutors have no way of knowing what information exists that they are required by law to provide to the defense or to the court when a *Pitchess* motion is filed on behalf of a defendant inmate. Pursuant to *Brady v. Maryland*, a prosecuting agency has a vested interest in the credibility of witnesses in criminal prosecutions. Because the department's officers are potential witnesses to crime in the course of their employment, they may be subpoenaed to testify.

1.3 The OIG has previously recommended and continues to recommend that the department adopt a statewide policy to develop a list of officers who have been deemed to be dishonest, to have used excessive force, or to have committed domestic violence, and that the list is maintained in one central office and available to prosecutorial agencies.

Not implemented

The department has failed to implement any policies to keep or provide a centrally located list of sworn officers within the department who have been deemed to be non-credible for the purposes of judicial proceedings. This request has also been made by several district attorney offices.

Recommendation 1.4 was prompted by prior monitored cases as well as cases in this reporting period. One case monitored in this reporting period involved parole agents entering a mobile home where a parolee at large was thought to have been hiding. The parolee at large was hiding underneath a blanket with a weapon and shot one of the agents in the face. Another parole agent fired several lethal rounds at the parolee at large. The independent Deadly Force Review Board determined that while the use of deadly force was in compliance with departmental policy, the department should better train parole agents to avoid future similar occurrences.

Another case monitored this reporting period involved a parole agent and a city police officer, as part of a joint task force, conducting surveillance on a house where they suspected a parolee at large was hiding. Both law enforcement officers were in unmarked vehicles. The parolee at large spotted the parole agent and fled the scene. Although there was no exigent circumstance, the parole agent initiated a high-speed chase in an unmarked vehicle in violation of policy. The chase led through an urban area, past an elementary school where children were present, and ended in a vineyard across town. After fleeing into the vineyard, the parolee at large abandoned his vehicle and the parole agent pursued on foot. When the parole agent approached the parolee at large, the parolee at large reached into a bag and the parole agent drew his weapon and fired at the parolee at large. The shot missed, but the parolee at large surrendered and was taken into custody. After the shooting the parole agent neglected to contact the county sheriff's office (the jurisdiction where the shooting took place) for over two hours. In addition, there were numerous policy violations in the handling of evidence and notification to the Deadly Force Investigation Team.

1.4 The OIG recommends that parole agents receive academy level training for peace officers who are performing their duties in public, including pre-event planning, cooperation with outside law enforcement, operation plans, and improved tactical training for such situations.

Implementation Response Requested

RECOMMENDATIONS FROM PRIOR REPORTING PERIODS

The OIG recommends the department implement the following three recommendations from the Volume I Semi-Annual Report, January–June 2013.

The hiring authority failed to refer 37 percent of cases within 45 days to the Central Intake Panel during the January–June 2013 reporting period, representing a marked decrease in timeliness since the July–December 2012 reporting period and a general downward trend in timely referrals. The current July–December 2013 Semi-Annual Report shows a slight improvement, but in the last two years timely referrals have consistently been below 75 percent.

- The OIG recommends the department set a time frame of 45 days or some reasonable timeliness standard to refer cases to the Central Intake Panel.

Department Response

The department is reviewing the duration of time it takes for cases to reach Central Intake and is evaluating whether setting a specific time frame would produce a favorable outcome.

There were eight cases during the January–June 2013 reporting period and 11 cases in the July–December 2013 reporting period, where the Office of Internal Affairs initially declined to add or removed dishonesty allegations despite OIG recommendations.

- The Office of Internal Affairs should implement a directive to its agents that cases involving possible dishonest misconduct include dishonesty as an allegation. If the hiring authority identifies dishonesty, the Office of Internal Affairs should not change the allegation absent good cause. If the hiring authority fails to identify dishonesty where dishonesty is a possibility, the Office of Internal Affairs should add dishonesty as an allegation.

Department Response

The Semi-Annual Report states that the Office of Internal Affairs should investigate cases “involving possible dishonesty” and should add dishonesty where “dishonesty is a possibility.” The Office of Internal Affairs Central Intake decision standard has always been reasonable belief that misconduct occurred as opposed to the mere possibility that misconduct occurred. This standard is a main tenet of the *Madrid* reforms and has been successfully in place for over ten years.

This initial response from the department ignores the point of the recommendation and the fact that all of the cases in which the OIG recommended a dishonesty allegation also met the reasonable belief standard as stated in the department’s response. However, the OIG agrees that the recommendation should mirror the reasonable belief standard and, therefore, is now doing so in the modified recommendation below. Responding with a semantic distinction, however accurate, simply ignored the merits of the problem. As a result, there were 11 more

cases in this reporting period where dishonesty was reasonably believed to have occurred, and the OIG recommended dishonesty allegations, which were not followed.

Modified Recommendation

- The Office of Internal Affairs should implement a directive to its agents that if dishonesty is reasonably believed to have occurred, the case must include dishonesty as an allegation. If the hiring authority identifies dishonesty, the Office of Internal Affairs should not change the allegation absent good cause. If the hiring authority fails to identify dishonesty where dishonesty is reasonably believed to have occurred, the Office of Internal Affairs should add dishonesty as an allegation.

Department Response

The department's management has now stepped in and provided assurances there will be an automatic supervisory review for such cases in the future.

- The OIG recommends that the department develop a plan to adequately staff the Office of Internal Affairs Central Intake Panel or explore other ways to achieve the 30-day time frame required by policy.

Department Response

The department has provided additional funding to fill vacancies in staffed positions within the Office of Internal Affairs to achieve the required time frames, and the Office of Internal Affairs management is currently in the hiring process.

APPENDICES

Appendix A contains the assessments for 87 Pre-Disciplinary Investigative Phase cases monitored during this reporting period, listed by geographical region.

A1 displays the assessments of the 11 Pre-Disciplinary Investigative Phase cases that involved use of force.

A2 displays the assessments of the 76 Pre-Disciplinary Investigative Phase cases that did not involve use of force.

Appendix B contains the assessments for 143 Disciplinary Phase cases monitored during the reporting period, listed by geographical region.

B1 displays the assessments of the 28 Disciplinary Phase cases that involved use of force

B2 displays the assessments of the 115 Disciplinary Phase cases that did not involve use of force.

Appendix C contains the results and outcomes of 78 Combined Phase cases monitored during the reporting period, listed by geographical region.

C1 displays the assessments of the 16 Combined Phase cases that involved use of force

C2 displays the assessments of the 62 Combined Phase cases that did not involve use of force.

APPENDIX A1
PRE-DISCIPLINARY INVESTIGATIVE PHASE
CASES INVOLVING USE OF FORCE
CENTRAL REGION

Incident Date 2013-01-11	OIG Case Number 13-0390-IR	Case Type Administrative Investigation	Allegations 1. Unreasonable Use of Force 2. Neglect of Duty 3. Endanger Self and Fellow Employees
<p>Incident Summary On January 11, 2013, an officer allegedly violated a local operational procedure when he conducted an unclothed body search of an inmate inside his cell. The officer allegedly endangered himself and other staff when he ordered a cell door in an administrative segregation unit be opened because he thought the inmate inside the cell was in possession of contraband. The officer allegedly used unreasonable force when he entered the cell and engaged in a physical struggle with the inmate. Another officer allegedly instructed the cell door be reopened and ran inside the inmate's cell.</p>			
<p>Investigative Assessment The department's investigative process sufficiently complied with policies and procedures.</p>			<p>Rating: Sufficient</p>

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-13	12-1324-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty

Incident Summary

On March 13, 2012, two parole agents, three youth counselors, an officer, and a case records analyst allegedly failed to prevent an altercation between two wards, failed to report use of force, and failed to sound their alarms. On March 15, 2012, the same two parole agents, two of the same youth counselors, a senior youth counselor, and the same officer also allegedly failed to sound their alarms during an altercation between two wards.

Investigative Assessment

Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-22	13-0690-IR	Direct Action with Subject Only Interview (SOI)	<ol style="list-style-type: none"> 1. Failure to Report Use of Force

Incident Summary

On November 22, 2012, an officer allegedly failed to accurately identify another officer who was involved in a use-of-force incident where a disruptive inmate was forced to the ground.

Investigative Assessment

Rating: **Insufficient**

The Office of Internal Affairs, department attorney, and hiring authority failed to comply with the department's policies and procedures governing the investigative process. The case was neither referred to nor processed by the Office of Internal Affairs in a timely manner. Furthermore, the department attorney did not attend the officer's interview.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on November 28, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 25, 2013, approximately four months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 3, 2013, but did not take action until May 22, 2013, 49 days after 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 officer.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-07	13-0397-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty

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.

NORTH REGION

Investigative Assessment

Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2009-04-21	11-3034-IR	Criminal Investigation	1. Criminal Act Involving Unreasonable Use of Force

Incident Summary

On April 21, 2009, a sergeant allegedly slammed a handcuffed inmate's head into the side window of a transportation van during a transport. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney's office. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Rating: Insufficient

The department's investigative process failed to comply with policies and procedures. Both the hiring authority and the Office of Internal Affairs failed to initially assess the case correctly and did not timely recognize the need for a criminal investigation.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

Although the hiring authority timely referred the matter to OIA Central Intake, the hiring authority failed to properly identify the need for a criminal investigation. OIA Central Intake also failed to identify the need for a criminal investigation and initially opened an administrative investigation on June 29, 2009. The case was not considered for a criminal investigation until November 30, 2011, after the hiring authority finally recognized the need for a criminal investigation.

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

OIA Central Intake initially opened an administrative investigation on June 29, 2009. Both the hiring authority and the Office of Internal Affairs initially failed to assess the case correctly and failed to recognize the need for a criminal investigation. The case was not considered for a criminal investigation until November 30, 2011, two and one-half years later, at the request of the hiring authority.

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-09	13-0186-IR	Administrative Investigation	1. Dishonesty 2. Failure to Report Use of Force 3. Unreasonable Use of Force 4. Neglect of Duty

Incident Summary

On November 9, 2012, an officer allegedly shoved an inmate against a wall, failed to accurately document his use of force, and failed to activate a personal alarm. On May 17, 2013, the officer allegedly was dishonest to the Office of Internal Affairs about the incident. Two other officers allegedly witnessed the force used by the first officer but failed to document their observations and also failed to activate their personal alarms. On May 17, 2013, one of the other two officers was also allegedly dishonest to the Office of Internal Affairs about the incident.

Investigative Assessment

Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-22	13-0449-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report Use of Force 3. Unreasonable Use of Force 4. Insubordination 5. Neglect of Duty

Incident Summary

On November 22, 2012, a sergeant allegedly threw her baton twice at a fleeing inmate in an unsuccessful attempt to strike him and failed to report the use of force. Later that day, the sergeant allegedly commented about her unreported use of force to a second sergeant. The second sergeant allegedly did not report the admission until December 6, 2012, 13 days after the incident. On December 19, 2012, the first sergeant described the incident to a captain, who directed her to document the use of force; however, the sergeant allegedly failed to comply with the order. On July 30, 2013, the first sergeant was allegedly dishonest in her interview with the Office of Internal Affairs when she claimed to have disclosed her actions to a lieutenant.

Investigative Assessment

Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-17	13-1331-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty

Incident Summary

An inmate alleged that on January 17, 2013, seven officers and a sergeant either participated in or witnessed officers come into the inmate's cell, beat him up, and then forcefully carry him to another cell. Once in the second cell, the inmate claimed he was suicidal and one of the officers allegedly failed to take appropriate steps to ensure the inmate's safety. None of the seven officers nor the sergeant wrote reports detailing the alleged incident.

Investigative Assessment

Rating: **Insufficient**

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to submit the request for investigation in a timely manner and OIA Central Intake failed to make a timely determination regarding the case.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 17, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until May 7, 2013, 110 days later.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on May 13, 2013, but did not take action until July 24, 2013, 72 days later.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-15	13-1083-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 3. Neglect of Duty

Incident Summary

On February 15, 2013, an officer allegedly entered the cell of an inmate and hit the inmate several times in the head without cause. The same officer and another officer allegedly allowed the inmate's arm to be trapped in the cell door for approximately 20 minutes. Both officers also allegedly failed to report either the inmate being hit or the inmate's arm being trapped in the cell door.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-24	13-0981-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Neglect of Duty

Incident Summary

On March 24, 2013, a sergeant allegedly used unreasonable force on an inmate to prevent the inmate from swallowing suspected contraband. The sergeant and an officer allegedly submitted initial reports that accurately reflected the use of force but later submitted second reports that were back-dated and did not accurately reflect the use of force.

Investigative Assessment

Rating: Sufficient

The department's investigative process sufficiently complied with policies and procedures. The special agent's report was thorough and provided the hiring authority with sufficient information to properly assess the allegations.

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-15	13-2105-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 3. Discourteous Treatment

Incident Summary

On July 15, 2013, an inmate alleged that an officer yelled and cursed at him, forcefully pushed her knee into his buttocks, and kicked his shin with her boot, causing an abrasion. The officer also allegedly dragged the inmate across the dayroom floor while the inmate was seated in a chair. The inmate further alleged that the officer balled up her fist, held it within inches of his face, and threatened to punch the inmate. The officer also allegedly failed to report the use of force.

Investigative Assessment

Rating: Sufficient

The department's investigative process sufficiently complied with policies and procedures. The special agent's report was thorough and provided the hiring authority with sufficient information to properly assess the allegations.

APPENDIX A2
PRE-DISCIPLINARY INVESTIGATIVE PHASE
CASES NOT INVOLVING USE OF FORCE
CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-08-19	13-1279-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On August 19, 2011, a lieutenant allegedly raped a correctional counselor while off duty. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office. 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

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-02-17	12-2150-IR	Administrative Investigation	1. Theft

Incident Summary

Between February 17, 2012, and February 26, 2012, a nurse allegedly stole 150 narcotic medication pills from the institution.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-01	12-1655-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From March 1, 2012, to May 21, 2012, an officer allegedly failed to process, secure, and document confiscated inmate mobile phones and instead redistributed the mobile phones to other inmates for personal gain and conspired with two other officers to transport, introduce, and distribute mobile phones for profit to inmates within the institution. The officer also attempted to dissuade witnesses and submitted false reports during the investigation to conceal his criminal activity. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral against the first officer to the district attorney's office. The investigation failed to establish sufficient evidence for probable cause against the two other officers. The OIG concurred with the probable cause determinations. The Office of Internal Affairs also opened an administrative investigation only on the first officer, which the OIG accepted for monitoring.

Investigative Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-21	12-1606-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Discourteous Treatment

Incident Summary

On May 21, 2012, a lieutenant and a sergeant allegedly failed to document an in-cell fight and failed to follow a local operating procedure regarding in-cell assault reviews. Three officers also allegedly failed to document the fight. Another officer allegedly called one of the inmates involved in the fight a derogatory term and failed to take appropriate action when notified that one of the inmates had been slapped and threatened.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-03	12-2090-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty

Incident Summary

On June 3, 2012, a sergeant allegedly placed two handcuffed inmates into a one-person holding cell and left them unattended in the cell while handcuffed for over four hours. The sergeant also allegedly failed to document placement of the inmates in the holding cell.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-19	12-2398-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Other Failure of Good Behavior 4. Discourteous Treatment

Incident Summary

On July 19, 2012, a counselor allegedly made a rude gesture to a private citizen at a restaurant, which instigated a concerted effort by four departmental employees to assault the private citizen. During the altercation, a second counselor pushed two restaurant employees to the side in order to chase after the private citizen and then chest-bumped, grabbed, and forced the private citizen to the ground. That counselor also punched the private citizen in the face. Four other counselors allegedly failed to intervene to stop the first two counselors from attacking the private citizen and were dishonest to outside law enforcement and in their written reports. A captain also allegedly failed to intervene and stop the counselor who punched the private citizen. The counselor who initiated the incident, another counselor, and a lieutenant allegedly assisted in the assault by holding the private citizen against a wall. The captain, three of the counselors, and the lieutenant also allegedly submitted false reports regarding the incident. On April 2, 2013, the counselor who chest-bumped and forced the private citizen to the ground was allegedly dishonest to the Office of Internal Affairs. On March 12, 2013, and June 6, 2013, three other counselors allegedly were dishonest to the Office of Internal Affairs.

Investigative Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-01	13-0552-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between August 1, 2012, and May 1, 2013, an officer allegedly engaged in a sexual relationship with an inmate and conspired to smuggle mobile phones, tobacco, and methamphetamines into the institution for inmate use. 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

Rating: Insufficient

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 Office of Internal Affairs failed to timely make a determination regarding the case.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 11, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 22, 2013, 73 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on February 22, 2013, but did not take action until April 10, 2013, 47 days after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination on the case. The total delay was four months.

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-07	12-2055-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On August 7, 2012, an officer allegedly had sexual intercourse with an inmate. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office. 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

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs failed to consult with the OIG, thus precluding effective monitoring of the investigation. The special agent failed to confer with the OIG upon case initiation and conducted interviews without notifying the OIG. The special agent also failed to record any interviews, further impeding monitoring. The special agent also failed to provide the OIG with a draft investigative report for review.

CENTRAL REGION

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 failed to make a list of potential witnesses and verify with the OIG that all witnesses had been identified. It is not known whether the special agent adequately prepared in other aspects because the special agent failed to consult with the OIG regarding the investigation.
- Were all of the interviews thorough and appropriately conducted?
The special agent failed to record any of the interviews with inmates. The special agent also failed to notify the OIG of the time and place of the interviews and, therefore, it is not known whether the interviews were thorough.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
A draft copy of the investigative report was not timely forwarded to the OIG to allow for feedback before it was forwarded to the prosecuting agency.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to confer with the OIG at the beginning of the investigation and, therefore, the OIG was not able to provide feedback regarding the investigative plan. The special agent also failed to coordinate any interviews with the OIG and conducted those interviews without the OIG's presence. The special agent did not provide any information to the OIG except the information directly requested by OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-23	12-2325-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On August 23, 2012, a stationary engineer allegedly stole copper and scrap metal from a storage yard inside an institution for the purpose of selling those materials to a recycling facility. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office. 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

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The special agent did not forward a draft copy of the investigative report to the OIG before finalizing the report. The special agent finalized the report and the case was closed by the agent's supervisor without consulting with the OIG.

Rating: Insufficient

Assessment Questions

- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent did not forward the draft or final investigative report to the OIG before closing the case.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to consult with the OIG because he failed to provide the OIG with the draft or final investigative report and closed the case without consulting the OIG.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-09-14	13-0574-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between September 14, 2012, and February 2, 2013, an officer allegedly conspired with inmates to bring mobile phones into an institution and accepted bribes for these items. 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

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs delayed conducting the investigation and the deadline for filing misdemeanor criminal charges expired before the investigation was completed.

Assessment Questions

- Was the OIA investigation, or subject only interview, conducted with due diligence?
The special agent was assigned on April 26, 2013; however, no investigative work was commenced until September 3, 2013, over four months later.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The deadline to file misdemeanor criminal charges for smuggling mobile phones into the institution was September 27, 2013. The investigation was not completed until December 9, 2013, 73 days after the deadline.
- Did the deadline for taking disciplinary action expire before the investigation was completed?
The deadline to file misdemeanor criminal charges for smuggling mobile phones into the institution was September 27, 2013. The investigation was not completed until December 9, 2013, 73 days after the deadline.

Incident Date	OIG Case Number	Case Type	Allegations
2012-09-25	12-2264-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On September 25, 2012, investigative services unit officers and special agents from the Office of Internal Affairs found an officer in possession of three vacuum-sealed packages of tobacco and six mobile phones and chargers as he was entering the institution. The officer admitted to bringing in the contraband and acknowledged he had done so on three prior occasions. The officer also admitted his intention to sell the contraband to inmates. The Office of Internal Affairs conducted the investigation and found sufficient evidence for a probable cause referral to the district attorney's office. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation as the officer resigned. A letter was placed in the officer's official personnel file indicating that he resigned under adverse circumstances.

Investigative Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-10-19	13-0108-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Misuse of State Equipment or Property

Incident Summary

On October 19, 2012, two officers allegedly failed to conduct required security checks and inmate counts and failed to report the misconduct of each other. The officers were allegedly dishonest when they verified in the institutional log books and computer that the security checks and inmate counts had been completed. One of the officers allegedly also failed to wear proper equipment.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-15	13-0313-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Secure Potential Crime Scene 2. Endanger Fellow Employees

Incident Summary

On November 15, 2012, a control booth officer allegedly failed to secure a potential crime scene when he saw an inmate with blood on his shirt on the dayroom floor and instead conducted a recall of the dayroom. The control booth officer also allegedly endangered floor officers when he allowed the inmate with blood on his shirt into the rotunda area without notifying the floor staff and without the presence of additional response staff.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-26	13-0487-IR	Criminal Investigation	<ol style="list-style-type: none"> 1. Criminal Act

Incident Summary

Between November 26, 2012, and October 11, 2013, an officer allegedly introduced marijuana, mobile phones, and alcoholic beverages into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office. 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

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-08	13-0314-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty

Incident Summary

On December 8, 2012, an officer allegedly failed to properly supervise an inmate, which resulted in almost two hours during which the inmate was unaccounted for. Three officers allegedly allowed a vehicle containing the inmate, hidden under the vehicle in an attempt to escape, to enter and exit several sally ports at the institution without a security officer searching the vehicle and without identifying the driver of the vehicle. Two other officers allegedly failed to properly search the vehicle. A materials and stores supervisor allegedly failed to ensure that the vehicle was properly searched as it entered and exited the sally ports and failed to report that the vehicle had not been properly searched by the officers.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-13	13-0463-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Insubordination 3. Neglect of Duty 4. Discourteous Treatment

Incident Summary

On December 13, 2012, a sergeant and an officer allegedly failed to promptly report the misconduct of another employee. The sergeant also allegedly directed the officer to falsify a report to add incorrect information and was discourteous to that officer by cursing at the officer when he refused to change his report. The sergeant was also allegedly willfully disobedient by repeatedly failing to appear for scheduled interviews with the Office of Internal Affairs.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-19	13-0315-IR	Criminal Investigation	<ol style="list-style-type: none"> 1. Criminal Act

Incident Summary

Between December 19, 2012, and February 12, 2013, a licensed vocational nurse allegedly introduced narcotics and mobile phones into the institution for an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The licensed vocational nurse resigned during the criminal investigation. Therefore, the Office of Internal Affairs did not open an administrative investigation.

Investigative Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the investigative process. The special agent failed to adequately consult with the OIG and failed to provide critical documents to the OIG.

CENTRAL REGION

Assessment Questions

- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent did not provide a copy of the draft investigative report to the OIG.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent failed to provide any information about the case from July 2, 2013, when the nurse was arrested, through September 24, 2013, when the Office of Internal Affairs closed the case. The special agent also failed to provide a copy of the search warrant or the draft investigative report to the OIG, and failed to provide the final investigative report to the OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-24	13-0709-IR	Administrative Investigation	1. Dishonesty

Incident Summary

On January 24, 2013, an officer was allegedly dishonest when he falsified an authorization from his medical provider for time off from work.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-26	13-0421-IR	Administrative Investigation	1. Dishonesty 2. Failure to Report 3. Other Failure of Good Behavior 4. Possession of Controlled Substance

Incident Summary

On January 26, 2013, two officers, a husband and wife, allegedly engaged in a domestic dispute in which he punched her in the face and in which she lunged at him and threatened to inflict bodily harm. While at the officers' residence, outside law enforcement located illegal steroids possessed by the male officer. The female officer allegedly was aware that her husband possessed and used illegal steroids, but failed to report the misconduct. On April 11, 2013, the female officer was allegedly dishonest regarding the incident during her interview with the Office of Internal Affairs.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-29	13-0532-IR	Administrative Investigation	1. Dishonesty

Incident Summary

On January 29, 2013, and January 30, 2013, an officer was allegedly dishonest when he signed and dated two administrative segregation unit placement notices indicating he had provided the notices to two inmates when he had not done so. In addition, the officer allegedly falsely indicated on the notices that both inmates refused to sign the notices when served with them. During the investigation, the officer was allegedly dishonest when he stated that he served the two inmates with the notices and the inmates refused to sign them.

CENTRAL REGION

Investigative Assessment	Rating: Sufficient
Overall, the department's investigative process sufficiently complied with policies and procedures. Because of intervention from the OIG, the special agent interviewed two additional witnesses resulting in a thorough investigation.	

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-24	13-0604-IR	Direct Action with Subject Only Interview (SOI)	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior

Incident Summary

On February 24, 2013, an officer was arrested after he was allegedly involved in a physical altercation with his wife's former husband, in which the officer punched him. The officer was also allegedly dishonest when he told outside law enforcement that he never punched the wife's former husband during the altercation.

Investigative Assessment	Rating: Sufficient
Overall, the department's investigative process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-27	13-1347-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Discourteous Treatment

Incident Summary

On February 27, 2013, an officer allegedly falsely documented an inmate's activities on a rules violation report. During an encounter with the inmate, the officer also allegedly directed several expletives at the inmate. On September 17, 2013, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.

Investigative Assessment	Rating: Insufficient
The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.	

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on February 28, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 10, 2013, 71 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 12, 2013, but did not take action until July 17, 2013, 35 days after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination on the case.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-13	13-2086-IR	Direct Action with Subject Only Interview (SOI)	1. Neglect of Duty

Incident Summary

On May 13, 2013, an officer allegedly failed to maintain constant observation of an inmate suspected of ingesting contraband as the inmate was able to rip his jumpsuit and reingest the suspected contraband. The officer also allegedly failed to ensure there was adequate lighting in the inmate's cell as the officer watched the inmate.

Investigative Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the investigative process. The Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 4, 2013, but did not take action until September 18, 2013, over three months after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
OIA Central Intake delayed making a determination regarding the case.

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-13	13-1571-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On July 13, 2013, an account clerk allegedly mailed marijuana, tobacco, and mobile phones to an inmate at another 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 did not accept for monitoring. The account clerk pleaded guilty and was sentenced to two years in prison.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The special agent failed to cooperate with and provide real-time consultation to the OIG, failed to notify the OIG of an interview, and failed to forward the investigative report to the OIG for review before it was forwarded to the prosecuting agency. The special agent also failed to appropriately enter activity in CMS.

Assessment Questions

- Did the special agent appropriately enter case activity in CMS?
The special agent failed to appropriately enter case activity in CMS as there was no documentation of a witness interview conducted or a supplemental investigative report that was generated as a result.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
A draft copy of the investigative report was not forwarded to the OIG before it was forwarded to the prosecuting agency.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not cooperate with nor provide continual real-time consultation to the OIG. The special agent conducted an interview without notifying the OIG or documenting the interview in CMS. The special agent also failed to forward the supplemental report documenting the interview and a draft investigative report to the OIG for review and consultation. The special agent did not forward the investigative report to the OIG until the OIG requested it, and it was not delivered until approximately one month after it had been delivered to the prosecuting agency and the case had been closed by the Office of Internal Affairs.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2009-06-01	11-1016-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From June 1, 2009, through March 30, 2010, an associate governmental program analyst allegedly inappropriately charged overtime hours and misused a department credit card to make personal purchases. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the United States Attorney's Office. 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

Rating: Insufficient

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not timely refer the request for investigation to the Office of Internal Affairs. The Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request. The special agent failed to confer with the OIG upon case initiation and prior to finalizing the investigative plan. Further, the special agent did not forward a draft copy of the investigative report to the OIG for review before it was forwarded to the prosecuting agency.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The date of discovery was July, 1, 2010; however, the hiring authority did not refer the matter to the Office of Internal Affairs until August 30, 2010, two months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on August 30, 2010, but did not take action until October 7, 2010, 38 days after the receipt of the request.
- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?

The special agent did not confer with the OIG upon initiation and prior to finalizing the investigative plan.
- 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?

Upon completion of the investigation, a draft copy of the investigative report was not timely forwarded to the OIG before it was submitted to the prosecuting agency.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent did not cooperate with the OIG because he failed to consult with the OIG regarding the elements of a thorough investigation and he failed to forward a draft of his investigative report to the OIG before it was submitted to the prosecuting agency.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2010-01-01	12-2425-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Misuse of State Equipment or Property

Incident Summary

Allegedly, on numerous dates in 2010, 2011, and 2012, a parole agent was dishonest when he documented on his official timesheets that he was working for the department when he was actually working for other employers in his secondary employment. From May 2010 to July 2012, the parole agent allegedly failed to report his secondary employment with two other employers. From March 27, 2012, to July 29, 2012, the parole agent allegedly misused his state vehicle and fuel card to drive to his secondary employment and used his state-issued firearm while working for another agency in his secondary employment. Further, from 2010 to 2012, the parole agent allegedly failed to follow policy regarding the supervision of parolees assigned to his caseload and was dishonest when he altered and falsified official reports or records related to his parolee caseload. From April 2011 to July 2012, the parole agent allegedly violated departmental policy by transporting a non-department-issued firearm in his state vehicle and storing his state-issued weapon in the locked trunk of his assigned vehicle while not on duty with the department.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-05-12	13-0598-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Misuse of Authority 2. Neglect of Duty

Incident Summary

On May 12, 2011, the chief of personnel allegedly directed staff to place him in an appointment as a staff services analyst in violation of civil service rules. On June 1, 2011, the chief of personnel allegedly accepted the additional appointment as a staff services analyst in order to receive additional compensation outside of his salaried position as chief. On June 29, 2011, a staff services manager allegedly approved a request for personnel action for a labor relations manager indicating that she was approved to accept a dual appointment as a staff services analyst even though she did not meet the criteria. On June 30, 2011, the staff services manager allegedly approved a request for personnel action for the chief of personnel indicating that he was approved to accept a dual appointment as a staff services analyst even though he did not meet the criteria. On June 1, 2011, a labor relations manager allegedly accepted an additional appointment as a staff services analyst in order to receive additional compensation outside of her salaried position even though she was not qualified to accept the appointment.

Investigative Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The date of discovery was May 1, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until February 19, 2013, more than nine months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on February 27, 2013, but did not take action until April 19, 2013, 51 days after receiving the request for investigation.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-09-01	12-1282-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Sexual Misconduct 3. Failure to Report 4. Misuse of Authority 5. Neglect of Duty 6. Misuse of State Equipment or Property

Incident Summary

Between September 1, 2011, and March 21, 2012, a department director allegedly sexually harassed a staff services analyst, asked her to perform various sex acts, sent her sexually-explicit text messages, and engaged in sexual misconduct with her. On March 1, 2012, a staff services manager, upon learning of the allegations, allegedly failed to immediately report the misconduct against the director and improperly agreed to the staff services analyst's request that she not disclose the allegations. On March 21, 2012, a lieutenant allegedly failed to take appropriate action when advised by the staff services analyst that she had been sexually harassed. On March 21, 2012, the chief of transportation, who was also an equal employment opportunity coordinator, allegedly failed to take appropriate action when he was advised by the staff services analyst that she had been subjected to sexual harassment by the department director and when he agreed to her request not to disclose the sexual harassment allegations. On March 21, 2012, a business manager allegedly failed to report misconduct when the department director informed her that he had inappropriate text messages on his mobile phone. On March 25, 2012, the department director allegedly directed the business manager to change his state-issued mobile phone number and delete his text messages from the device. On March 25, 2012, the business manager allegedly destroyed evidence by deleting all the data from the director's phone after he notified her that the phone contained inappropriate text messages. On March 25, 2012, the department director allegedly conspired with a former undersecretary and a former warden to prevent the staff services analyst from reporting the sexual harassment. On May 21, 2012, a sergeant allegedly utilized a state computer to send e-mail messages concerning the staff services analyst to the director's wife, who was not an employee of the department, and failed to report the sexual harassment allegations against the department director. On August 24, 2012, the department director allegedly provided false and incomplete information to the Office of Internal Affairs concerning his relationship with the staff services analyst.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-11-07	13-0446-IR	Criminal Investigation	<ol style="list-style-type: none"> 1. Criminal Act

Incident Summary

On November 7, 2011, a parole agent allegedly began a sexual relationship with a parolee. On December 18, 2012, the parolee gave birth to a child allegedly fathered by the parole agent. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office because DNA testing showed the parole agent was not the father of the child. The OIG concurred with the probable cause determination because the parole agent was excluded by the DNA evidence and there was no other credible evidence of a sexual relationship between the parole agent and the parolee. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-12-06	12-1095-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Disclosure of Confidential Information

Incident Summary

On December 6, 2011, an information technology section chief allegedly became aware that a computer analyst had been viewing child pornography on his state computer but failed to preserve the confidentiality of the matter. The breach of confidentiality interfered with a criminal investigation as the computer analyst was able to remove information on the computer that would have been evidence of a crime. Additionally, on February 1, 2012, the information technology section chief allegedly revealed confidential information to the computer analyst regarding the administrative disciplinary action.

Investigative Assessment

Rating: Insufficient

The department's investigative process did not sufficiently comply with policies and procedures. The hiring authority failed to timely submit a request for investigation to the Office of Internal Affairs. The department attorney failed to make a required CMS entry regarding the deadline for taking disciplinary action, failed to timely contact the Office of Internal Affairs and the OIG to discuss the elements of a thorough investigation, and did not provide written confirmation summarizing critical discussions about the investigative report to the Office of Internal Affairs with a copy to the OIG.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on December 6, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 25, 2012, over four months after the date of discovery.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The department attorney made an entry into the case management system 31 days after assignment confirming the deadline for taking disciplinary action. However, she did not confirm the date of the reported incident or 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 attorney was assigned on May 14, 2012, but did not contact the assigned special agent and the OIG to discuss the elements of a thorough investigation until June 14, 2012, 31 days after assignment.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?

The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent or to the OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-12	13-2120-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Over-Familiarity

Incident Summary

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

Investigative Assessment

Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-03	12-1929-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Failure to Provide Adequate Medical Care 4. Denial of Medical Care

Incident Summary

On June 3, 2012, a registered nurse allegedly failed to provide adequate medical care and conduct timely medical assessments on an inmate, as directed by a physician. The registered nurse also allegedly failed to follow the physician's orders and falsified medical records to reflect that he had made the medical assessments, in an attempt to cover his negligence. A physician and a second registered nurse also allegedly failed to provide adequate medical care to the same inmate. The inmate died due to a stroke on June 11, 2012, at an outside hospital. The first registered nurse also allegedly failed to provide adequate medical care to a second inmate on June 17, 2012, and a third inmate on June 18, 2012.

Investigative Assessment

Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-01	13-0078-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Misuse of Authority 3. Other Failure of Good Behavior

Incident Summary

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

Investigative Assessment

Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-01	13-0822-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Contraband 3. Over-Familiarity

Incident Summary

Between August 2012 and October 2012, a supervising cook allegedly engaged in sexual misconduct with an inmate. The cook also allegedly brought a mobile phone and tobacco to the inmate, added minutes to the mobile phone, and corresponded with the inmate.

Investigative Assessment

Rating: **Insufficient**

The department attorney failed to comply with the department's policies and procedures governing the investigative process. The department attorney failed to actively participate in the investigative phase. The department attorney failed to contact the assigned special agent and the OIG to discuss the investigation, failed to make any entry into CMS confirming relevant dates, and failed to properly review and provide feedback regarding the investigative report.

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entry into CMS confirming relevant dates.
- 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 never contacted the assigned special agent or the OIG to discuss the investigation.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The draft report was sent to the department attorney on June 27, 2013; however, the department attorney did not document in CMS that the report was reviewed and did not provide any substantive feedback addressing the thoroughness and clarity of 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 attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?
Although a department attorney was assigned, the attorney did not actively participate in the investigative phase.

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-14	13-0684-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On August 14, 2012, a warden, two lieutenants, three sergeants, and two officers allegedly failed to take appropriate action to ensure the health and safety of inmates during an emergency situation when the outside temperature was above 90 degrees. Several inmates were allegedly exposed to hot concrete or asphalt for several hours, which resulted in burns to their knees. One inmate suffered heat exhaustion and dehydration allegedly due to being outside in hot weather for an extended period of time. He was sent to an outside hospital and then a decision was made to have him air-lifted to another hospital. It was alleged some inmates requested health care services for their injuries on the day of the incident but their requests were denied.

Investigative Assessment

Rating: Insufficient

The hiring authority and Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs, and the OIA Central Intake failed to timely make a determination on the matter. The draft investigative report was not thorough. Additionally, the Office of Internal Affairs failed to timely complete its investigation.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The date of discovery was September 4, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until March 21, 2013, over six months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 22, 2013, but did not take action until May 8, 2013, 47 days after receipt of the case.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft report did not include documentation regarding the incident commander's and sergeant's responsibilities during an alarm response. In addition, the requests for medical services from three inmates were not included in the draft report.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
OIA Central Intake delayed making a determination regarding the case and the special agent delayed completing the investigation.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The deadline to take disciplinary action was September 4, 2013. The investigation was completed on August 12, 2013, only 23 days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2012-09-28	13-0588-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty

Incident Summary

On September 28, 2012, an officer allegedly became aware that her son was incarcerated at the institution where she was assigned but failed to report it to the hiring authority. In addition, the officer was allegedly insubordinate when she violated a special agent's order to maintain the confidentiality of the investigation by speaking with family members about her interview. The officer was allegedly dishonest during a subsequent investigative interview when she denied discussing the investigation with family members.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The report was completed and submitted to the hiring authority with only 13 days left before the deadline to take disciplinary action.

Assessment Questions

- Was the OIA investigation, or subject only interview, conducted with due diligence?
The Office of Internal Affairs failed to timely complete the investigation.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The deadline to take disciplinary action was September 28, 2013. The investigation was completed on September 16, 2013, only 13 days before the deadline to take disciplinary action.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-19	13-0646-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On December 19, 2012, a sergeant allegedly provided mobile phones that had been previously confiscated from other inmates to an inmate clerk for financial gain. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office. 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

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-01	13-0976-IR	Administrative Investigation	1. Neglect of Duty 2. Misuse of State Equipment or Property

Incident Summary

Between January 1, 2013, and April 7, 2013, an officer allegedly left his assigned post without supervisor approval and misused a state vehicle when he drove it off institution grounds to engage in sexual relations with a private citizen. The officer also allegedly possessed and used his personal mobile phone while on duty on institutional grounds.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-04	13-0484-IR	Administrative Investigation	1. Neglect of Duty 2. Other Failure of Good Behavior 3. Discourteous Treatment

Incident Summary

On January 4, 2013, an officer allegedly yelled obscenities at inmate culinary workers after discovering they were stealing food. The officer also allegedly threw a pan at an inmate, which struck the inmate in the back. A lieutenant allegedly neglected his duties by failing to report the incident.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not process the case in a timely manner. The assigned agent did no substantive case work for approximately six months and delivered the report to the hiring authority with only 23 days left before the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 4, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 19, 2013, 46 days after the date of discovery.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The special agent was assigned the case on April 19, 2013, but did not begin any substantive case work until October 23, 2013, a delay of approximately six months.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The report was completed and submitted to the hiring authority with only 23 days left before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-06	13-1462-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On January 6, 2013, two officers allegedly allowed two inmates to gain access to a third inmate's cell. Additionally, on January 6, 2013, a lieutenant allegedly was advised of the situation and failed to have the third inmate rehoused in administrative segregation for the inmate's protection.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The matter was not referred to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs did not process the matter in a timely manner. Additionally, the department attorney did not document in CMS that the report was reviewed and did not provide appropriate substantive feedback addressing the thoroughness and clarity of the report. Furthermore, 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.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 24, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until April, 24, 2013, three months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 30, 2013, but did not take action until July 31, 2013, three months after 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 draft report was sent to the department attorney on December 12, 2013; however, the department attorney did not document in CMS that the report was reviewed and did not provide appropriate substantive feedback addressing the thoroughness and clarity of the report.
- 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. Also, the department attorney did not make any entries in the case management system indicating any discussions with the special agent regarding the investigative report.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination regarding the request.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-01	13-0688-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between February 1, 2013, and March 20, 2013, an officer allegedly provided marijuana to an inmate for financial gain. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office. 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

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-22	13-0370-IR	Administrative Investigation	1. Neglect of Duty 2. Misuse of State Equipment or Property

Incident Summary

On February 22, 2013, an Office of Internal Affairs special agent allegedly misused state equipment and resources while conducting an unauthorized investigation for personal reasons, misused his authority as a special agent to gain access to information for personal use, and failed to make proper notification that he has family members in the custody of the department.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-01	13-1637-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between March and August 2013, an officer allegedly engaged in unlawful communications with an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-07	13-0462-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On March 7, 2013, an officer allegedly brought mobile phones and marijuana into the institution for personal gain. 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

Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-14	13-1459-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Insubordination 2. Neglect of Duty

Incident Summary

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

Investigative Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the investigative process. The Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 3, 2013, but failed to make a determination regarding the request until August 9, 2013, 129 days later.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-18	13-0712-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Traffic Related Incident While on Duty

Incident Summary

On March 18, 2013, a business services officer allegedly struck an inmate pedestrian on his arm with her personal car while driving on institutional grounds, intentionally left the scene, and failed to report the incident to her supervisors. It was also alleged that a sergeant was advised of the incident but failed to ensure the inmate received timely medical attention.

Investigative Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-31	13-0692-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On March 31, 2013, an officer was allegedly negligent in failing to immediately notify his supervisor of a sexual assault on a minor by an inmate in the visiting area. A lieutenant was allegedly negligent by failing to take immediate and appropriate action when he was informed of the sexual assault. On June 19, 2013, June 22, 2013, and July 17, 2013, the officer was allegedly dishonest during Office of Internal Affairs interviews when he stated that on March 31, 2013, he notified a supervisor he witnessed an inmate touching a minor female visitor's breasts.

Investigative Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-04-01	13-0820-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior

Incident Summary

On April 1, 2013, a sergeant and lieutenant allegedly conspired to influence a *Skelly* hearing on behalf of an officer. The sergeant and lieutenant allegedly created an unauthorized Report of Performance showing the officer's work as "outstanding" that the officer's representative submitted at the *Skelly* hearing.

Investigative Assessment

Rating: Insufficient

The department's investigative process failed to comply with policies and procedures. The Office of Internal Affairs changed a dishonesty allegation to neglect of duty, even though the facts clearly identified dishonesty in preparing a false report.

Assessment Questions

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

OIA Central Intake initially included an allegation that the sergeant and lieutenant were dishonest for creating an unauthorized Correctional Officer Report of Performance for the officer, with which the OIG agreed. However, during the OIA Central Intake meeting, the panel decided to change the dishonesty allegation to neglect of duty. The OIG disagreed and argued that the facts clearly support a dishonesty allegation for falsifying the report.

Incident Date	OIG Case Number	Case Type	Allegations
2013-05-01	13-1964-IR	Criminal Investigation	<ol style="list-style-type: none"> 1. Criminal Act

Incident Summary

Between May 2013 and August 2013, an officer was allegedly overly familiar with inmates, engaged in unauthorized communications with inmates, and introduced contraband in the form of methamphetamine, alcohol, tobacco, mobile phones, and mobile phone accessories into the institution for inmate use and financial gain. 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 opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-21	13-1809-IR	Criminal Investigation	<ol style="list-style-type: none"> 1. Criminal Act

Incident Summary

On August 21, 2013, a transportation officer allegedly entered the secure perimeter of an institution with two knives. When confronted by an officer in the sally port area who observed a knife protruding from his pocket, the transportation officer initially denied being in possession of the weapon. Traffic was halted through the sally port for one hour until the transportation officer agreed to cooperate with custody staff. The officer eventually admitted to a lieutenant that he had a knife in his pocket and was allegedly found to be in possession of a second knife that was secreted in his boot. 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

Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-08-21	13-1941-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Insubordination 4. Neglect of Duty 5. Discourteous Treatment

Incident Summary

On August 21, 2013, an officer allegedly possessed two unauthorized knives within the perimeter of the institution and refused to relinquish the weapons when ordered to do so by a sergeant. The officer was allegedly dishonest to two lieutenants, a sergeant, and two officers when he denied being in possession of a knife. The officer also allegedly directed profanity at two officers and called them derogatory names before he eventually relinquished the weapons.

Investigative Assessment

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

Rating: Sufficient

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2010-10-01	12-0238-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From October 1, 2010, to October 31, 2011, a materials and stores supervisor allegedly had sex with an inmate, provided him with a mobile phone and alcohol, delivered money to him from his family, and participated in unauthorized communications with the inmate. 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

Rating: Insufficient

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The investigation was not conducted with due diligence and took one year and ten months to complete. As a result, the deadline for filing misdemeanor criminal charges expired. While assigned, the department attorney failed to timely enter relevant information into CMS and failed to timely meet with the special agent and the OIG to discuss the investigation.

Assessment Questions

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

The department attorney was assigned February 8, 2012, but did not make an entry into CMS regarding the relevant deadlines until March 6, 2012, 27 calendar days after assignment. In addition, the entry did not reference specific dates.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?

The department attorney was assigned to the case on February 8, 2012, but did not meet with the assigned special agent and the OIG until March 6, 2012, 27 calendar days after his assignment.
- Was the OIA investigation, or subject only interview, conducted with due diligence?

The special agent was assigned case responsibility on January 30, 2012, but did not complete the investigation until December 10, 2013, over one year and ten months after the case was assigned to the special agent. From June 13, 2012, to June 26, 2013, there was no substantive work performed on the case.
- Did the deadline for taking disciplinary action expire before the investigation was completed?

The deadline for filing criminal charges for the misdemeanor of unauthorized communication with an inmate expired before the investigation was completed.
- Was the investigation thorough and appropriately conducted?

Although the investigation was thorough, it was not conducted with due diligence.

Incident Date	OIG Case Number	Case Type	Allegations
2011-06-27	12-2359-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From June 27, 2011, until September 25, 2012, an officer allegedly had sexual relations with an inmate and unlawfully communicated with him. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation as the officer resigned when the criminal investigation was initiated. A letter indicating the officer resigned under adverse circumstances was placed in her official personnel file.

Investigative Assessment

Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-08-12	11-2652-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On August 12, 2011, a plumber allegedly introduced 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 also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the investigative process. The investigation was hampered by actions taken by the hiring authority in transferring a key witness out of the institution before the special agent could interview the witness and gain his cooperation. The hiring authority failed to advise the OIG and the special agent of the transfer. The department attorney failed to make required entries in the case management system and failed to attend the plumber's interview. The special agent failed to exercise due diligence as he was assigned the case on November 17, 2011, but did not interview the plumber until April 10, 2013.

Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make an entry into CMS confirming relevant dates.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend several interviews, including the interview of the plumber.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The case was assigned to a special agent on November 17, 2011. However, the special agent did not conduct the interview of the plumber until April 10, 2013, more than one year and four months after assignment.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?
The hiring authority failed to advise the OIG and the special agent that a key witness who had agreed to cooperate with the investigation was transferred out of the institution to another facility before the special agent could interview the witness and gain his cooperation.
- Was the investigation thorough and appropriately conducted?
The investigation was hampered by actions taken by the hiring authority in transferring a key witness out of the institution before the special agent could interview him and gain his cooperation.

Incident Date	OIG Case Number	Case Type	Allegations
2011-08-12	13-0624-IR	Administrative Investigation	1. Dishonesty 2. Contraband 3. Over-Familiarity 4. Other Failure of Good Behavior

Incident Summary

On August 12, 2011, a plumber allegedly introduced mobile phones and tobacco into the institution, provided those items to inmates, and received payment from inmates and their family members. On April 10, 2013, the plumber was allegedly dishonest during his investigative interview with the Office of Internal Affairs.

Investigative Assessment

Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-01	13-0187-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

From January 1, 2012, until February 28, 2013, a supervising correctional counselor and a correctional counselor allegedly falsified documentation to reflect their participation in several classification meetings that never took place. During that same period, the supervising correctional counselor allegedly failed to monitor the correctional counselor's failure to properly perform his work. On October 2, 2012, the supervising correctional counselor and the correctional counselor allegedly failed to recommend the transfer of two inmates from a higher-level institution to a lower-level institution. From November 29, 2012, to December 6, 2012, the supervising correctional counselor allegedly failed to properly address the correctional counselor's repeated unauthorized work absences.

Investigative Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the investigative process. Despite requests by the OIG and department attorney, the Office of Internal Affairs failed to add dishonesty allegations. Additionally, the department attorney failed to provide timely feedback to the special agent regarding the investigative report.

Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
Despite recommendations by the department attorney and the OIG, OIA Central Intake failed to add allegations of dishonesty against the correctional counselors.
- 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 investigation report on July 15, 2013, but did not provide feedback to the special agent until September 9, 2013, 56 days after the report was received.

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-01	13-0271-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

From January 1, 2012, to June 1, 2012, a parole agent allegedly failed to properly supervise and document her supervision of 21 parolees on her caseload, failed to issue a parole hold when a parolee absconded, failed to maintain her field book pursuant to policy, and was dishonest when she documented that she obtained anti-narcotic tests from some of the parolees when she had not done so.

Investigative Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the investigative phase. The hiring authority did not timely refer the matter to the Office of Internal Affairs for investigation. Additionally, the Office of Internal Affairs failed to complete the investigation in a timely manner.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on November 30, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until January 23, 2013, 54 days later.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
Due to the broad scope of the investigation, the investigation was divided into two parts. The deadline for taking disciplinary action on the first part of the investigation was June 13, 2013; however, the report was not completed until June 7, 2013, six days before the deadline to take disciplinary action. The deadline for taking disciplinary action on the second part of the investigation was July 29, 2013. The second part of the investigation was not completed until July 12, 2013, 17 days before the deadline to take disciplinary action.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-05	12-2119-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On March 5, 2012, a supervising cook allegedly engaged in sexual activity with an inmate and brought narcotics and mobile phones into the institution for inmates for financial gain. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the supervising cook resigned during the criminal investigation.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-02	12-1536-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On May 2, 2012, an administrator from the Prison Industry Authority allegedly stole several state-owned items, such as compressors, dryers, and valuable scrap metal. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney's office. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The special agent did not conduct the investigation with due diligence, failed to timely interview a significant witness, prepared poorly drafted and legally insufficient search warrants, and failed to cooperate and provide continual consultation with the OIG.

Assessment Questions

- Was the OIA investigation, or subject only interview, conducted with due diligence?

The special agent took over a month to draft and execute several search warrants. Despite the administrator being on paid administrative leave from October 2012, the special agent failed to complete the investigation until July 2013, over nine months after the administrator was placed on administrative leave.

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

The special agent discussed this case with the district attorney's office on several occasions without any notification to the OIG. In addition, the special agent failed to keep the OIG informed of interviews and actions taken as the investigation progressed. Despite repeated offers by the OIG to consult on a strategy for completing this investigation in a timely manner and preparing it for presentation to the district attorney's office, the special agent failed to consult with the OIG. Additionally, the special agent scheduled a second interview of the administrator without notifying the OIG.

- Was the investigation thorough and appropriately conducted?

Upon initiation of the case, the OIG recommended that the spouse of the administrator be interviewed concurrently with the administrator. The special agent failed to do so, believing that the spouse was not involved. Several months later, the special agent did interview the spouse when the facts clearly indicated the spouse was potentially involved. Critical potential evidence was lost due to this delay. The special agent was unfamiliar with the preparation of search warrants. The search warrants for bank records failed to describe any connection between the subject listed and the bank listed, failed to list an address for the banks to be searched, and cited inappropriate statutory reasons for the warrant. The search warrants also did not contain required notification regarding consumer records.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-08	12-2849-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Misuse of State Equipment or Property

Incident Summary

Between May 8, 2012, and July 11, 2012, a parole agent allegedly falsified timesheets by claiming to work on days when he did not work, used a state vehicle for personal use on dates he did not work, failed to properly supervise parolees on his caseload, and failed to properly document his supervision of the parolees. Additionally, a supervising parole agent allegedly failed to properly supervise the parole agent.

Investigative Assessment

Rating: Insufficient

The hiring authority and the Office of Internal Affairs failed to comply with policies and procedures governing the investigative process. The hiring authority failed to timely submit a request for investigation to the Office of Internal Affairs and the Office of Internal Affairs failed to complete a timely investigation.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on August 23, 2012; however, the matter was not referred to the Office of Internal Affairs until November 14, 2012, 83 days later.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority failed to timely submit a request for investigation and the Office of Internal Affairs failed to complete a timely investigation.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The Office of Internal Affairs completed its investigation only 28 days before the deadline to take disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-01	12-1496-IR	Criminal Investigation	<ol style="list-style-type: none"> 1. Criminal Act

Incident Summary

During June 2012, a parole agent was allegedly involved in a sexual relationship with a parolee at large and allowed the parolee at large to live in his home. It was further alleged that the parole agent was in possession of child pornography. During the investigation, evidence was discovered that indicated the subject engaged in sexual relationships with two additional parolees. 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

Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-22	12-2230-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From June 22, 2012, through August 8, 2012, an officer allegedly smuggled mobile phones into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office. 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

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-12	12-2678-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On August 12, 2012, a sergeant and a plant manager allegedly failed to properly videotape the controlled extraction of an inmate from his cell, failed to provide proper protective gear for officers during the extraction, failed to have a lieutenant present during the cell extraction, and failed to first seek intervention by a mental health professional. On the same day, a lieutenant allegedly failed to request clarifying reports from officers and failed to properly document the cell extraction.

Investigative Assessment

Rating: Insufficient

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to conduct a timely investigation.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on August 12, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 29, 2012, 78 days after the date of discovery.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
There were significant delays between interviews. One interview was conducted in January 2013, followed by several interviews in mid-April 2013. However, final interviews were not conducted until July 2013, six months after the first interview.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The investigation was not completed until July 30, 2013, 13 days before the deadline for taking disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-30	13-1326-IR	Administrative Investigation	1. Neglect of Duty 2. Other Failure of Good Behavior 3. Misuse of State Equipment or Property

Incident Summary

On August 30, 2012, a captain allegedly used his state phone to take several pictures of male and female genitals and to send and receive personal messages. On September 13, 2012, the captain also allegedly failed to remove himself from a promotional interview panel at which a subordinate sergeant, with whom he had a personal relationship, was being interviewed, and allegedly failed to disclose the relationship.

SOUTH REGION

Investigative Assessment	Rating: Sufficient
Overall, the department's investigative process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Case Type	Allegations
2012-10-01	13-0190-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Insubordination 2. Neglect of Duty

Incident Summary

On October 1, 2012, a parole agent assigned to a global positioning system caseload allegedly announced to his supervisors that he would not answer his work phone after hours and would not respond to calls after his shift, contrary to his job requirements. On November 6, 2012, when the parole agent received an after-hours phone call, he allegedly referred the matter to his supervisor and did not complete the necessary tasks associated with his position.

Investigative Assessment	Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Case Type	Allegations
2012-10-27	13-0161-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On October 27, 2012, an officer allegedly failed to conduct a mandatory standing count and falsely documented that he had conducted the count. Shortly thereafter, an inmate was found dead in his cell with rigor mortis and lividity.

Investigative Assessment	Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Case Type	Allegations
2012-10-30	13-0189-IR	Criminal Investigation	<ol style="list-style-type: none"> 1. Criminal Act

Incident Summary

On October 30, 2012, an officer allegedly inserted his expandable baton into the rectum of a handcuffed inmate. 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	Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-15	13-1543-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Other Failure of Good Behavior

Incident Summary

On November 15, 2012, an associate warden allegedly directed a captain to change contraband surveillance watch documentation to falsely state that an inmate had a bowel movement that produced tobacco while the inmate was on contraband surveillance watch. The captain allegedly submitted the false documentation, although he had previously correctly documented that the inmate did not have a bowel movement while on contraband surveillance watch. After being released from contraband surveillance watch, the inmate had a bowel movement that produced several bindles of tobacco. On December 3, 2012, the same associate warden and captain allegedly each submitted memoranda to the warden falsely describing the conflicting documents as a misunderstanding. The warden allegedly learned of the misconduct on November 27, 2012, but failed to take appropriate action. The associate warden was also allegedly dishonest in his interview with the Office of Internal Affairs.

Investigative Assessment

Rating: Insufficient

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, the Office of Internal Affairs failed to timely make a determination regarding the case, and the Office of Internal Affairs completed the investigation only 27 days before the deadline for taking disciplinary action.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The hiring authority discovered the conduct on November 27, 2012, but did not refer the matter to the Office of Internal Affairs until June 24, 2013, six months and 28 days after the date of discovery. The matter was referred only after extensive efforts by the OIG to gather information and repeated recommendations to submit the request.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on June 27, 2012, but did not take action until August 7, 2012, 41 days after receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?

The hiring authority failed to timely refer the matter to the Office of Internal Affairs, the Office of Internal Affairs failed to timely make a determination regarding the case, and the Office of Internal Affairs failed to complete the investigation timely.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

The report was completed and submitted to the hiring authority with only 27 days left before the deadline for taking disciplinary action.

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-12	13-0332-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty

Incident Summary

Between December 12, 2012, and January 4, 2013, an officer allegedly presented false military orders to his supervisor in order to obtain days off from work. In addition, the officer allegedly submitted false employee attendance records reflecting that he was at work when, in fact, he was absent without prior supervisory approval. On April 23, 2013, the officer was allegedly dishonest to the Office of Internal Affairs about the matter.

Investigative Assessment

Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-01	13-0592-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Beginning January 1, 2013, an officer and a substance abuse counselor were allegedly introducing methamphetamine and heroin into an institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney's office. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence. The OIG concurred with the probable cause determination and the decision not to open an administrative investigation.

Investigative Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-11	13-2455-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On January 11, 2013, a sergeant ordered two officers to remove two inmates from a cell and escort them to the program office. The sergeant allegedly failed to inform the officers that the inmates may possess a weapon. As a result, the officers did not handcuff the inmates prior to having the cell door opened. After the cell door was opened, one of the inmates appeared to have an inmate-manufactured weapon. That inmate moved in the direction of the officers and flushed the weapon down the toilet. One of the officers sprayed the inmate with pepper spray. Further, the sergeant allegedly failed to include all relevant information in his written report of the incident.

Investigative Assessment

Rating: Insufficient

The hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority delayed almost nine months before referring the matter to the Office of Internal Affairs for investigation. This resulted in the Office of Internal Affairs completing the investigation only 13 days before the deadline for taking disciplinary action.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 2, 2013, almost nine months after the date of discovery.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs resulting in the investigation being completed only 13 days before the deadline for taking disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The deadline to take disciplinary action was January 11, 2013. The investigation was completed on December 30, 2013, only 13 days before the deadline.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-17	13-0451-IR	Direct Action with Subject Only Interview (SOI)	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Contraband 4. Neglect of Duty

Incident Summary

On January 17, 2013, a chaplain allegedly brought unauthorized handgun ammunition onto institution grounds and failed to properly secure it in a locker at the designated tower location as instructed by a captain and his immediate supervisor, a community resource manager. The chaplain was also allegedly dishonest in his written memorandum about the incident. A lieutenant allegedly took possession of the ammunition and temporarily placed it in his personal vehicle before giving it to an officer. The lieutenant was also allegedly dishonest in his written memorandum about the incident and when questioned about the incident. The officer allegedly took possession of the ammunition from the lieutenant, took it home, and then returned it to the lieutenant, who transported it into Mexico. The officer allegedly failed to report the misconduct of the lieutenant and was also allegedly dishonest when questioned about the incident. A captain and the community resource manager allegedly failed to take appropriate steps to safeguard the ammunition after each learned about its unauthorized introduction. The captain was also allegedly dishonest in his written memorandum about the incident. The community resource manager was also allegedly dishonest in his written memorandum about the incident and when questioned about the incident.

Investigative Assessment

Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-08	13-1081-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination 3. Neglect of Duty

Incident Summary

On February 8, 2013, a parole agent allegedly falsely documented in an official record that his direct supervisors gave him permission to attend a multi-agency task force arrest operation of a wanted parolee assigned to the parole agent's caseload when the parole agent did not have permission to attend. On February 11, 2013, the parole agent allegedly attended the arrest operation without supervisor approval.

Investigative Assessment

Rating: **Insufficient**

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority delayed referring the matter to the Office of Internal Affairs and OIA Central Intake delayed making a determination regarding the case.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on February 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 26, 2013, 74 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 3, 2013, but did not make a determination regarding the case until July 3, 2013, 61 days after receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-02-14	13-1332-IR	Administrative Investigation	1. Over-Familiarity

Incident Summary

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

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority delayed referring the case to the Office of Internal Affairs and the Office of Internal Affairs failed to take action on the case in a timely manner.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on February 14, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 4, 2013, 110 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 4, 2013, but did not take action until August 6, 2013, 63 days after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Case Type	Allegations
2013-03-27	13-1151-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty 3. Misuse of State Equipment or Property

Incident Summary

On March 27, 2013, an officer allegedly used a state computer to prepare a medical note that falsely stated the officer was absent from work because of a doctor's appointment. The officer allegedly submitted the false note to a supervisor.

Investigative Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on March 28, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 28, 2013, 61 days after the date of discovery.

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on May 31, 2013, but did not take action until July 10, 2013, 40 days after the receipt of the request.

- Was the OIA investigation, or subject only interview, conducted with due diligence?

The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Case Type	Allegations
2013-07-18	13-2331-IR	Direct Action with Subject Only Interview (SOI)	1. Dishonesty

Incident Summary

On July 18, 2013, an officer allegedly altered a form submitted to the personnel department to increase the amount of time off approved by a health care provider.

Investigative Assessment

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

Rating: Sufficient

APPENDIX B1 DISCIPLINARY PHASE CASES INVOLVING USE OF FORCE CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-22	12-1399-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. Sustained 3. Not Sustained 	Resignation	No Change

Incident Summary

On May 22, 2012, a sergeant allegedly used unreasonable force against an inmate without cause, punching the inmate's face four times. On the fourth punch, the inmate fell to the ground and the sergeant allegedly kned the inmate in the ribs and then kicked the inmate in the stomach. The sergeant, a second sergeant, and an officer allegedly witnessed the use of force, but failed to report it. The second sergeant also allegedly failed to maintain proper cell logs following the incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the first sergeant; however, the sergeant resigned before disciplinary action could be imposed. A letter indicating the sergeant resigned under adverse circumstances was placed in his official personnel file. The hiring authority did not sustain allegations against the officer and the second sergeant. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-22	12-1759-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 	<ol style="list-style-type: none"> 1. Sustained 	Salary Reduction	No Change

Incident Summary

On May 22, 2012, a sergeant and three officers, at the request of medical staff, held down an inmate who was resisting a medical procedure being administered at an outside hospital as a second sergeant watched. The first sergeant allegedly failed to timely report the force he used. The second sergeant and the three officers allegedly failed to timely report the use of force witnessed.

Disposition

The hiring authority sustained the allegation of failure to report against the second sergeant and imposed a 10 percent salary reduction for nine months. The sergeant did not file an appeal with the State Personnel Board. The hiring authority determined there was insufficient evidence to sustain the allegations against the first sergeant and the three officers. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The disciplinary officer did not make any entry into the case management system confirming relevant dates and the hiring authority failed to conduct the findings and penalty conference in a timely manner.

CENTRAL REGION

Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on July 23, 2012; however, the consultation with the OIG regarding the sufficiency of the investigation and investigative findings did not occur until May 6, 2013, more than nine months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on July 23, 2012; however, the consultation with the OIG regarding the disciplinary determinations did not occur until May 6, 2013, more than nine months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the findings and penalty conference for over nine months after receipt of the case.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-11	12-2038-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On June 11, 2012, an officer allegedly violated policy when he instructed a control booth officer to open inmates' doors without another officer being present. The officer also allegedly used unreasonable force when he used pepper spray on a handcuffed inmate.

Disposition

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

Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-20	12-2037-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	No Penalty Imposed

Incident Summary

On June 20, 2012, an officer allegedly used unreasonable force after he placed his forearm on an inmate's neck when taking the inmate to the ground and, when the inmate failed to comply with orders to stop resisting, the officer allegedly applied even greater force to the inmate's neck and choked him.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 36 months. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. The State Personnel Board ultimately determined that the officer acted in self-defense and his unconventional use of force, a chokehold, was justified. Consequently, the disciplinary action was revoked.

Disciplinary Assessment

The department sufficiently complied with policies and procedures.

Rating: Sufficient

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-20	12-2954-IR	<ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	No Change

Incident Summary

On July 20, 2012, an officer allegedly used unreasonable force when he used pepper spray on an inmate who refused to move to another bed. The officer was also allegedly dishonest when he submitted a second report which included details not included in his first report. It was further alleged that a lieutenant and sergeant failed to report the inconsistencies in the officer's two reports. Additionally, the lieutenant allegedly failed to properly document his verbal request to have the officer clarify his report.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and lieutenant, imposing a 5 percent salary reduction for 24 months on the officer and a 5 percent salary reduction for 12 months on the lieutenant. The hiring authority determined there was insufficient evidence to sustain the allegation against the sergeant. The OIG concurred. Neither the officer nor the lieutenant filed an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The disciplinary actions were not timely served on the lieutenant and officer.

Assessment Questions

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

The disciplinary actions were not timely served. The findings and penalty conference was held on July 2, 2013; however, the disciplinary action was not served on the lieutenant until August 14, 2013, 43 calendar days later. The officer's disciplinary action was also untimely served on August 9, 2013, 38 calendar days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-11	13-0741-IR	<ol style="list-style-type: none"> Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Letter of Instruction

Incident Summary

On December 11, 2012, an officer allegedly used unreasonable force when he used pepper spray on an inmate who refused to leave the work change area.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. After the *Skelly* hearing, the penalty was reduced to a letter of instruction because the officer had articulated the perceived threat that warranted immediate use of force rather than controlled use of force. The OIG concurred with the hiring authority's determination based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the case to the Office of Internal Affairs, and the Office of Internal Affairs delayed returning the matter to the hiring authority for action. The disciplinary officer failed to assess the deadline for taking disciplinary action.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 8, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 11, 2013, 93 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 11, 2013, but did not take action until June 7, 2013, 57 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- Did the department attorney or disciplinary officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?
The disciplinary officer did not assess the deadline for taking disciplinary action. The deadline calculated by OIA Central Intake was not the most conservative date based upon the facts. The OIG was not consulted about the proper deadline for taking disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs, and the Office of Internal Affairs failed to timely take action on the request for investigation.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-05-03	11-2168-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty 3. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Salary Reduction	Resignation

Incident Summary

On May 3, 2011, it was alleged an officer endangered herself and other officers when she engaged in a verbal exchange with an inmate, followed the inmate, grabbed him by the back of the neck, and pinned him against the wall. It was further alleged the officer used unreasonable force, failed to report the use of force, and conspired with three other officers to not report her use of force. On May 3, 2011, it was also alleged the second officer failed to report his use of force when he held the inmate against the wall and that he also allegedly conspired with the first officer to not report the use of force.

Disposition

The hiring authority determined there was sufficient evidence to sustain allegations against the first officer for failure to report the use of force and neglect of duty by endangering herself and other officers and imposed a 10 percent salary reduction for 18 months. The hiring authority determined there was insufficient evidence to sustain the remaining allegations against the first officer or any of the allegations against the other officers. The first officer filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the officer in which she agreed to resign in lieu of the salary reduction. The officer also agreed not to seek future employment with the department and to withdraw her appeal. The OIG found the settlement reasonable as the officer had three additional cases pending where the proposed penalty was dismissal.

Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-25	12-1474-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Failure to Report Use of Force 3. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Salary Reduction	Letter of Instruction

Incident Summary

On January 25, 2012, an officer allegedly improperly handcuffed an inmate in front rather than using waist restraints that were medically necessary. The officer also allegedly obstructed the inmate's cellmate from leaving the cell to attend exercise yard, shoved him back into the cell as he tried to leave, denied the cellmate exercise yard, and failed to report his use of force. A second officer allegedly witnessed the use of force but failed to report it. The first two officers and a third officer allegedly failed to document the denial of exercise yard in the logbooks.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that all three officers failed to appropriately document an unusual occurrence in the log books. The hiring authority did find insufficient evidence that the first officer had inappropriately denied an inmate access to the exercise yard. The hiring authority imposed a 5 percent salary reduction for one month on the first officer, and letters of reprimand on the other two officers. The OIG concurred with the determinations. However, subsequent to a *Skelly* hearing, the hiring authority reduced the penalty for the first officer to a letter of instruction. The OIG disagreed with the reduction and the matter was elevated to the hiring authority's supervisor. At the higher level of review, the department determined that the penalty would remain a letter of instruction. The OIG again disagreed and the matter was further elevated to a higher level of management. At the second higher level of review, the department determined that the penalty would remain a letter of instruction, and further determined that the penalty for the other two officers, whose penalties were not at issue, would be reduced from letters of reprimand to letters of instruction. The OIG disagreed with the department's determination. The first officer had filed an appeal with the State Personnel Board, but before significant litigation commenced, the hiring authority revoked the disciplinary action and the proceedings ceased.

NORTH REGION

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to appropriately assess the deadline for taking disciplinary action and failed to provide the OIG with a draft disciplinary action. The department attorney repeatedly failed to consult with the OIG. The department attorney also failed to provide appropriate legal consultation regarding the sufficiency of the investigation, the investigative findings, and the disciplinary determinations. The department attorney also failed to appropriately draft the disciplinary action. The disciplinary officer failed to properly draft the Forms 402 and 403. The hiring authority failed to identify all of the appropriate allegations and failed to assess the appropriate penalties for the sustained allegations. The OIG invoked a higher level of review. The department failed to follow the higher level of review process in the department's policies and procedures and failed to make the appropriate decision at the higher level of review.

NORTH REGION

Assessment Questions

- Did the department attorney or disciplinary officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?
The deadline for taking disciplinary action calculated by OIA Central Intake was January 26, 2013. The department attorney's initial assessment was consistent with that date; however, the department attorney later calculated the deadline for taking disciplinary action as February 6, 2013. The OIG recommended changing the deadline back to January 26, 2013, but the department attorney declined to do so.
- Did the VA 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 deadline to take disciplinary action would not expire until February 6, 2013, when, in fact, the deadline expired on January 26, 2013. As a result, the hiring authority requested additional investigation and the deadline to take disciplinary action expired before the investigation was completed. Furthermore, the department attorney improperly advised the hiring authority not to consider aggravating and mitigating factors prior to imposing corrective action.
- 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 identify an appropriate allegation for one of the subjects.
- Was the CDCR Form 402 documenting the findings properly completed?
The three completed forms did not properly document the findings, as they each neglected to list an allegation sustained by the hiring authority.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not provide appropriate legal consultation to the hiring authority regarding disciplinary determinations because she recommended no penalty for the three officers despite evidence that all three violated policies and procedures.
- Was the CDCR Form 403 documenting the penalty properly completed?
The three completed forms did not properly document the aggravating and mitigating factors found by the hiring authority.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The department attorney failed to provide the OIG with a copy of the draft disciplinary action and consult with the OIG.
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?
None of the disciplinary actions was appropriately drafted. One disciplinary action failed to include the officer's admission that he was aware of his duty. The other two disciplinary actions failed to state the specific policy or training that was violated and did not allege that the specific actions that were the basis for the disciplinary action constituted a violation of the department's policies and procedures. Furthermore, the disciplinary actions did not include the dates the officers received training.
- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?
The deadline for taking disciplinary action expired on January 26, 2013, but the department did not complete its findings and serve the appropriate letter of intent to take disciplinary action until February 6, 2013.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
Subsequent to a Skelly hearing, the department modified the penalties of all three officers. The officer who originally received a 5 percent salary reduction for one month received a letter of instruction, and the penalties of both officers who had received letters of reprimand were reduced to letters of instruction. The OIG did not concur with any of the modifications.
- Was an executive review invoked to raise an issue to a higher level of management in this case?
The OIG invoked executive review to raise the issue of proper penalty to a higher level of management.
- If an executive review was invoked, was the executive review process in the DOM followed?
The executive review process in the department's policies and procedures was not followed because, subsequent to the executive review, the OIG requested further elevation to the Chief Deputy Secretary or higher, but the department failed to do so in a timely manner.

NORTH REGION

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

The OIG invoked executive review regarding the appropriate penalty because the hiring authority had reduced the original penalty of one officer from a 5 percent salary reduction for one month to a letter of instruction. At executive review, the higher level of management determined that the letter of instruction was the appropriate penalty, and further, the letters of reprimand issued to the other two officers, whose penalties were not at issue, were reduced to letters of instruction. The OIG did not concur with the decision.

- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The department attorney did not 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 the modification of the deadline for taking disciplinary action and did not provide the OIG with a draft of the disciplinary action prior to filing or consult with the OIG about the draft.

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

The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. Furthermore, the disciplinary determinations were not made until after the deadline to take disciplinary action had expired. The department further failed to timely elevate the matter to a higher level of management when the OIG invoked executive review.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-05-09	12-1697-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Failure to Report Use of Force 4. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 		

Incident Summary

On May 9, 2012, an officer allegedly used unreasonable force when he put his arm in a food port and sprayed an inmate with pepper spray because the inmate would not relinquish his food tray. It was further alleged that the officer neglected his duty when he failed to announce his intention to use the pepper spray, failed to secure the food port, handcuffed the inmate while his cellmate was unrestrained, and allowed inmates to pick up food trays. The officer also was allegedly dishonest in his report and during the investigative interview. It was alleged that two additional officers witnessed the use of force and failed to report it.

Disposition

The hiring authority determined there was sufficient evidence to sustain four neglect of duty allegations against one officer and imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain four additional allegations against that officer, including two that the officer neglected his duties, an allegation of dishonesty, and an allegation that the officer used unreasonable force. The OIG concurred with the hiring authority's determination as to the four sustained allegations. The OIG concurred with the hiring authority's determination that one of the allegations that the officer neglected his duty should not be sustained. However, the OIG disagreed with the hiring authority's determination that the allegations of dishonesty, unreasonable use of force, and one other neglect of duty should not be sustained. The OIG did not seek a higher level of review because of potential conflicts in witness statements, the fact that if the officer's report was accepted as truthful, the use of force was within policy, and the dishonest statements by the officer were not significant enough to warrant a higher level of review. After the *Skelly* hearing, the department entered into a settlement agreement with the officer whereby the penalty was reduced to a 5 percent salary reduction for four months. The OIG concurred with the settlement because the officer took responsibility, modified his response to similar situations, and agreed not to file an appeal with the State Personnel Board. The hiring authority did not sustain the allegations against the other two officers who allegedly failed to report the use of force observed. The OIG concurred with the determinations regarding one of the officers but not those regarding the other. The OIG did not seek a higher level of review because the officer had followed the instructions of a supervisor, and the officer had already resigned from state service.

NORTH REGION

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to deem the investigation insufficient and failed to determine additional investigation was necessary. The department attorney failed to accurately assess the deadline for taking disciplinary action. The department attorney failed to provide appropriate legal consultation to the hiring authority regarding sufficiency of the investigation and investigative findings, and failed to provide the OIG a draft copy of the disciplinary action in a timely manner. Finally, the department attorney failed to timely prepare the disciplinary action for service by the hiring authority.

NORTH REGION

Assessment Questions

- Did the department attorney or disciplinary officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?

The deadline for taking disciplinary action originally calculated by the department attorney was May 9, 2013, and the OIG agreed with that determination. The OIG reminded the department attorney of the approaching deadline several times prior to May 9, 2013, but the department attorney advised that she had performed a new calculation and that the new deadline for taking disciplinary action was May 13, 2013. On May 13, 2013, the department attorney made an entry in CMS inappropriately modifying the deadline for taking disciplinary action.

- Did the HA properly deem the OIA investigation sufficient or insufficient?

The hiring authority did not properly deem the investigation insufficient. At the consultation regarding the sufficiency of the investigation, the department attorney presented additional evidence that had not been included in the investigative report but that was relevant to the investigative findings and disciplinary determinations. The hiring authority failed to request additional investigation from the Office of Internal Affairs.

- Did the HA properly determine whether additional investigation was necessary?

The hiring authority did not determine additional investigation was necessary. At the consultation regarding the sufficiency of the investigation, the department attorney presented additional evidence not included in the investigative report but relevant to the investigative findings and disciplinary determinations. The hiring authority failed to request additional investigation from the Office of Internal Affairs.

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

The department attorney referred to and recommended relying upon additional relevant documentary evidence, which had not been provided to the OIG and which was not part of the investigation. Nevertheless, the department attorney did not recommend to the hiring authority that the investigation be found insufficient. In addition, the department attorney recommended not sustaining allegations even though they were supported by substantial evidence. The department attorney recommended that the hiring authority not sustain any allegations for the officer who was the first responder after the use of force but failed to write a report. The department attorney also recommended not sustaining allegations of unreasonable use of force, neglect of duty, and dishonesty even though the necessary elements were supported by substantial evidence. The department attorney also initially recommended not sustaining an allegation of neglect of duty where the conduct was admitted and clearly violated a written departmental procedure. When the OIG brought the hiring authority's attention to the departmental procedure, the hiring authority sustained the allegation and the department attorney agreed.

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

The hiring authority did not sustain any allegations for the officer who was the first responder after the use of force but failed to write a report. The hiring authority also did not sustain allegations of unreasonable use of force, neglect of duty, and dishonesty even though the necessary elements were supported by substantial evidence.

- Was the CDCR Form 402 documenting the findings properly completed?

The CDCR Form 402 for one officer contained incorrect information in the comments section.

- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney did not provide a copy of the draft disciplinary action to the OIG in a timely manner, which deprived the OIG of the opportunity to provide meaningful feedback. The draft disciplinary action was both provided to the OIG and served on June 11, 2013.

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

The decision to take disciplinary action was made on May 10, 2013; however, the department attorney failed to timely prepare the disciplinary action for the hiring authority, and as a result, the disciplinary action was not served until June 11, 2013, 32 days after the decision to take disciplinary action.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-26	12-2017-IR	1. Failure to Report Use of Force	1. Sustained	Suspension	Letter of Reprimand

Incident Summary

On June 26, 2012, an officer allegedly observed another officer strike an inmate on the back of the head while the inmate was resisting, but failed to document the force observed in his official report.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a two-working-day suspension. The OIG concurred. After the disciplinary action was served on the officer, the hiring authority entered into a settlement agreement wherein the penalty was reduced to an official letter of reprimand. The officer agreed not to file an appeal with the State Personnel Board. The OIG did not concur with the hiring authority's decision to reduce the penalty, but since the penalty reduction was not significant the case did not merit a higher level of review.

Disciplinary Assessment

Rating: Insufficient

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 Form 3021, and the hiring authority failed to serve the disciplinary action on the officer within 30 days of the decision to take disciplinary action.

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 and the OIG.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The department attorney did not complete the CDC Form 3021.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The hiring authority modified the penalty by a settlement agreement based on factors already considered when deciding on the original penalty.
- 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 decision to take disciplinary action was made on March 26, 2013; however, the officer was not served the disciplinary action until May 30, 2013, 65 days after the decision to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-19	12-2182-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	No Change

Incident Summary

It was alleged that on July 19, 2012, an officer used unreasonable force on an inmate when he sprayed the inmate with pepper spray in the inmate's cell, without warning, absent an immediate threat.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 12 months. The OIG concurred. The officer did not file an appeal with State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-12	12-2876-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Reprimand	No Penalty Imposed

Incident Summary

On August 12, 2012, while an officer was attempting to secure leg restraints on a handcuffed inmate, the inmate reportedly "mule kicked" the officer several times in the groin area. In response, the officer allegedly used unreasonable force when he punched the inmate twice in the face. Another officer forced the inmate to the ground and leg restraints were applied. The inmate sustained a bloody nose and abrasions to his knees.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and served the officer a letter of reprimand. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the action against the officer. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officer's credible explanations.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-06	13-0406-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On January 6, 2013, two officers allegedly used unreasonable force when they applied chemical agents on a handcuffed inmate who was secured in his cell. One of the officers reportedly attempted to remove handcuffs through a food port, but the inmate lunged away from the officers and toward the rear of the cell when the chemical agents were applied.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months on each officer. The OIG concurred. Both officers filed appeals with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officers wherein the penalty was reduced to a 5 percent salary reduction for six months. The OIG concurred because the officers took responsibility and the penalty reduction was not unreasonable under the circumstances.

Disciplinary Assessment

Rating: Insufficient

The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served within 30 days of the decision to take disciplinary action.

NORTH REGION

Assessment Questions

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

The case was returned to the hiring authority on March 11, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 9, 2013, 29 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on March 11, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until April 9, 2013, 29 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on April 9, 2013; however, the officer was not served the action until July 9, 2013, three months later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-11	13-0525-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Incident Summary

On January 11, 2013, an officer allegedly used unreasonable force on an inmate when he struck an inmate with a less-lethal direct impact round after the inmate refused to comply with an order to lie in a prone position.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the officer withdrew his appeal.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the case. The hiring authority failed to timely consult with the OIG regarding the investigative findings and disciplinary determinations, failed to provide the OIG with a copy of the draft disciplinary action and consult with the OIG, and failed to timely serve the disciplinary action. Additionally, the disciplinary officer failed to confirm relevant dates.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on January 28, 2013, but did not take action until March 25, 2013, 56 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make an entry into CMS within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on April 5, 2013; however, the consultation with the OIG regarding the investigative findings did not occur until June 6, 2013, two months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on April 5, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until June 6, 2013, two months after receipt of the case.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The disciplinary officer did not provide the OIG with a copy of the draft disciplinary action nor consult with the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority's consultation with the OIG regarding the investigative findings and the disciplinary determinations did not occur until two months after receipt of the case. In addition, the hiring authority did not serve the officer within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on June 6, 2013, but the disciplinary action was not served until August 9, 2013, over two months later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-16	13-2155-IR	1. Unreasonable Use of Force	1. Not Sustained	Training	No Change

Incident Summary

On February 16, 2013, an officer allegedly used unreasonable force on an inmate. The officer observed an inmate covering his cell windows with paper. The officer ordered the inmate to stop but he continued to cover the window. The officer then sprayed the inmate with pepper spray through the food port in the cell door. The inmate retreated to the back of the cell and moistened another piece of paper. The inmate disobeyed orders to submit to restraints and moved towards the window with the moistened paper. The officer allegedly sprayed the inmate with pepper spray a second time through the food port.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation because the inmate's actions amounted to an emergent threat to the safety and security of the institution warranting an immediate use of force. However, the officer was directed to receive training on the institution's policy regarding alarm procedures and use-of-force tools. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the case.

NORTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the alleged misconduct on March 27, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 15, 2013, 110 days after the date of discovery.

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on July 23, 2013, but did not take action until October 2, 2013, 71 days after the receipt of the request.

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

The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-23	12-0764-IR	<ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On November 23, 2011, an officer allegedly pepper-sprayed an inmate in the face because the inmate called him a derogatory term. It was further alleged the officer was dishonest in his written report when he claimed that the inmate approached him in a threatening manner with clenched fists.

Disposition

The hiring authority found sufficient evidence to sustain 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 sustained the dismissal. The officer filed a motion for rehearing with the State Personnel Board, which was denied.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-19	12-2360-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On April 19, 2012, a youth counselor allegedly used pepper spray on a ward who did not present an immediate threat and the youth counselor failed to utilize required de-escalation and intervention strategies in addressing the situation.

Disposition

The hiring authority determined that there was sufficient evidence to sustain all allegations against the youth counselor and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with the youth counselor, reducing his penalty to a 5 percent salary reduction for nine months and early removal of the disciplinary action from the official personnel file. The OIG did not concur with the settlement because there was no change in circumstances to justify the reduced penalty and the early removal of the disciplinary action; however, the OIG did not seek a higher level of review given the small differential in the financial penalty to the youth counselor.

Disciplinary Assessment

Rating: Insufficient

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the case to the Office of Internal Affairs, failed to hold a timely findings and penalty conference, and entered into a settlement agreement with the youth counselor that did not comport with the department's policies and procedures. Additionally, the employee relations officer did not make any entry into the case management system confirming relevant dates.

SOUTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The hiring authority learned of the alleged misconduct on April 26, 2012, but did not refer the matter to the Office of Internal Affairs until October 3, 2012, 159 days after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 any entry in CMS 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.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on October 19, 2012; however, the consultation with the OIG regarding the investigative findings did not occur until January 8, 2013, 81 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on October 19, 2012; however, the consultation with the OIG regarding disciplinary determinations did not occur until January 8, 2013, 81 calendar days after receipt of the case.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The hiring authority entered into a settlement agreement whereby the youth counselor's penalty was reduced from a 5 percent salary reduction for 12 months to a 5 percent salary reduction for nine months and the disciplinary action is to be removed from the youth counselor's official personnel file within one year as opposed to the standard three years; however, there was no change in circumstances justifying the reduced 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 the penalty modification and settlement agreement entered into by the department as there was no change of circumstances to justify the modification.
- Was the disciplinary phase conducted with due diligence by the department?

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-26	12-1932-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty Discourteous Treatment 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On June 26, 2012, an officer allegedly forced a ward to the ground even though the ward was complying with orders to get down. On July 13, 2012, the same officer allegedly used unreasonable force on a ward when he forced the ward's handcuffed arms up toward the ward's neck and pulled the ward by his wrists from a prone position on the ground to a standing position. A second officer at the scene allegedly yelled at a third officer to "stay out of it" when the third officer tried to intervene to stop the first officer's force on the ward.

Disposition

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

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: Sufficient

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-19	13-0330-IR	1. Unreasonable Use of Force	1. Sustained	Salary Reduction	Letter of Instruction

Incident Summary

On September 19, 2012, a sergeant allegedly used pepper spray on an inmate who was secured in his cell after the inmate threw an unknown substance on the sergeant. There appeared to be no imminent threat that would justify the immediate use of force.

Disposition

The hiring authority sustained the allegation and imposed a salary reduction of 5 percent for six months. The OIG concurred. However, after the *Skelly* hearing, the hiring authority withdrew the disciplinary action and imposed a letter of instruction and training. The OIG concurred with the hiring authority's decision because there was some confusion among custody staff regarding the appropriate interpretation of the use-of-force policy in these situations and several managers, during their review, had found the use of force to be within policy. The hiring authority implemented institution-wide training on the appropriate interpretation of the use-of-force policy in these situations.

Disciplinary Assessment

Rating: Insufficient

The department's disciplinary process did not sufficiently comply with policies and procedures. The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner. Additionally, the department attorney did not provide legal consultation to the hiring authority regarding the sufficiency of the investigation, investigative findings, and disciplinary determinations.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 17, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 28, 2013, 103 days after the date of discovery.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney did not attend the consultation regarding the sufficiency of the investigation and investigative findings.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney was not present for the consultation regarding the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-25	13-0298-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On September 25, 2012, an officer allegedly used pepper spray on an inmate who was in a cell and not posing a threat.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Instruction
2012-10-13	13-0331-IR	1. Unreasonable Use of Force	1. Sustained		

Incident Summary

On October 13, 2012, an officer allegedly used pepper spray on an inmate who was locked in his cell after the inmate threw toilet water on the officer. The officer did not adequately articulate the need for immediate use of force. A sergeant arrived on scene and allegedly ordered the inmate out of his cell without restraints. The inmate became resistant requiring further use of force by the officers resulting in injury to the inmate.

Disposition

The hiring authority sustained the allegations against the officer and sergeant. The officer received a letter of reprimand and the sergeant received a salary reduction of 5 percent for 24 months. The OIG concurred. However, after the *Skelly* hearing, the hiring authority withdrew the disciplinary actions and imposed letters of instruction on both the officer and the sergeant. The OIG concurred with the hiring authority's decision because there was some confusion among custody staff regarding the proper interpretation of the use-of-force policy in these situations and several managers, during their review, found the use of force to be within policy. The hiring authority implemented institution-wide training on the proper interpretation of the use-of-force policy in these situations.

Disciplinary Assessment

Rating: Insufficient

The department's disciplinary process did not comply with the department's policies and procedures. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. Additionally, the department attorney failed to provide legal consultation to the hiring authority regarding the investigation, investigative findings, and disciplinary determinations.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 13, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 22, 2013, more than three months after the date of discovery.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned March 11, 2013, but did not make an entry into CMS regarding the deadline for taking disciplinary action until April 17, 2013, 37 days after assignment. In addition, the entry was inaccurate.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney did not provide a memorandum with recommendations to the hiring authority or attend the findings and penalty conference regarding the investigation and investigative findings.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not provide a memorandum with recommendations to the hiring authority concerning the penalty or attend the conference regarding the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Instruction
2012-11-07	13-0453-IR	1. Unreasonable Use of Force	1. Sustained		

Incident Summary

On November 7, 2012, two officers allegedly sprayed an inmate with pepper spray after the inmate spit on one of the officers. The inmate was locked in his cell at the time and did not appear to pose an immediate threat to the officers.

SOUTH REGION

Disposition

The hiring authority sustained the allegations as to both officers and imposed a salary reduction of 5 percent for six months. The OIG concurred. However, after the *Skelly* hearing the hiring authority withdrew the disciplinary actions and imposed letters of instruction and training. The OIG concurred with the hiring authority's decision because there was confusion among some custody staff regarding the proper interpretation of the use-of-force policy in this situation and, during their review, several managers found the officers' use of force to be within policy. The hiring authority implemented institution-wide training on the appropriate interpretation of the use-of-force policy in these situations.

Disciplinary Assessment

Rating: Insufficient

The department's disciplinary process did not comply with policies and procedures. The hiring authority did not refer the matter to the Office of Internal Affairs until 86 days after the date of discovery. Additionally, the department attorney did not provide legal consultation to the hiring authority regarding the sufficiency of the investigation, investigative findings, and disciplinary determinations.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on November 7, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 1, 2013, 86 days after the date of discovery.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney did not attend the consultation regarding the sufficiency of the investigation and investigative findings.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not attend the consultation regarding disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-13	13-0520-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Reprimand	Letter of Instruction

Incident Summary

On November 13, 2012, two officers allegedly went into a cell without first handcuffing the inmate in order to confiscate a mobile phone. The inmate threw the mobile phone into the toilet and failed to comply with orders to get down. The officers grabbed the inmate and forced him down onto the bottom bunk. The inmate continued to resist and the officers allegedly dragged the inmate by his legs off the bunk, out of the cell, and onto the tier.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against both officers and they each received letters of reprimand. The OIG concurred. A *Skelly* hearing was conducted for one of the officers. After the *Skelly* hearing, the hiring authority determined there was some confusion among custody staff regarding the applicable policy and, therefore, withdrew the actions against both officers and issued letters of instruction. The OIG concurred with the hiring authority's decision because several managers at different levels of managerial review found the use of force by the officers to be within policy and the hiring authority agreed to implement institution-wide training on the correct interpretation of the use-of-force policy in this situation.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-28	13-0519-IR	1. Unreasonable Use of Force	1. Sustained	Suspension	Letter of Instruction

Incident Summary

On November 28, 2012, a false alarm was activated on the yard and subsequently cleared. Even though the alarm had cleared, an officer allegedly used force to get an inmate to the ground when there was no justification for the officer's action.

SOUTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a two-working-day suspension. The OIG concurred with the hiring authority's decision. 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 concerning this action as well as another pending use-of-force action against the officer. In exchange for withdrawing the appeal in both actions, the department agreed to withdraw this action and issue a letter of instruction. In addition, the officer incurred a salary reduction of 5 percent for ten months for the second case. The OIG concurred with the settlement because it resolved two cases at the same time, the letter of instruction will provide the officer with clear expectations regarding any future use of force, and the salary reduction in the other case reinforces the need to comply with the use-of-force policy.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-12-21	13-0401-IR	1. Failure to Report Use of Force	1. Sustained		

Incident Summary

On December 21, 2012, a parole agent used force on a parolee but allegedly failed to verbally notify his supervisor of the incident as soon as practical. Additionally, the parole agent allegedly did not provide his supervisor with a written report until December 24, 2012, three days after the incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a salary reduction of 10 percent for 12 months. The OIG concurred. After the *Skelly* hearing, it was discovered that the parole agent was remorseful and accepted responsibility for his actions. Due to this mitigating information, the hiring authority entered into a settlement agreement with the parole agent. The department agreed to reduce the penalty from a salary reduction of 10 percent for 12 months to a salary reduction of 10 percent for seven months. The OIG concurred with the hiring authority's determination based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-12-28	13-0521-IR	1. Failure to Report Use of Force	1. Sustained		

Incident Summary

On December 28, 2012, an officer allegedly failed to accurately disclose to his supervisor the force he used to restrain an inmate.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 13 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. The department subsequently entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for three months and the officer agreed to withdraw the appeal. The OIG did not concur with the settlement because there was no change in circumstances to justify a reduction in the original penalty; however, the OIG did not seek a higher level of review because the change in penalty was within an acceptable range for the conduct involved.

Disciplinary Assessment

Rating: Insufficient

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the case to the Office of Internal Affairs, failed to document the deadline to take action, delayed conducting the findings and penalty conference, and entered into a settlement agreement with the officer with which the OIG did not concur.

SOUTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on December 28, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 11, 2013, 73 days after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make an entry into CMS prior to the findings conference accurately confirming the relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on April 5, 2013; however, the consultation with the OIG regarding the investigative findings did not occur until August 12, 2013, 129 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on April 5, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until August 12, 2013, 129 days after receipt of the case.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The disciplinary officer did not complete a CDC Form 3021.
- 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 entered into by the department modifying the penalty from a 10 percent salary reduction for 13 months to a 10 percent salary reduction for three months as there was no change of circumstances to justify the modification.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative findings and penalty determination in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2013-03-13	13-1795-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On March 13, 2013, an officer ordered an inmate to return to his housing unit. Although the inmate was essentially compliant with the officer's order, the inmate appeared irritated and repeatedly used profanity at the officer. The officer allegedly became angry and sprayed the inmate with pepper spray to the back of his head as the inmate walked away. After the inmate was down on the ground, the officer allegedly taunted the inmate with profanity.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a salary reduction of 5 percent for 12 months. At the same time this case was pending, the officer had filed an appeal with the State Personnel Board involving a previous use-of-force misconduct case in which the officer received a two-working-day suspension. The department entered into a settlement agreement with the officer regarding both cases. In exchange for withdrawing the appeal in the first case, the department agreed to withdraw that disciplinary action and issue a letter of instruction. In this case, the department agreed to reduce the penalty to a salary reduction of 5 percent for ten months. The OIG concurred with the settlement agreement because the letter of instruction provided clear expectations to the officer concerning the appropriate use of force and the reduction in penalty was not significant.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL No Penalty Imposed
2013-03-27	13-1082-IR	1. Unreasonable Use of Force	1. Sustained		
Incident Summary On March 27, 2013, an officer allegedly used a prohibited choke hold on a resistive inmate.					
Disposition The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a salary reduction of 10 percent for three months. The OIG concurred. During the <i>Skelly</i> hearing, the hiring authority learned that the officer did not place the inmate in a choke hold, but rather placed his arm on the right side of the inmate's neck in order to restrain the inmate. The officer's account was consistent with the medical findings. Additionally, the officer presented memorandums from the only two percipient officer witnesses and they confirmed the officer did not place the inmate in a choke hold. Due to information that was not previously known to the hiring authority, the hiring authority elected to withdraw the disciplinary action. The OIG concurred with the hiring authority's determinations based on the new information discovered at the <i>Skelly</i> hearing.					
Disciplinary Assessment The department's disciplinary process sufficiently complied with policies and procedures.				Rating: Sufficient	

APPENDIX B2
DISCIPLINARY PHASE
CASES NOT INVOLVING USE OF FORCE
CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty				
2010-11-04	11-0737-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Willful Disobedience 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	<table border="0"> <tr> <td style="text-align: center;">INITIAL</td> <td style="text-align: center;">FINAL</td> </tr> <tr> <td style="text-align: center;">Salary Reduction</td> <td style="text-align: center;">No Change</td> </tr> </table>	INITIAL	FINAL	Salary Reduction	No Change
INITIAL	FINAL							
Salary Reduction	No Change							
<p>Incident Summary</p> <p>On November 4, 2010, a sergeant allegedly placed the safety and security of the institution at risk when he authorized inmate dayroom activity within a housing unit during an ordered modified program. The modified program was imposed because of an earlier inmate assault in which the weapon used had not yet been located. Once released to the dayroom, an inmate fight occurred requiring officers to use force.</p>								
<p>Disposition</p> <p>The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. However, after the disciplinary action was served but before it could be imposed, the sergeant retired from the department. A letter indicating the sergeant resigned under adverse circumstances was placed in his official personnel file.</p>								
<p>Disciplinary Assessment</p> <p>The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to OIA Central Intake and OIA Central Intake failed to make a timely determination regarding the case. The hiring authority failed to conduct the findings and penalty conference in a timely manner. The disciplinary officer failed to adequately document the relevant deadlines, failed to provide the OIG with a draft copy of the disciplinary action, and failed to consult with the OIG prior to serving the final disciplinary action.</p>				<p>Rating: Insufficient</p>				

CENTRAL REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on November 4, 2010, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 6, 2011, 63 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on January 12, 2011, but did not take action until March 9, 2011, 56 days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make an entry into CMS prior to the findings conference 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.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on March 11, 2011; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until October 24, 2011, 227 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on March 11, 2011; however, the consultation with the OIG regarding the disciplinary determinations did not occur until October 24, 2011, 227 days after receipt of the case.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The disciplinary officer did not provide the OIG with a copy of the draft disciplinary action, nor consult with the OIG.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The disciplinary officer failed to provide the OIG with a draft copy of the disciplinary action and failed to consult with the OIG prior to serving the final disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-01-01	12-1010-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Contraband Over-Familiarity Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained Not Sustained 	Dismissal	No Change

Incident Summary

Between January 1, 2011, and May 22, 2011, an officer allegedly conspired with inmates, allowing inmates to assault other inmates, and allowing inmates to go to other cells to provide tattoos or steal other inmates' property. On February 19, 2011, and May 22, 2011, the officer allegedly knew that two inmates were going to be assaulted but did nothing to stop the assaults, failed to activate his alarm, and failed to document the assaults. The officer also allegedly provided contraband such as tobacco and electronic devices to inmates. Additionally, while on duty, the officer allegedly smoked tobacco, drank inmate-manufactured alcohol, and used his personal mobile phone. The officer was also allegedly dishonest during his interview with the Office of Internal Affairs.

CENTRAL REGION

Disposition
 The hiring authority sustained the allegations that the officer smoked tobacco on institutional grounds, allowed inmates to go into other inmates' cells, used his personal mobile phone while on duty, and was dishonest during his interview with the Office of Internal Affairs. The hiring authority did not sustain the allegations that the officer brought in contraband for inmates and conspired to have inmates assaulted. The hiring authority determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment **Rating: Sufficient**
 The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-01-19	11-0745-IR	1. Dishonesty 2. Failure to Report	1. Sustained 2. Sustained	Dismissal	No Change

Incident Summary
 On January 19, 2011, it was alleged that an officer used unnecessary force on the inmate when he grabbed the inmate by the back of the neck and intentionally pushed the inmate forward, forcing his head into the metal door frame as they exited the shower area, following the decontamination process. It was alleged the officer was dishonest when he reported that he slipped and accidentally pushed the inmate's head forward. It was further alleged that seven other officers and a sergeant witnessed the use of force and failed to report it.

Disposition
 The hiring authority determined there was sufficient evidence to sustain allegations of unreasonable use of force, neglect of duty, and dishonesty against the officer who forced the inmate's head into the wall and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following an evidentiary hearing, the State Personnel Board sustained the dismissal. The officer then petitioned for a writ of mandate, which was subsequently denied by the Superior Court of California, thereby upholding the officer's dismissal. The hiring authority sustained an allegation of neglect of duty against one of the other officers for failing to report the use of force and imposed a 5 percent salary reduction for ten months. The OIG also concurred with this determination. The officer did not file an appeal with the State Personnel Board. The hiring authority did not sustain any allegations against the other officers as those officers may have not been in a vantage point to actually see the use of force. The OIG agreed with the hiring authority's findings with the exception of an officer who videotaped the incident. The OIG asserts that this officer would have observed the use of force while recording the use of force on the camera. The hiring authority speculated that this officer may have been distracted with trying to operate the camera and that it could not be proven that the officer was not distracted and actually witnessed the use of force. The OIG disagreed with the hiring authority, but did not request a higher level of review as the hiring authority's reasoning was possible.

Disciplinary Assessment **Rating: Insufficient**
 The department attorney failed to provide to the OIG a draft of the pre-hearing settlement conference statement prior to filing it. Additionally, the department attorney assigned to handle the writ proceedings failed to consult with the OIG.

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 allegations against the officer who recorded the incident with a video recorder. The OIG did not concur with this finding. The officer would have observed the use of force while recording the incident on the camera.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.
- Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?
There are no CMS entries to indicate that the department attorney assigned to the writ proceedings prepared a final memorandum for the hiring authority. There are also no CMS entries to indicate that the attorney consulted with the OIG.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the writ or court appeal portion of the case?
The department attorney originally assigned to this case was responsive to OIG's requests for updates; however, the department attorney assigned to the writ proceedings did not sufficiently maintain real-time consultation with the OIG.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-02-04	11-1136-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior 3. Battery 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

On February 4, 2011, while at a bar, two off-duty officers allegedly fought with a third person, striking and kicking that person. The two officers then allegedly made false statements to outside law enforcement about the incident. Additionally, one of the officers allegedly attempted to bribe the third person by offering him money in exchange for not pursuing a criminal case against the officers. Both officers were later convicted of disturbing the peace.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations against the officers and dismissed them. The OIG concurred. Both officers filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissals of both officers.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-03-15	11-2605-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 	Salary Reduction	No Penalty Imposed

Incident Summary

On March 15, 2011, a lieutenant was allegedly negligent when he failed to exercise reasonable care in the operation of his personal vehicle on institution grounds and collided with a correctional counselor who was walking in a pedestrian crosswalk. The impact caused the correctional counselor to be thrown ten feet back and strike his head on the pavement. Due to life-threatening injuries, he was air-lifted to an area hospital where he received a higher level of care and survived.

Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for three months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the administrative law judge sustained the findings and penalty. However, the State Personnel Board rejected the administrative law judge's proposed order, heard oral argument on the matter, and revoked the disciplinary action.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake did not make an appropriate initial determination, which delayed the case. The department attorney failed to provide written confirmation of penalty discussions to the hiring authority and the OIG.

CENTRAL REGION

Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?
OIA Central Intake did not make an appropriate initial determination. On May 18, 2011, OIA Central Intake determined there was not a reasonable belief that misconduct occurred and rejected the case for any action. After the OIG intervened, OIA Central Intake approved the case for corrective or disciplinary action on October 19, 2011. This delayed the case five months.
- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?
OIA Central Intake initially rejected the case. However, due to the nature of the accident and the gravity of the injuries caused to the correctional counselor, the OIG recommended OIA Central Intake approve the case for corrective or disciplinary action, which it reluctantly did.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide the hiring authority and the OIG written confirmation of penalty discussions.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake delayed making an appropriate initial determination regarding the case, which delayed the case for five months.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-07-25	12-0163-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On July 25, 2011, two sergeants allegedly left two inmates in handcuffs until they agreed to share a cell. The same sergeants also allegedly failed to ensure that officers under their supervision completed the required documentation for temporary holding cells, and failed to complete the required supervisory portions of those documents. One of the sergeants also allegedly ordered a cell door to be opened during a fight between the two inmates, without following departmental policies and procedures. Two officers allegedly failed to complete the required documentation for temporary holding cells. Those officers, and two other officers, allegedly failed to prevent a cell fight they knew would occur. One of the officers also allegedly failed to secure an agitated inmate in handcuffs before removing her from the cell.

Disposition

The hiring authority sustained the allegations against the sergeants and two of the officers and imposed a 5 percent salary reduction for 12 months on one of the sergeants, a 5 percent salary reduction for six months on the other sergeant, a 5 percent salary reduction for nine months on one officer, and, a 5 percent salary reduction for three months on the other officer. The OIG concurred. The allegations against the other two officers were not sustained. The OIG concurred. The sergeants and officers filed appeals with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with one of the officers and agreed to reduce the penalty from a 5 percent salary reduction for nine months to a 5 percent salary reduction for three months. The OIG concurred because the officer took responsibility and was remorseful. Following a hearing, the State Personnel Board revoked the salary reductions of the sergeants and other officer. The State Personnel Board ruled that the sergeants and other officer did not engage in the alleged misconduct and that the policies that the department alleged were violated did not apply.

Disciplinary Assessment	Rating: Insufficient
The department failed to serve the disciplinary actions within 30 days of the decision to take disciplinary action.	

Assessment Questions

- Was the disciplinary phase conducted with due diligence by the department?
The decision to take disciplinary action was made on July 25, 2012. The sergeants and officers were not served their disciplinary actions until August 28, 2012, four days beyond the 30-day-requirement.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-02	12-1524-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Insubordination 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Salary Reduction	No Change

Incident Summary

On November 2, 2011, it was alleged that a captain of the investigative services unit intentionally withheld information pertaining to an investigation into officers smuggling mobile phones into the institution for personal gain. It was alleged that the captain had enough information gathered during an initial inquiry conducted during August and September 2010 to submit the matter to the Office of Internal Affairs for an investigation. However, the captain allegedly failed to submit the matter to the Office of Internal Affairs before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain all of the allegations and imposed a 10 percent salary reduction for 24 months. After a *Skelly* hearing, the hiring authority withdrew the insubordination allegation but did not reduce the penalty. The OIG agreed with the hiring authority's determinations. However, the captain filed an appeal with the State Personnel Board. After two days of testimony at the State Personnel Board hearing, the hiring authority entered into a settlement agreement with the captain in which the hiring authority agreed to remove the disciplinary action from the captain's official personnel file after 15 months. The penalty was not modified and the captain was still subject to the 10 percent salary reduction for 24 months. The captain agreed to withdraw his appeal. The hiring authority entered into the settlement agreement because she believed the captain accepted responsibility, and, since the disciplinary action was taken, the captain had conducted himself in a professional manner and effectively performed his job duties. The OIG concurred with the settlement agreement because the penalty was not modified.

Disciplinary Assessment

Rating: Insufficient

The department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney cited an incorrect statute in the disciplinary action, and upon learning of the mistake, refused to file an amended disciplinary action to correct it. Additionally, the department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG, nor complete the required CDC Form 3021.

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

The department attorney failed to cite the correct statute for taking the disciplinary action, thereby placing the burden of proof on the department rather than the employee.
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?

The department attorney failed to cite the correct statute for taking the disciplinary action, thereby placing the burden of proof on the department rather than the employee.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The department attorney did not complete the CDC Form 3021.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?

The department attorney failed to cite the correct statute for taking the disciplinary action, thereby placing the burden of proof on the department rather than the employee. After learning of the improper citation, the department attorney refused to file an amended disciplinary action to correct it.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-12	12-0193-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

Beginning in 2011, two sergeants were allegedly engaged in an extramarital affair. On November 12, 2011, another sergeant, who was the estranged husband of the female sergeant, allegedly went to the female sergeant's home, accompanied by the wife of the male sergeant. The second male sergeant then allegedly entered the residence without permission and engaged in a physical altercation with the female sergeant, as the first male sergeant absconded. Outside law enforcement was summoned and interviewed the female sergeant, the second male sergeant, and the wife of the first male sergeant, but the officers were unable to determine who was the aggressor. The female sergeant was allegedly dishonest to outside law enforcement officers. The female sergeant and the second male sergeant reported the police contact and the incident to the institution. On December 5, 2011, the female sergeant was allegedly dishonest when she misrepresented facts during a hearing regarding a restraining order.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against the two male sergeants. The hiring authority determined there was sufficient evidence to sustain the allegation against the female sergeant and served her with a notice of dismissal. The OIG concurred with the hiring authority's determinations. The female sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: **Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-30	12-0344-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Incident Summary

On November 30, 2011, an officer allegedly argued with his wife, then grabbed her arms and forced her to the ground, causing injuries. Although outside law enforcement responded to the officer's home, he was not arrested. On December 8, 2011, the officer allegedly placed his hand against his wife's throat and held her against the wall by the neck, resulting in outside law enforcement responding to his home. The officer allegedly failed to report the law enforcement contacts to the department until December 22, 2011, when he was served with a temporary restraining order. The officer was charged with three misdemeanor domestic violence charges.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board but later withdrew his appeal.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: **Sufficient**

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-04	12-0740-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On December 4, 2011, two officers allegedly failed to properly search inmate workers as they left the kitchen area, thereby allowing several inmates to conceal in their clothes contraband food items and a mobile phone. It was further alleged that the two officers were dishonest when they initially reported the incident.

Disposition

The hiring authority sustained the allegations and dismissed both officers. However, pursuant to a settlement agreement, one officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of terminating the officer's employment with the department. The second officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the allegations and the dismissal penalty against the second officer.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-29	12-0493-IR	<ol style="list-style-type: none"> Driving Under the Influence Possession of Controlled Substance 	<ol style="list-style-type: none"> Sustained Not Sustained 	Letter of Reprimand	No Change

Incident Summary

On December 29, 2011, an officer was arrested for allegedly driving under the influence. The officer was also allegedly found to have prescription narcotic pills in his pocket without a prescription.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the officer drove while under the influence, but that there was insufficient evidence to sustain the other allegation. The officer was served with 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

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-13	12-0495-IR	<ol style="list-style-type: none"> Driving Under the Influence Misuse of Authority Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On January 13, 2012, a lieutenant was arrested after he allegedly drove under the influence of alcohol and had a concealed firearm in his possession. He also allegedly attempted to misuse his position with the department to gain favor by showing his departmental badge and urging the outside law enforcement officer to allow him to drive home.

CENTRAL REGION

Disposition

The hiring authority sustained the allegation that the lieutenant drove while under the influence of alcohol, but did not sustain the other allegations, and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Prior to a State Personnel Board hearing, the lieutenant and the department entered into a settlement agreement wherein the lieutenant agreed to withdraw his appeal and, in exchange, the hiring authority modified the penalty by agreeing to remove the disciplinary action from his official personnel file after 24 months. The OIG concurred with the settlement agreement as the financial terms remained the same.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-15	12-2487-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On May 15, 2012, an off-duty officer allegedly misused his authority when he made inappropriate comments at a school board meeting after flashing his peace officer badge identifying himself as an officer. It was also alleged that on August 27, 2012, after identifying himself as an officer, the off-duty officer made intimidating comments toward a member of the audience at a city council meeting.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-16	13-1021-IR	<ol style="list-style-type: none"> Insubordination Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On May 16, 2012, an officer allegedly failed to report that his protective vest had been stolen. It was further alleged the officer was insubordinate when he refused to submit the police report regarding the stolen vest after being ordered to do so.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

The department sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-23	12-2263-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On May 23, 2012, two officers allegedly violated a Program Status Report requiring two officers to be present before opening a cell door during meal time. The first officer entered a cell by himself to remove a food tray and was assaulted by the inmate in the cell. After assaulting the officer, the inmate rushed out and assaulted another inmate. The second officer allegedly opened the cell door without sufficient staff being present and opened a fire door during the incident. The resulting incident necessitated the use of force by multiple additional officers.

Disposition

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

Disciplinary Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the disciplinary officer failed to make an entry into CMS confirming the relevant dates.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on June 2, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 10, 2012, 100 days after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer was assigned the case on September 26, 2012. The disciplinary officer did not make an entry into CMS 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.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-18	12-2624-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	No Change

Incident Summary

On June 18, 2012, an officer was arrested for stalking and making criminal threats after he allegedly made threatening phone calls, sent angry texts, and sent a sexually explicit letter to a woman who ended her relationship with him after an affair. The officer also allegedly drove the alleged victim to an isolated area where he held a handgun to her head and placed the handgun in his own mouth.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, before disciplinary action could be imposed, the officer was nonpunitive terminated because he was legally prohibited from possessing a firearm. A letter indicating the officer was pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the case.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on June 25, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 01, 2012, more than three months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on October 1, 2012, but did not take action until November 7, 2012, 37 days after the receipt of the request.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-18	12-2636-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Reprimand

Incident Summary

On July 18, 2012, a sergeant allegedly failed to adequately inspect an inmate's restraints during a transport to and from court. The inmate was on heightened security measures due to a prior attack on his court-appointed attorney. Additionally, two escorting officers allegedly failed to use handheld metal detectors to search the inmate. Subsequently, the inmate attacked one of the escorting officers with an inmate-manufactured weapon that he had secreted in his rectum.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and imposed a 10 percent salary reduction for 12 months against the sergeant and 10 percent salary reductions for eight months against the two officers. The sergeant and officers filed appeals with the State Personnel Board. After the officers' *Skelly* hearings, where both reported that the handheld metal detectors usually did not work, it was confirmed that the equipment was not functioning. This was new information since this case was returned back to the hiring authority for direct action without an investigation. The hiring authority entered into settlement agreements with the two officers, reducing the penalties for both to letters of reprimand. The OIG concurred due to the new mitigating information. Prior to the sergeant's evidentiary hearing, potential hearing witnesses clarified that, according to local policy, the sergeant was relieved of supervisory duties over the inmate transport upon arrival to the institutional facilities when it became an escort detail. Therefore, the hiring authority withdrew the sergeant's disciplinary action. Although the OIG was notified after the decision was already made to withdraw the disciplinary action, the OIG ultimately concurred with the decision.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed in referring the matter for investigation and did not timely consult with the OIG and the department attorney regarding investigative and disciplinary determinations. The department attorney failed to timely assess the deadline for taking disciplinary action. The department attorney and the hiring authority also failed to timely consult with the OIG about alleged new information and the decision to withdraw the disciplinary action against the sergeant. Finally, the department attorney did not timely complete the required CDCR Form 3021 for each officer's case when the settlements were submitted to the State Personnel Board.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The date of discovery was July 18, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until October 18, 2012, 92 calendar days after the date of discovery.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The department attorney was assigned on November 20, 2012; however, he did not make an entry into CMS, confirming key dates, until December 20, 2012, 30 calendar days after being assigned to the case.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on November 14, 2012; however, the hiring authority's consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until January 11, 2013, 58 days later.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on November 14, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until January 11, 2013, 58 days later.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The department attorney did not complete the Form 3021 for each officer's case until November 14, 2013, even though both officers' cases resolved through settlement agreements in August 2013 and the sergeant's disciplinary action was withdrawn in September 2013.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?

Although the OIG was consulted regarding the settlement agreements for the officers' cases, the OIG was not consulted regarding withdrawal of the sergeant's disciplinary action until after the hiring authority had already made a decision.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

Although the department attorney consulted with the OIG regarding penalty modifications for the two officers, the department attorney failed to maintain real-time consultation with the OIG about the discovery of new information which ultimately resulted in the hiring authority withdrawing the sergeant's disciplinary action.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The OIG was informed about the hiring authority's decision to withdraw the sergeant's disciplinary action on the very same day notice was sent to the State Personnel Board to withdraw the action, which was just one business day before the evidentiary hearing was scheduled to start.
- Was the disciplinary phase conducted with due diligence by the department?

There were delays during the disciplinary phase. The hiring authority did not refer the matter to OIA Central Intake until 92 days after the date of discovery. Additionally, the hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner, waiting 58 days.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-08-01	12-2089-IR	1. Other Failure of Good Behavior	1. Sustained		

Incident Summary

On August 1, 2012, during an argument with his wife, an off-duty officer allegedly slapped a television remote control from his wife's hand, pushed her to the ground, and then held her down.

CENTRAL REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain 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. The department entered into a settlement agreement with the officer wherein the remaining six months of the salary reduction were suspended and would be discharged if the officer had no further disciplinary actions for two years; in effect, reducing the penalty to a 5 percent salary reduction for six months. In return, the officer agreed to withdraw his appeal and attend anger management classes at his own expense. The OIG concurred with the settlement because the likelihood of recurrence was reduced based on the new information that the officer would attend anger management and soon retire.

Disciplinary Assessment

The department sufficiently complied with policies and procedures.

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-07	12-2091-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On August 7, 2012, outside law enforcement officers responded after an officer allegedly threw a stuffed animal at his girlfriend during an argument and a plastic piece on the stuffed animal caused her nose to bleed.

Disposition

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

Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-19	12-2631-IR	1. Dishonesty 2. Neglect of Duty 3. Falsification of an Official Document	1. Sustained 2. Sustained 3. Sustained	Dismissal	Salary Reduction

Incident Summary

On August 19, 2012, an officer allegedly made false entries into an inmate observation log, claiming to have completed required observations of an inmate at the institution even when that inmate had already been taken to an outside hospital.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and dismissed him. The OIG concurred. At the *Skelly* hearing, the officer explained that he was unsure whether the welfare checks were supposed to continue if the inmate gets transferred to the triage treatment area, especially because medical staff there advised that they did not maintain those forms. The officer advised that he did not fill out further entries and tried asking other staff for clarification. After talking to a supervisor, the officer later went back and entered information to document the welfare checks at the triage treatment area, but made an error on the times and scratched out the times. The officer presented letters from two other staff members who supported the officer's explanation that he was uncertain about his duty to continue welfare checks once the inmate was moved from the building and that he did attempt welfare checks while the inmate was at the triage treatment area. Due to this new mitigating information, the hiring authority entered into a settlement agreement wherein the penalty was modified from a dismissal to a 5 percent salary reduction for 24 months. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

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

Rating: Sufficient

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-21	12-2486-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Driving Under the Influence 	<ol style="list-style-type: none"> Sustained Sustained 	Letter of Reprimand	No Change

Incident Summary

On August 21, 2012, while off duty, an officer allegedly drove a vehicle while under the influence of prescription drugs, allegedly driving in the oncoming traffic lane and nearly colliding with an outside law enforcement vehicle. Additionally, the officer was allegedly found with multiple bottles of prescription medication and firearms in his vehicle.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officer with an official letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-17	12-2484-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained 	Dismissal	Suspension

Incident Summary

On September 17, 2012, an off-duty officer allegedly possessed a concealed firearm at a county fair and a local nightclub while under the influence of alcohol. It was further alleged that as the officer left the nightclub, he discharged several rounds from his firearm while seated as a passenger in a vehicle. Outside law enforcement arrested the officer immediately following the incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Shortly before the pre-hearing settlement conference, the criminal court judge reduced the pending felony charge arising from the officer's off-duty incident to a misdemeanor. Since the anticipated felony conviction was the main basis for dismissal, the hiring authority modified the dismissal to a four-month suspension. In exchange, the officer withdrew his appeal and his authorization to carry an off-duty concealed weapon was revoked. The OIG concurred with the settlement due to the unanticipated disposition of the officer's related criminal court case.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-29	12-2637-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Incident Summary

On September 29, 2012, an off-duty officer allegedly argued with his fiancée and struck the back of her head. He also allegedly punched the dashboard of the car they were both sitting in. Outside law enforcement responded and arrested the officer for domestic violence.

CENTRAL REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the *Skelly* hearing and pre-hearing settlement conference, the officer expressed sincere remorse and took responsibility for his actions. The department entered into a settlement agreement with the officer, wherein the department agreed to remove the disciplinary action from the officer's official personnel file after 24 months instead of 36 months. In exchange, the officer agreed to withdraw his appeal. The OIG concurred with the settlement because the actual penalty was not affected. Additionally, since there was no investigation, the officer presented new mitigating information when he expressed remorse and a willingness to learn from the incident.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-12	12-2845-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On October 12, 2012, while off duty, an officer was arrested for allegedly striking her boyfriend with a glass mug. The officer also allegedly resisted arrest by striking and kicking outside law enforcement and using profanity when she was taken into custody.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-17	13-0224-IR	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	No Change

Incident Summary

On October 17, 2012, an officer was arrested after he allegedly became engaged in a verbal altercation with his spouse, pushed her onto a bed, and got on top of her, holding her arms behind her back. The officer allegedly failed to promptly report his arrest to the department.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board, but subsequently resigned from state service.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-17	13-0530-IR	<ol style="list-style-type: none"> Dishonesty Attendance 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On October 17, 2012, an officer was allegedly dishonest when he called a supervisor to request a day off for family medical leave. The officer allegedly stayed home for personal reasons not related to family medical leave. On November 25, 2012, the officer allegedly falsified his employee attendance record when he reported that family medical leave was the reason for his absence on October 17, 2012.

Disposition

The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority waited over four months after the discovery of possible misconduct before referring the matter to OIA Central Intake.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 22, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 7, 2013, over four months after the date of discovery.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed several months after possible misconduct was discovered, before referring the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-07	13-0153-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Driving Under the Influence 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Incident Summary

On December 7, 2012, an officer, while allegedly driving his vehicle under the influence of alcohol, was involved in a noninjury collision with another vehicle and fled the scene of the accident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board but later withdrew his appeal.

Disciplinary Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-11	13-0386-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Suspension	No Change

Incident Summary

On December 11, 2012, an officer allegedly failed to physically conduct an inmate count of his assigned unit and submitted an unverified count into the strategic offender management system, falsely confirming he had conducted the required inmate count.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 48-working-day suspension. The OIG concurred because the officer was ultimately dismissed in another case. The officer filed an appeal with the State Personnel Board. However, the officer failed to appear for the pre-hearing settlement conference. As a result, the State Personnel Board deemed the officer's appeal withdrawn.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-27	13-0388-IR	<ol style="list-style-type: none"> Insubordination 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Incident Summary

On December 27, 2012, a sergeant was informed by an inmate that his cellmate was concealing an inmate-manufactured weapon in his cell. A lieutenant ordered the sergeant to perform a search of the cell. The sergeant allegedly failed to perform the search. Later the same day during a cell search, an officer discovered an inmate-manufactured weapon.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-05	13-0488-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	No Change

Incident Summary

On January 5, 2013, an officer was contacted by outside law enforcement after he allegedly kicked his former wife, a lieutenant with the department, in the abdomen.

Disposition

The hiring authority sustained the allegation and imposed a penalty of 10 percent salary reduction for 13 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-09	13-1262-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On January 9, 2013, a sergeant allegedly failed to properly conduct an unclothed body search on an inmate prior to the inmate being escorted to another cell. When the inmate arrived at his new cell, the inmate retrieved a weapon from his waistband area.

Disposition

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

Disciplinary Assessment

Rating: Insufficient

The department failed to timely refer the matter for investigation, and OIA Central Intake failed to make a timely determination regarding the hiring authority's request. Additionally, the hiring authority failed to timely conduct the findings conference. Finally, the Form 402 did not accurately reflect the determinations made at the findings conference.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The date of discovery was January 9, 2013; however, the hiring authority did not refer the matter to the Office of Internal Affairs until April 29, 2013, more than three months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on May 2, 2013, but did not take action until July 10, 2013, more than two months after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on July 10, 2013; however, the consultation with the OIG regarding the sufficiency of investigation and investigative findings did not occur until September 6, 2013, almost two months after receipt of the case.
- If the HA determined additional investigation was necessary, was additional investigation requested?

Although the hiring authority determined that an investigation was needed, further investigation was not requested since the sergeant had already retired prior to the findings and penalty conference.
- Was the CDCR Form 402 documenting the findings properly completed?

The Form 402 inaccurately documented the hiring authority's determinations. The document was corrected after the OIG provided input.
- Was the disciplinary phase conducted with due diligence by the department?

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-10	13-0676-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Counseling

Incident Summary

On January 10, 2013, a control booth officer allegedly violated policy when he opened a shower door in the absence of a floor officer. As a result, two inmates were able to fight each other, requiring the use of multiple force options to stop the incident.

Disposition

The hiring authority found sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for nine months. The OIG concurred with the hiring authority's determinations. At the *Skelly* hearing, the officer presented evidence that there was no specific policy to address when an inmate was entering or leaving the shower area; rather, there was only a policy to address the opening of cell doors. The hiring authority reviewed the matter and concurred that this situation was not addressed by the current policy. Consequently, the hiring authority reduced the penalty, and served the officer with an employee counseling record. The OIG concurred with the modification based on the new information presented at *Skelly*. The OIG recommended that the institution update the local policy to specifically address the need to have other officers present whenever inmates enter or leave the shower area.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-11	13-0420-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	Resignation

Incident Summary

On January 11, 2013, while off duty, an officer allegedly threw his daughter on the ground, choked her, pinned her down, and hit her in the face several times, causing injuries. A court granted a restraining order prohibiting the officer from possessing a firearm.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 60-working-day suspension. However, the officer was concurrently nonpunitively dismissed because he lost his ability to possess a firearm, which was a requirement of his employment. The OIG concurred. The officer appealed his suspension and dismissal to the State Personnel Board. Due to a witness becoming unavailable prior to the hearing, the department entered into a settlement with the officer wherein he resigned in lieu of suspension and dismissal. The OIG concurred because of the evidentiary problems that developed and because the ultimate goal of terminating the officer's employment with the department was achieved.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-23	13-0489-IR	1. Misuse of Authority 2. Threat/Intimidation Toward Another	1. Sustained 2. Sustained	Salary Reduction	No Change

Incident Summary

On January 23, 2013, an officer was arrested after he allegedly yelled at, cursed at, and threatened to kill a private citizen. The officer also allegedly displayed his badge to the citizen and stated he was a police officer.

CENTRAL REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined the appropriate penalty to be a 5 percent salary reduction for 30 months. The OIG concurred. However, the officer was separated prior to serving the disciplinary action for being absent without leave and he was also dismissed in other pending cases. The department provided a letter to the officer reserving the right to reopen disciplinary proceedings.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-15	13-0551-IR	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On February 15, 2013, a sergeant was arrested after he allegedly threatened to harm or kill a mental health worker and three outside law enforcement officers. He also allegedly failed to report his arrest.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the sergeant was nonpunitive terminated for felony convictions of making a criminal threat and resisting arrest before the disciplinary action could be served upon him.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-26	13-0675-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Letter of Reprimand

Incident Summary

On February 26, 2013, an officer, after participating in firearms training, allegedly dropped two live less-lethal rounds of ammunition on the ground in an institution's parking lot. The officer also allegedly located another less-lethal round in his pocket.

Disposition

The hiring authority sustained the allegation and determined the officer should receive a 5 percent salary reduction for six months. The OIG concurred; however, prior to the imposition of the penalty, the hiring authority reduced the penalty to a letter of reprimand. The OIG did not concur as there was no change of circumstances to warrant the reduction; however, the circumstances did not merit a higher level of review given the nature of the conduct. After imposition of the letter of reprimand, the officer submitted a letter to the hiring authority wherein he accepted responsibility for his actions, stated that he has remained discipline free during the ten years that he has worked for the department, and is a volunteer member of the critical response team. Taking into account these mitigating factors, the department entered into an agreement with the officer whereby he agreed to relinquish his right to file an appeal with the State Personnel Board in exchange for removal of the letter of reprimand from his official personnel file within a year. The OIG concurred with the settlement because the letter submitted by the officer supported removal of the letter of reprimand within a year.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the case to the Office of Internal Affairs and conducting the findings and penalty conference. The hiring authority also incorrectly prepared the findings and penalty conference forms and failed to consult with the OIG prior to preparing the forms. The Office of Internal Affairs failed to make a timely determination on the case.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on February 26, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 18, 2013, 51 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on April 18, 2013, but did not take action until May 22, 2013, 34 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer made no entry into CMS prior to the findings conference.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on May 13, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until September 5, 2013, 115 days after receipt of the case.
- Was the CDCR Form 402 documenting the findings properly completed?

The allegations listed on the form were incorrectly stated and the form was not provided to the OIG for review as required.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on May 13, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until September 5, 2013, 115 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the findings and penalty conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-05	13-0674-IR	<ol style="list-style-type: none"> Neglect of Duty Controlled Substances 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On April 5, 2013, an officer allegedly placed numerous calls to 911, made erratic claims, and then hung up the phone. Local law enforcement responded to the officer's residence on numerous occasions until they were able to contact the officer. When local law enforcement spoke to the officer, they noticed he was displaying symptoms of being under the influence of a controlled substance and arrested him for being under the influence. The officer also allegedly failed to report his arrest.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. The officer was terminated for being absent without leave before disciplinary action could be imposed. A letter indicating the department had the right to impose disciplinary action should the officer attempt to return to his employment, was mailed to the officer's address.

Disciplinary Assessment

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

Rating: Sufficient

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-30	13-0809-IR	<ol style="list-style-type: none"> 1. Contraband 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	No Change

Incident Summary

On April 30, 2013, an officer allegedly attempted to enter the institution in possession of inmate-generated art, inmate passes, an inmate identification card, a mobile phone, a charger, compact discs, pliers, and magazines.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-02	13-0974-IR	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 	Dismissal	No Change

Incident Summary

On May 2, 2013, a sergeant was arrested after he allegedly threatened to stab a neighbor with a knife.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the officer was nonpunitively terminated for felony convictions for making a criminal threat and resisting arrest before a disciplinary action could be served on him.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-06	13-1538-IR	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior 2. Driving Under the Influence 3. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Suspension	No Change

Incident Summary

On May 6, 2013, an officer was arrested for allegedly driving under the influence and possessing an open container of alcohol. The officer also allegedly attempted to use his peace officer position with the department in order to receive preferential treatment from local law enforcement.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations, except the allegation that he misused his authority, and imposed a two-working-day suspension. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-06-19	13-1698-IR	1. Controlled Substances	1. Sustained	Dismissal	No Change

Incident Summary

On June 19, 2013, an officer allegedly tested positive for cocaine.

Disposition

The hiring authority sustained the allegation and served the officer with a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-07-09	13-1699-IR	1. Controlled Substances	1. Sustained	Dismissal	No Change

Incident Summary

On July 9, 2013, an officer allegedly tested positive for cocaine.

Disposition

The hiring authority sustained the allegation and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the dismissal took effect. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

Disciplinary Assessment

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

Rating: Sufficient

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-06-02	12-0146-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

Between June 2, 2010, and May 11, 2011, a department attorney allegedly failed to pursue a disciplinary action for dismissal against an officer who was dishonest and allowed the deadline to take disciplinary action to expire. The department attorney also allegedly failed to consult with the hiring authority and the OIG regarding the proper outcome in the case, and failed to respond in a timely manner to the OIG's inquiries regarding the status of the case.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred. However, the department attorney retired before the disciplinary action took effect. A letter indicating the department attorney retired under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the findings and penalty conference. Additionally, the department failed to timely serve the disciplinary action.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on May 17, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 16, 2011, seven months after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on January 17, 2011; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until November 1, 2012, ten months after receipt of the case. During that period, the hiring authority considered asking OIA Central Intake to conduct an investigation into the case, but the request was never made.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on January 17, 2011; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 1, 2012, ten months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the findings and penalty conference in a timely manner. In addition, the disciplinary action was not served until February 28, 2013, three months after the findings and penalty conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-11-20	11-1939-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	No Change

Incident Summary

On November 20, 2010, an officer allegedly downloaded and stored child pornography on his personal computer on a network shared file providing access to others.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to modify the deadline for taking disciplinary action and failed to provide written confirmation of penalty discussions, and the department failed to timely serve the disciplinary action.

Assessment Questions

- Did the department attorney or disciplinary officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?
The department attorney failed to modify the deadline for taking disciplinary action once the prosecuting agency notified the department that the case could proceed administratively.
- 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 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 action. The decision to take disciplinary action was made on May 13, 2013; however, the department did not serve the disciplinary action until June 24, 2013, 42 days after the decision.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-01-01	13-0502-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Contraband 3. Misuse of Authority 4. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	No Change

Incident Summary

It was alleged that beginning in January 2011, a Native American spiritual leader smuggled tobacco, mobile phones, and drugs into the institution. It was further alleged that the spiritual leader was overly familiar with the inmates and their families. In addition, it was alleged that the spiritual leader misused his authority when he used his position with the department to gain outside employment performing Native American spiritual services for inmates' families. It was also alleged that he failed to report his outside employment.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the Native American spiritual leader. The OIG concurred. The spiritual leader did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-06-01	12-0145-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 	Suspension	Salary Reduction

Incident Summary

Between June 1, 2011 and November 21, 2011, a department attorney was allegedly less-than-alert or asleep on multiple occasions while attending interviews conducted by the Office of Internal Affairs and during a meeting with a hiring authority and other departmental personnel.

NORTH REGION

Disposition

The hiring authority sustained the allegations that the department attorney was less than alert while on duty, but not that he slept while on duty, and determined that the appropriate penalty was a five-working-day suspension. The OIG concurred with the hiring authority's determinations. However, the department attorney left the department to work for another state agency before the disciplinary action was served. A letter indicating the department attorney left the department pending disciplinary action was placed in his official personnel file. However, the department attorney eventually returned to his position with the department and was served with the disciplinary action. Pursuant to a settlement agreement, the penalty was modified from a five-working-day suspension to a 5 percent salary reduction for three months. The OIG concurred because the settlement agreement allowed the department to cover workload needs and the financial penalty was not substantially modified.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-01	13-0509-IR	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Other Failure of Good Behavior 3. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

From September 1, 2011, through February 28, 2013, an associate information systems analyst allegedly used his work computer to view child pornography and to transmit pornographic movies to his personal mobile phone. During the same time period, the associate information systems analyst also viewed pornography and masturbated in a workplace restroom on multiple occasions.

Disposition

The hiring authority sustained the allegations and served the associate information systems analyst with a notice of dismissal. The OIG concurred. However, the associate information systems analyst resigned before the disciplinary action took effect. A letter indicating he resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-18	12-0186-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty 3. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Demotion	No Change

Incident Summary

On September 18, 2011, an officer monitoring the visiting area suspected that an inmate received contraband from a visitor. The officer strip-searched the inmate but did not find any contraband. However, the officer observed what appeared to be lubricant around the inmate's rectal area. The officer taped the inmate's clothing around his waist, calves, and ankles, and relinquished custody of the inmate to a second officer who escorted the inmate to administrative segregation. When the inmate arrived, he was searched again by a third officer. During the search, a lieutenant and the third officer allegedly saw a small bundle of contraband drop from the inmate as he was being searched. The lieutenant ordered the bundle to be taped back on the inmate. The lieutenant then allegedly ordered an officer to take the inmate back to visiting staff to be searched again. When the officer in visiting searched the inmate again, the bundle of contraband was found. It was further alleged that the lieutenant told the officer in visiting not to mention her name in his report and not to "throw her staff under the bus." It was also alleged that a fourth officer witnessed the incident but failed to intervene.

NORTH REGION

Disposition

The hiring authority sustained the allegations against the lieutenant and determined that a two-level demotion to a rank-and-file officer was the appropriate penalty. The OIG concurred. However, the lieutenant retired prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the lieutenant retired under adverse circumstances was placed in her official personnel file. The hiring authority sustained the allegations against the first officer and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The hiring authority did not sustain the allegations against the second officer. The OIG concurred. The hiring authority sustained the allegations against the third officer and imposed a 5 percent salary reduction for 12 months. However, the penalty was reduced to a letter of reprimand after the *Skelly* hearing because the officer brought forth new information indicating that his involvement was limited, he acknowledged his misconduct, and he accepted responsibility. The OIG concurred. The hiring authority sustained the allegations against the fourth officer and imposed a 5 percent salary reduction for 12 months. OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for three months because the officer acknowledged that his actions violated policy and that he should have been more attentive. Furthermore, the officer presented additional information at a *Skelly* hearing that tended to mitigate his misconduct. The officer agreed to withdraw his appeal. The OIG concurred because of new information submitted at the *Skelly* hearing and because the officer took responsibility for violating policy.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: **Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-01	12-2598-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Sexual Misconduct 4. Contraband 5. Over-Familiarity 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Salary Reduction	No Change

Incident Summary

Between October 2011 and February 2012, an officer was allegedly overly familiar with two inmates by sending writings, conspiring to provide the inmates mobile phones, and engaging in inappropriate touching. The officer also allegedly neglected her duties by engaging in conversations of a personal nature where inmates could overhear, and was dishonest in her investigative interview.

Disposition

The hiring authority sustained the allegation of neglect of duty for engaging in conversations of a personal nature that could be overheard by inmates. The remaining allegations were not sustained. The hiring authority imposed a 10 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board, but later withdrew the appeal.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: **Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-03	13-0501-IR	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Over-Familiarity 3. Insubordination 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

Between October 3, 2011, and October 15, 2012, an officer was allegedly engaged in an overly familiar and sexual relationship with an inmate, including mobile phone communications with the inmate. The officer was also allegedly insubordinate when she failed to appear for her scheduled investigative interviews on May 9, 2013, and May 29, 2013.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in her official personnel file.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: **Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-26	12-2450-IR	<ol style="list-style-type: none"> Dishonesty Contraband Over-Familiarity Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

It was alleged that between October 26, 2011, and November 22, 2011, a senior youth counselor engaged in overly familiar behavior with several wards under his supervision by providing them with contraband items, circumventing procedures for personal property control, and assisting wards in hiding unauthorized items so the items would not be confiscated by custody staff. The contraband items included unauthorized MP3 players, shoes, clothing, video games, and a watch with a Raiders football team logo. It was further alleged that on December 22, 2011, the senior youth counselor was dishonest when he told a sergeant that the watch with the Raiders logo had been provided to him for the ward by the ward's parents, when in fact this was not the case as the counselor had obtained the item and provided it to the ward directly.

Disposition

The hiring authority sustained the allegations and served the youth counselor with a notice of dismissal. However, pursuant to a settlement agreement, the youth counselor resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because of evidentiary problems arising from the availability and cooperation of ward witnesses and because the settlement achieved the ultimate goal of terminating the youth counselor's employment with the department.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: **Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-01	13-0403-IR	<ol style="list-style-type: none"> Over-Familiarity Insubordination Neglect of Duty Sexual Misconduct 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

Between December 1, 2011, and October 17, 2012, a case records technician allegedly engaged in a sexual relationship with an inmate. The case records technician also allegedly shared personal information, exchanged letters, cards, and jewelry, and reportedly kissed the inmate. It was further alleged that the case records technician was insubordinate during an ongoing internal affairs investigation when she discussed the case with a potential staff witness.

Disposition

The hiring authority did not sustain the allegation of sexual misconduct against the case records technician but did sustain the remaining allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, pursuant to a settlement agreement, the case records technician resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the agreement achieved the goal of removing the employee from state service.

NORTH REGION

Disciplinary Assessment

Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2011-12-19	12-0572-IR	<ol style="list-style-type: none"> Insubordination Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 		

Incident Summary

On December 19, 2011, an officer allegedly opened a cell door without other officers present and it was the wrong cell door, which allowed two inmates to exit and attack a third inmate. A second officer allegedly failed to properly supervise and escort the third inmate, which resulted in the inmate being attacked. Both officers were also allegedly insubordinate for failing to follow orders for proper handling of the inmates.

Disposition

The hiring authority sustained the allegations against both officers and imposed a 5 percent salary reduction for six months. The OIG concurred. The officers each filed an appeal with the State Personnel Board. The department entered into settlement agreements with both officers whereby the salary reduction was modified to a 5 percent salary reduction for four months and each officer withdrew his appeal. The officer who improperly opened the cell door acknowledged he violated policy and should have been more attentive. Furthermore, the officer presented additional information at a *Skelly* hearing that mitigated his conduct. The other officer raised evidentiary issues that reduced the likelihood of the department prevailing at a hearing. For these reasons the OIG concurred with both settlements.

Disciplinary Assessment

Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to process the case within 30 days. The disciplinary officer failed to adequately document the case. And, the hiring authority failed to conduct the findings and penalty conference in a timely manner.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on January 25, 2012, but did not take action until March 13, 2012, 47 days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on March 13, 2012; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until November 19, 2012, more than eight months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on March 13, 2012; however, the consultation with the OIG regarding the disciplinary determinations did not occur until November 19, 2012, more than eight months after receipt of the case.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The disciplinary officer did not provide the OIG with a copy of the draft disciplinary action or consult with the OIG.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The OIG was provided copies of the pre-hearing settlement conference statements after they were filed.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the findings and penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	13-0567-IR	<ol style="list-style-type: none"> 1. Contraband 2. Over-Familiarity 3. Insubordination 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

Between January 1, 2012, and February 25, 2013, an officer allegedly brought mobile phones into the institution for financial gain. Further, between the same dates, the officer was allegedly overly familiar with an inmate's wife by calling her on his personal mobile phone. The officer was also allegedly insubordinate on May 3, 2013, when he refused to participate in an administrative interview with the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: Sufficient

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-04	12-2944-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

Between January 4, 2012, and September 7, 2012, an officer allegedly neglected his duties by agreeing to switch shifts with five other officers and then failed to work those shifts, instead paying the officers cash or store credit. It was further alleged that the five officers neglected their duties when they agreed to switch shifts with the first officer, failed to have the first officer work the shifts, and accepted cash or store credit from the first officer after he failed to work the shifts. On October 1, 2012, the first officer was allegedly dishonest when he told his supervisor his absences were covered under the Family Medical Leave Act when they were not. That officer also allegedly neglected his duties by failing to turn in his time cards as was required for nine out of ten months in 2012.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the first officer and imposed a 10 percent salary reduction for 18 months. The hiring authority also sustained the allegations against the four officers who accepted cash or store credit and issued letters of reprimand. There was insufficient evidence to sustain the allegations against the last officer. The OIG concurred with all of the determinations. Following *Skelly* hearings for the four officers, the hiring authority withdrew the letters of reprimand and instead issued letters of instruction because the officers acknowledged their actions violated policy and expressed remorse. The OIG concurred because the officers took responsibility for their actions and the misconduct was not likely to recur. There was no change to the first officer's salary reduction. The first officer appealed to the State Personnel Board. Based on evidentiary issues raised at the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 12 months. The OIG found the agreement reasonable under the circumstances.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-17	13-0543-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Suspension	Salary Reduction

Incident Summary

Between May 17, 2012, and July 7, 2012, a department attorney allegedly failed to respond to discovery requests in four appeals in which he represented the department.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 20-working-day suspension. The OIG concurred. The department attorney did not file an appeal with the State Personnel Board. However, pursuant to a settlement agreement, the penalty was modified from a 20-working-day suspension to a 10 percent salary reduction for 12 months. The OIG concurred because the settlement agreement allowed the department to cover workload needs and the financial penalty was not substantially modified.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The disciplinary officer did not make an entry into CMS confirming relevant dates and, upon case settlement, failed to complete a required form.

NORTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The date of discovery was July 19, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until March 7, 2013, more than seven months after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make an entry into CMS 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.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The disciplinary officer did not complete CDC Form 3021.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-21	12-2603-IR	<ol style="list-style-type: none"> Neglect of Duty Failure to Report 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On May 21, 2012, two officers escorted an inmate to the correctional treatment center. Upon being placed in the holding cell, the inmate refused to allow the officers to remove his handcuffs and leg restraints, and both officers used force to restrain him and remove his leg restraints. The officers left the inmate in handcuffs and allegedly left the scene without notifying a supervisor they used force or that the inmate was still handcuffed.

Disposition

The hiring authority sustained the allegations that the officers did not call for immediate backup and report to a supervisor that the inmate was still handcuffed, and imposed a 5 percent salary reduction for one month on each officer. The hiring authority determined there was insufficient evidence to sustain the allegations that the officers failed to report the use of force. There were actually two separate use-of-force incidents and the officers documented the use of force in their reports concerning the first incident. They did not appear to be covering up their use of force. They failed to report the second use of force verbally to a sergeant so they could receive instructions, including the need to separately document the two incidents. The OIG concurred with the determinations. Neither officer filed an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the case to the Office of Internal Affairs. OIA Central Intake failed to process the case in a timely manner and failed to make an appropriate decision regarding the case. The hiring authority delayed conducting the findings and penalty conference by more than six months. Finally, the disciplinary actions were not served on the officers within 30 days of the decision to take disciplinary action.

NORTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on July 23, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 14, 2012, 53 days after the date of discovery.

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on September 21, 2012, but did not take action until November 9, 2012, 49 days after receipt of the request.

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

OIA Central Intake did not make an appropriate determination regarding this case. The OIG believed that an investigation should have been conducted to ascertain whether there was another staff person who observed the use of force and failed to report it, as required by policy. Both involved officers indicated that a staff person closed the cell door when they exited the cell after using physical force to take the inmate to the ground to remove the leg restraints. Neither officer identified the staff person. Secondly, the OIG believed that an investigation needed to be conducted to ascertain whether the on-duty sergeant was obligated to take any action when he noticed that the inmate was in the holding cell with handcuffs on and was refusing to allow officers to remove them. OIA Central Intake denied the recommendation to complete an investigation.

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

The department attorney made an entry into CMS within 21 days of assignment confirming the date of the incident, but the entry was not accurate as to the date of discovery or the deadline for taking disciplinary action.

- Did the department attorney or disciplinary officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?

The department attorney did not appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified nor consult with the OIG. The OIG reviewed the department attorney's assessment regarding the deadline to take disciplinary action and contacted the department attorney to encourage her to use an earlier date, but the department attorney declined to do so.

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

The case was returned to the hiring authority on November 9, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until May 24, 2013, more than six months after receipt of the case.

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

The case was returned to the hiring authority on November 9, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until May 24, 2013, more than six months after receipt of the case.

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

The hiring authority failed to conduct the findings and penalty conference in a timely manner. In addition, the disciplinary actions were not served on the officers in a timely manner. The decision to take disciplinary action occurred on May 24, 2013; however, the disciplinary actions were not served until July 1, 2013, 38 days after the decision.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-24	12-1797-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Insubordination 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

On May 24, 2012, it was discovered that a sergeant allegedly engaged in an overly familiar relationship with an inmate's visitor and that the visitor was residing with the sergeant. The sergeant was allegedly dishonest with two lieutenants regarding the nature of the relationship with the visitor and dishonest during the investigation. A second sergeant was allegedly insubordinate during the investigation when he discussed the substance of his Office of Internal Affairs interview with the first sergeant's ex-wife after being admonished not to do so.

Disposition

The hiring authority sustained the allegations of over-familiarity and dishonesty against the sergeant and served him with a notice of dismissal. The hiring authority sustained the allegation against the other sergeant who improperly discussed the case and imposed a 10 percent salary reduction for three months. The OIG concurred with the hiring authority's determinations. Neither sergeant filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the dismissed sergeant wherein the department agreed to strike the dishonesty allegation from the disciplinary action in exchange for the sergeant agreeing not to appeal his dismissal. The OIG concurred with the terms of the settlement as they did not materially change the penalty of dismissal.

Disciplinary Assessment

Rating: Insufficient

The hiring authority and department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney did not make an entry into the case management system within 21 days of assignment confirming relevant dates. The hiring authority failed to conduct a findings and penalty conference in a timely manner. Additionally, the department failed to serve the disciplinary action on one of the sergeants within 30 days of the decision to take disciplinary action.

Assessment Questions

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

The department attorney did not make an entry into CMS within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on April 3, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings as to one of the sergeants did not occur until June 25, 2013, 82 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on April 3, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations as to one of the sergeants did not occur until June 25, 2013, 82 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority failed to conduct a findings and penalty conference in a timely manner. In addition, the department failed to serve one of the disciplinary actions in a timely manner. The hiring authority decided to take disciplinary action on June 25, 2013; however, the sergeant was not served with the disciplinary action until August 18, 2013, 54 days after the decision to take disciplinary action.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Reprimand
2012-05-26	12-2030-IR	1. Neglect of Duty	1. Sustained		

Incident Summary

On May 26, 2012, a locksmith allegedly failed to repair a chapel door lock which resulted in a chaplain being confined in a restroom overnight. It was further alleged that five officers and three sergeants failed to audit log books and equipment to make sure that all visitors had left the institution. In addition, they failed to conduct searches, return keys, and ensure the repair of a restroom door in the chapel.

Disposition

The hiring authority sustained the allegation against the sergeant who failed to review the visitors log book and imposed a 5 percent salary reduction for six months. Prior to a *Skelly* hearing, it was discovered that the sergeant's disciplinary action was not timely served. Due to this development, the hiring authority agreed to reduce the penalty to an official letter of reprimand for one year as part of a settlement agreement. Under these circumstances, the OIG concurred. The hiring authority sustained the allegations against two officers for failing to ensure return of equipment and each were issued a letter of instruction. The hiring authority also sustained the allegation against an officer for failing to review a visitors log. However, the officer retired prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the officer retired under adverse circumstances was placed in his official personnel file. The hiring authority did not sustain the allegations against the other two sergeants, locksmith, and two officers. The OIG concurred with all of the hiring authority's determinations.

Disciplinary Assessment

Rating: Insufficient

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to serve the disciplinary action against the sergeant in a timely manner due to a clerical error.

Assessment Questions

- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?

The deadline for taking disciplinary action was June 22, 2013; however, the sergeant was not served the disciplinary action until June 24, 2013. The hiring authority attempted to mail the action before the expiration date but erroneously transposed a number in the sergeant's home address and the sergeant never received the action. Although the action was subsequently sent to the correct address, the deadline had already expired.

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

The sergeant was not served with the disciplinary action prior to the deadline to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL No Change
2012-05-27	12-1633-IR	1. Neglect of Duty 2. Discourteous Treatment 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained		

Incident Summary

On May 27, 2012, an officer allegedly engaged in an off-duty domestic violence incident with his girlfriend. The officer was also allegedly uncooperative and disrespectful to outside law enforcement when he ended discussions with them, hung up the phone, and subsequently refused instructions to come out of his home. The officer also allegedly failed to promptly report his off-duty arrest to the hiring authority.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of neglect of duty and discourteous treatment to outside law enforcement and imposed a 10 percent salary reduction for 12 months. The hiring authority determined there was insufficient evidence to sustain the allegation of other failure of good behavior. The OIG concurred. The officer filed an appeal with the State Personnel Board. The officer had a second case in which the penalty was dismissal that was also appealed, and the two cases were consolidated for hearing at the State Personnel Board. However, pursuant to a settlement agreement, the officer resigned in lieu of dismissal, withdrew his appeal, and agreed to never seek employment with the department in the future. The OIG concurred because the settlement resulted in removing the officer from employment.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-12	12-1996-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On June 12, 2012, an officer allegedly failed to report a use-of-force incident she observed. When ordered to write the report, the officer allegedly failed to accurately document the use of force she witnessed.

Disposition

The hiring authority determined there was sufficient evidence to sustain 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

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-04	13-0615-IR	1. Failure to Report	1. Sustained	Letter of Instruction	No Change

Incident Summary

On July 4, 2012, an officer allegedly failed to report misconduct he observed committed by another officer who reportedly told an inmate, "don't talk to me, child molester," in the presence of other inmates, thereby jeopardizing the inmate's safety. The officer later reported the incident during a disciplinary hearing against the inmate.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and issued the officer a letter of instruction. The OIG concurred.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not refer the matter to the Office of Internal Affairs for nearly seven months, the Office of Internal Affairs failed to make a timely determination regarding the request, and the hiring authority failed to conduct the findings and penalty conference in a timely manner.

NORTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on August 28, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 15, 2013, almost seven months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on March 26, 2013, but did not take action until May 8, 2013, 44 days after the receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on May 9, 2013; however, the consultation with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until June 24, 2013, 47 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on May 9, 2013; however, the consultation with the OIG and the department attorney regarding the disciplinary determinations did not occur until June 24, 2013, 47 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-11	13-0164-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	Modified Suspension

Incident Summary

On July 11, 2012, an officer allegedly pointed a firearm at her ex-husband during a child custody exchange.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 24-working-day suspension without pay. 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 reducing the penalty from a 24-day suspension to a 21-day suspension in exchange for the officer agreeing to withdraw her appeal. The OIG concurred with the terms of the settlement agreement because new evidence was brought forth showing the officer had a possible claim of self-defense.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the findings and penalty conference and did not properly draft the CDCR Form 403. The department attorney failed to provide appropriate legal consultation to the hiring authority, failed to provide written confirmation of the penalty discussions, and failed to adequately cooperate and consult with the OIG.

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 completed its investigation and referred the matter to the hiring authority on May 16, 2013. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 19, 2013, 34 days after receipt of the case.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney did not provide appropriate legal consultation to the hiring authority regarding the investigative findings. He recommended that the hiring authority not sustain an allegation, even though it was supported by the evidence.
- 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 16, 2013. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 19, 2013, 34 days after receipt of the case.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide written confirmation of penalty discussions.
- Was the CDCR Form 403 documenting the penalty properly completed?

The CDCR Form 403 was not properly completed because it did not reflect the penalty level that was determined at the penalty conference, and the specific penalty was not documented on the Form 403.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney did not provide the OIG with a copy of the draft disciplinary action nor consult with the OIG.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The department attorney did not complete the CDC Form 3021.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The department attorney did not cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary process. The department attorney failed to provide the OIG with a copy of the draft disciplinary action prior to service and failed to provide the OIG with a copy of the draft pre-hearing settlement conference statement prior to filing.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The findings and penalty conference was not conducted timely.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-23	13-0030-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On July 23, 2012, three officers allegedly neglected their duties by failing to conduct appropriate institutional counts and security checks for their assigned unit. Later, an inmate was found dead in a sitting position in his cell. The coroner's report indicated the inmate was dead during the time the counts and checks were conducted.

NORTH REGION

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations because the officers did complete their security checks and were not negligent in their duties. The inmate had died in an upright position and appeared to be watching television. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-13	12-2428-IR	<ol style="list-style-type: none"> Discourteous Treatment Weapons 	<ol style="list-style-type: none"> Sustained Not Sustained 	Letter of Reprimand	No Change

Incident Summary

On August 13, 2012, a parole agent allegedly drew his weapon, pointed it at a parolee's wife and her dog, and threatened to shoot the dog in the head. The parole agent was also allegedly discourteous to the parolee's wife when he made her sit in the dirt outside her residence in 100 degree heat after she had major surgery, and that he used vulgar and profane language when speaking to her.

Disposition

The hiring authority determined there was sufficient evidence to sustain one of the allegations of discourteous treatment based upon vulgar and offensive language and served the officer with an official letter of reprimand. The remaining allegations were not sustained. The OIG concurred. The officer filed an appeal with the State Personnel Board. The case settled with an amendment to the notice of adverse action authorizing removal of the letter of reprimand from the officer's official personnel file after one year. The OIG concurred with the settlement because the settlement agreement didn't substantially change the penalty.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-15	12-2434-IR	<ol style="list-style-type: none"> Sexual Misconduct Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

Between August 15, 2012, and October 5, 2012, a parole agent II was allegedly overly familiar and engaged in sexual misconduct with a parolee. The agent also allegedly misused his state computer to store sexually explicit images and his phone to send text messages soliciting sexual activity.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the parole agent. The OIG concurred. The agent filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the agent in which he agreed to resign in lieu of dismissal. The agent also agreed to not seek future employment with the department and to withdraw his appeal. The OIG concurred because evidentiary problems arose concerning the availability and cooperation of parolee witnesses and because the settlement achieved the ultimate goal of terminating the agent's employment with the department.

Disciplinary Assessment

Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-17	12-2184-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Incident Summary

August 17, 2012, an officer allegedly failed to read and sign his post orders and failed to properly complete the initial security check and 30-minute welfare checks on a mental health inmate in administrative segregation. The officer also allegedly falsified his welfare check slips by completing and signing the slips in advance. Due to illness the officer left the institution early without verifying the accuracy of his check slips. As a result, he left a completed and signed check slip that was false in that it indicated that he completed a welfare check at a time when he was not at the institution. On August 18, 2012, a second officer allegedly turned in the count slips from the first officer that the second officer did not prepare, without verifying that they had been properly completed.

Disposition

During the investigation, the OIG and the department attorney requested adding a dishonesty allegation against the first officer for false and misleading information in official reports. The hiring authority declined to add this allegation. The OIG and the department attorney sought a higher level of review, at which the hiring authority's supervisor agreed to add the allegation of false and misleading information in official reports. The hiring authority determined there was sufficient evidence to sustain the allegations against both officers and imposed a 10 percent salary reduction for 13 months against the first officer and a 5 percent salary reduction for three months against the second officer. The OIG concurred with both the findings and penalties due to mitigating factors in each case. Although the first officer completed his count slip in advance, he did not submit it as his official record, so his misconduct did not rise to the level of dishonesty that would warrant dismissal. The second officer failed to complete and submit his own count slip, but there was no evidence that he submitted the first officer's false count slip. The officers each filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into settlement agreements with each officer wherein the first officer accepted the penalty and withdrew his appeal in exchange for modifications in the language of the disciplinary action and the removal of the disciplinary action from his official personnel file after one year upon written request. The second officer agreed to withdraw his appeal in exchange for a reduced penalty of an official letter of reprimand because the officer acknowledged that his actions violated policy and he should have been more attentive. Furthermore, both officers presented additional information at their *Skelly* hearings that tended to further mitigate their misconduct. Although the first officer should not have completed the count slip in advance of completing the count, he was sent home after an emergency response and did not have an opportunity to review and correct the false count slip. The second officer failed to complete his own count slip, but may not have been responsible for submitting the first officer's false count slip. The OIG concurred with both settlements based on the new information and the fact that both officers acknowledged their misconduct and took responsibility.

Disciplinary Assessment

Rating: Insufficient

The hiring authority failed to add all applicable allegations of misconduct, necessitating a higher level of review, and the department attorney failed to accurately assess the pertinent deadlines.

Assessment Questions

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

On October 3, 2012, the department attorney made an entry in CMS, but it did not accurately confirm the date of discovery as August 22, 2012. Instead, the department attorney erroneously entered the date of discovery as August 12, 2012. Also, the department attorney erroneously entered the deadline for taking disciplinary action as August 12, 2013, when the actual deadline was August 21, 2013. The department attorney corrected these errors on November 30, 2012, after discussions with the OIG.
- Did the HA, who participated in the findings conference, identify the appropriate subjects and factual allegations for each subject based on the evidence?

The hiring authority failed to add all applicable allegations of misconduct. Specifically, as to the first officer, the allegation of false and misleading information in official reports was supported by unrefuted evidence that the first officer completed welfare checks and count slips in advance of actually completing these tasks.
- Was an executive review invoked to raise an issue to a higher level of management in this case?

During the investigation the OIG and department attorney requested an additional dishonesty allegation against the first officer for false and misleading information in official reports. The hiring authority declined to add this allegation. The OIG and the department attorney sought a higher level of review at which the hiring authority's supervisor agreed to add this allegation.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-12	12-2534-IR	1. Neglect of Duty	1. Sustained	Suspension	Salary Reduction

Incident Summary

On September 12, 2012, an officer assigned to an armed position allegedly left his post prior to being relieved, leaving his weapon and ammunition unattended.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 60-working-day suspension. The OIG concurred. At the *Skelly* hearing, the officer expressed remorse and took responsibility for his actions. Due to this mitigating information, the hiring authority entered into a settlement agreement with the officer modifying the suspension to a 10 percent salary reduction for 24 months. The officer agreed to withdraw his appeal. The OIG concurred with the hiring authority's decision based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The disciplinary officer failed to document relevant dates affecting the disciplinary process, and the hiring authority delayed conducting the findings and penalty conference for almost seven months. In addition, the hiring authority failed to timely serve the disciplinary action.

Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on November 9, 2012; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until June 4, 2013, almost seven months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on November 9, 2012; however, the consultation with the OIG regarding the disciplinary determinations did not occur until June 4, 2013, almost seven months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority failed to conduct the findings and penalty conference in a timely manner. In addition, the hiring authority failed to serve the disciplinary action in a timely manner. The decision to take disciplinary action was made on June 4, 2013; however, the officer was not served the action until August 14, 2013, 71 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-22	13-0031-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	No Change

Incident Summary

On October 22, 2012, an officer was allegedly involved in an off-duty motor vehicle accident and fled the scene. She was also allegedly dishonest to outside law enforcement when she denied being the driver of the vehicle. She also allegedly failed to cooperate with outside law enforcement by failing to produce her vehicle for photographing and failing to provide contact information for the people named in her alibi.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was separated from state service under provisions of the absent without authorized leave policy before disciplinary action could be imposed.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-01	13-1763-IR	1. Misuse of State Equipment or Property	1. Sustained	Salary Reduction	No Penalty Imposed

Incident Summary

Between November 1, 2012, and April 14, 2013, a carpenter allegedly misused a state computer by searching for and downloading pornographic images.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and determined a 10 percent salary reduction for 13 months was the appropriate penalty. The OIG concurred. However, the carpenter had already been rejected on probation based on the misconduct and returned to his former employment at another institution prior to the imposition of discipline. The department attorney advised the hiring authority to not impose discipline due to the rejection on probation. The OIG did not concur with the failure to impose discipline.

Disciplinary Assessment

The department attorney failed to provide appropriate legal advise to the hiring authority.

Rating: Insufficient

Assessment Questions

- Did the VA 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 impose discipline due to the rejection on probation. The OIG did not concur with the failure to impose discipline.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-14	13-0033-IR	1. Misuse of Authority 2. Driving Under the Influence 3. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained	Dismissal	No Change

Incident Summary

On November 14, 2012, an officer allegedly drove under the influence of a controlled substance while off duty and collided with another vehicle. The officer also allegedly attempted to use her status as a peace officer to avoid arrest and was allegedly discourteous when she used profanity toward one of the arresting officers.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was separated from state service under provisions of the absent without authorized leave policies before disciplinary action could be imposed.

Disciplinary Assessment

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the findings and penalty conference by more that six months.

Rating: Insufficient

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 case was returned to the hiring authority on December 26, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until July 19, 2013, more than six months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on December 26, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until July 19, 2013, more than six months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the findings and penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-16	13-0316-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Reprimand

Incident Summary

On November 16, 2012, an officer was issued a restraining order that included a prohibition from owning or possessing firearms. The officer allegedly failed to timely notify the hiring authority of the restraining order and weapons restriction, which was subsequently removed.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. At the *Skelly* hearing, the officer accepted responsibility for his actions and expressed remorse for his misconduct. Due to this new mitigating information, the hiring authority entered into a settlement agreement with the officer modifying the penalty to a letter of reprimand. The officer agreed to not file an appeal. The OIG concurred based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The disciplinary officer failed to document relevant dates impacting the disciplinary process. The hiring authority delayed conducting the findings and penalty conference and failed to serve the disciplinary action in a timely manner.

NORTH REGION

Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on February 15, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until June 4, 2013, 109 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on February 15, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until June 4, 2013, 109 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the findings and penalty conference in a timely manner. In addition, the hiring authority failed to timely serve the officer with the disciplinary action. The decision to take disciplinary action was made on June 4, 2013; however, the officer was not served the action until August 28, 2013, 85 days after the decision.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-19	13-0032-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Driving Under the Influence 4. Controlled Substances 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	No Change

Incident Summary

On November 19, 2012, an off-duty officer allegedly drove a vehicle while under the influence of a controlled substance. The officer was arrested and allegedly failed to report the arrest to the hiring authority. The officer also allegedly attempted to flee from arresting officers.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was separated from state service under provisions of the absent without authorized leave policy before disciplinary action could be imposed.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the findings and penalty conference by more than seven months.

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 case was returned to the hiring authority on December 12, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings did not occur until July 19, 2013, more than seven months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on December 12, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until July 19, 2013, more than seven months after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the findings and penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-20	13-0215-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On November 20, 2012, an off-duty officer was arrested and charged with domestic violence and false imprisonment. Following a verbal dispute, the off-duty officer allegedly refused to allow his girlfriend to leave their bedroom then grabbed her by the arms, lifted her, and threw her on a bed. It was further alleged the officer failed to timely notify the hiring authority of his arrest.

Disposition

The hiring authority sustained the domestic violence allegation and imposed a 10 percent salary reduction for 12 months. The hiring authority did not find sufficient evidence to sustain the neglect of duty allegation regarding the officer's failure to report his arrest. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Insufficient

The hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner. Also, the department failed to serve the officer with the disciplinary action within 30 days of the decision to take disciplinary action.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on January 31, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 16, 2013, 76 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on January 31, 2013; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until April 16, 2013, 76 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. In addition, the department failed to serve the officer with the disciplinary action within 30 days of the decision to take the action. The decision to take disciplinary action was made on April 16, 2013; however, the officer was not served the action until July 9, 2013, 84 days later.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-10	13-0566-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	No Change

Incident Summary

On December 10, 2012, a control booth officer in the security housing unit allegedly released an inmate from his cell to take a shower. After the inmate finished, the officer released the inmate from the shower but failed to ensure that the inmate returned to his cell before closing his cell door. The officer opened a second cell door, and the first inmate ran into the second cell and attacked a second inmate with an inmate-manufactured weapon. The second inmate received injuries as a result of the incident.

Disposition

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

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the case to the Office of Internal Affairs. The Office of Internal Affairs failed to make a timely determination regarding the case, and the hiring authority failed to timely process the disciplinary action. The department attorney failed to appropriately draft the disciplinary action.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on December 10, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 1, 2013, 81 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on March 7, 2013, but did not take action until April 17, 2013, 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 case was returned to the hiring authority on April 30, 2013; however, the department attorney was not prepared to consult with the hiring authority and the OIG regarding the sufficiency of the investigation and the investigative findings until July 17, 2013, 78 days after the hiring authority's receipt of the case and 57 days after the department attorney was assigned to the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on April 30, 2013; however, the department attorney was not prepared to consult with the hiring authority and the OIG regarding the disciplinary determinations until July 17, 2013, 78 days after the hiring authority's receipt of the case and 57 days after the department attorney was assigned to the case.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide the hiring authority or the OIG with written confirmation of penalty discussions.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action provided to the OIG by the department attorney did not contain all of the allegations sustained by the hiring authority.
- Was the disciplinary phase conducted with due diligence by the department?

The hiring authority did not refer the matter to OIA Central Intake in a timely manner, and OIA Central Intake did not make a timely determination regarding the case. The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on July 17, 2013; however, the officer was not served the action until August 20, 2013, 34 days later.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-16	13-0162-IR	<ol style="list-style-type: none"> Discourteous Treatment Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Not Sustained 	Letter of Reprimand	No Change

Incident Summary

On December 16, 2012, an off-duty sergeant was allegedly involved in a verbal and physical confrontation with his wife.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of discourteous treatment and served the sergeant with a letter of reprimand. The hiring authority determined there was insufficient evidence to sustain the allegation that the sergeant did not exhibit good behavior and brought discredit to the department. The OIG concurred. The sergeant filed an appeal with the State Personnel Board, but he withdrew it before a pre-hearing settlement conference was scheduled. While the disciplinary process was underway, the district attorney's office sent a letter to the hiring authority referencing constitutional discovery requirements pursuant to *Brady v. Maryland* and three criminal cases involving the sergeant. The district attorney's office stated that the sergeant's "credibility has been compromised, [and] he is essentially useless as a prosecution witness for the next five years." The letter requested that the sergeant be given an assignment that would not involve the possibility of testifying in criminal matters.

Disciplinary Assessment

Rating: Insufficient

The department failed to conduct the findings and penalty conference in a timely manner. In addition, the disciplinary action was not timely served.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on January 16, 2013; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until March 20, 2013, 63 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on January 16, 2013; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until March 20, 2013, 63 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. In addition, the disciplinary action was not served within 30 days of the decision to take disciplinary action. The decision to take disciplinary action was made on March 20, 2013; however, the officer was not served with the action until July 5, 2013, more than three months later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-19	13-0303-IR	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On December 19, 2012, a staff services analyst was arrested by outside law enforcement after the execution of a search warrant at her residence and vehicle that resulted in the discovery of narcotics packaged for sale. Additionally, on January 1, 2013, the staff services analyst failed to notify her hiring authority that her brother was incarcerated by the department.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the staff services analyst with a notice of dismissal. The OIG concurred. However, the staff services analyst resigned before the dismissal took effect. A letter indicating the staff services analyst resigned under adverse circumstances was placed in her official personnel file.

NORTH REGION

Disciplinary Assessment Rating: **Insufficient**

The department failed to comply with the policies and procedures governing the disciplinary process. The disciplinary phase was not conducted with due diligence because the staff services analyst was on paid administrative leave, there were unreasonable delays in scheduling the findings and penalty conference, and unreasonable delays in serving the disciplinary action. The department attorney and hiring authority failed to notify the OIG of the findings and penalty conference. The department attorney also failed to make a required entry into the case management system confirming relevant dates.

Assessment Questions

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

The department attorney made an entry into CMS; however, he merely stated that he assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The hiring authority failed to consult with the OIG regarding the sufficiency of the investigation and the investigative findings.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The hiring authority did not consult with nor advise the OIG of the findings and penalty conference.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide the OIG with written confirmation of penalty discussions.
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney failed to provide the OIG with a copy of the draft disciplinary action.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The department attorney failed to notify the OIG of the findings and penalty conference.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The hiring authority failed to notify the OIG of the findings and penalty conference.
- Was the disciplinary phase conducted with due diligence by the department?

Outside law enforcement concluded its investigation on December 19, 2012. The staff services analyst was placed on paid administrative leave beginning December 26, 2012. A department attorney was assigned to the case on January 7, 2013. However, the findings and penalty conference was not held until March 15, 2013, and the disciplinary action was not served until April 25, 2013, more than three and one-half months after the department attorney's assignment and almost four months after the staff services analyst was placed on administrative leave.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-22	13-0510-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Driving Under the Influence 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On December 22, 2012, an officer was arrested for allegedly driving his personal vehicle and possessing a concealed weapon while under the influence of alcohol.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 5 percent salary reduction for nine months. The department failed to consult with the OIG prior to entering into the settlement agreement, and the OIG did not concur with the terms of the settlement agreement because it was not consistent with the factors outlined in departmental policy.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs, failed to timely consult with the OIG regarding the investigative findings and disciplinary determinations, failed to notify the OIG of the *Skelly* hearing, and failed to timely serve the disciplinary action. The disciplinary officer failed to make an entry into CMS regarding the relevant dates. The department failed to consult with the OIG regarding settlement and the settlement agreement was not consistent with the factors outlined in departmental policy.

NORTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 22, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 15, 2013, 55 days after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer was assigned April 2, 2013, but did not make any entry into CMS confirming the relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on March 25, 2013, but the consultation with the OIG and disciplinary officer regarding the investigative findings did not take place until April 24, 2013, 30 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on March 25, 2013, but the consultation with the OIG and disciplinary officer regarding the disciplinary determinations did not take place until April 24, 2013, 30 calendar days after receipt of the case.
- If there was a Skelly hearing, was it conducted pursuant to DOM?
The department failed to notify the OIG of the Skelly hearing and, therefore, the OIG was precluded from attending.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department settled the case based on the officer's explanation that, while at a friend's house, the friend returned the weapon to him and he did not consider the consequences of transporting the weapon while under the influence. This reason does not meet the factors outlined in departmental policy.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
The hiring authority failed to consult with the OIG before agreeing to settle the case.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The department failed to consult with the OIG before entering into the settlement agreement. However, even if the department had consulted, the OIG would not have concurred with the modification because the basis for the settlement is not a valid factor outlined in departmental policy.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The disciplinary officer failed to notify the OIG of the Skelly hearing, thereby precluding the OIG from attending, and failed to consult with the OIG regarding settlement.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The hiring authority failed to consult with the OIG regarding settlement.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs, failed to timely conduct the findings and penalty conference, and failed to timely serve the disciplinary action. The decision to take disciplinary action was made on June 3, 2013, but the disciplinary action was not served until July 22, 2013, 49 days after the decision.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-15	13-0404-IR	1. Weapon - Negligent Discharge	1. Sustained	Letter of Reprimand	No Change

Incident Summary

On January 15, 2013, a sergeant assigned as a range instructor was allegedly negligent when he discharged one round from a state-issued handgun during a classroom demonstration. The discharged round went through a metal door but there were no staff injuries as a result of the discharge.

Disposition

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

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The disciplinary officer failed to make an entry into CMS regarding the relevant dates. The hiring authority delayed conducting the findings and penalty conference, and failed to timely serve the disciplinary action.

Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on March 19, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until June 4, 2013, 78 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on March 19, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until June 4, 2013, 78 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the findings and penalty conference in a timely manner. In addition, the officer was not served with the disciplinary action within 30 days of the decision to take action. The decision to take disciplinary action was made on June 4, 2013; however, the officer was not served the action until August 6, 2013, 63 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-16	13-0644-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On January 16, 2013, an officer allegedly neglected his duties when he opened cell doors without the presence of another officer. When a second officer arrived to escort the inmate out of the area, the inmate assaulted the second officer by striking him on the face. The second officer used physical force to overcome the attack and subdue the inmate.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer presented evidence at a *Skelly* hearing mitigating his misconduct by showing his actions influenced the timing but not the cause of the incident, that he did not intentionally violate policy and training, and he took responsibility. Due to this mitigating information, the hiring authority reduced the penalty to a 5 percent salary reduction for three months in a settlement agreement. In exchange, the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs, the Office of Internal Affairs delayed making a determination regarding the case, and the disciplinary officer failed to make an entry into CMS confirming the relevant dates.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 16, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 25, 2013, 68 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 27, 2013, but did not take action until May 6, 2013, 40 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make an entry into CMS prior to the findings conference confirming the relevant dates.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-03	13-0589-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

Incident Summary

On March 3, 2013, an officer allegedly attempted to purchase alcohol and was denied due to his level of intoxication, and possessed a personally owned firearm off duty while intoxicated. On March 3, 2013, the officer was also arrested off duty for allegedly driving his personally owned vehicle while intoxicated.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-08	13-0814-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Letter of Instruction

Incident Summary

On March 8, 2013, a sergeant allegedly neglected his duties by failing to secure a set of institution keys in a designated key room resulting in the keys being misplaced for approximately four days.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. After the *Skelly* hearing, it was discovered that the sergeant had instructed an unknown officer to return the keys to the key room. Due to this mitigating information, the hiring authority elected to withdraw the disciplinary action against the sergeant, and instead issued him a letter of instruction. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Rating: Insignificant

The hiring authority failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed in referring the matter to the Office of Internal Affairs and also failed to serve the disciplinary action on the sergeant in a timely manner.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on March 11, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 2, 2013, 52 days after the date of discovery.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to serve the action in a timely manner. The decision to take disciplinary action was made on June 21, 2013; however, the sergeant was not served the action until July 25, 2013, 34 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-19	13-0710-IR	1. Misuse of Authority 2. Neglect of Duty 3. Other Failure of Good Behavior 4. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Suspension	Modified Suspension

Incident Summary

On March 19, 2013, a sergeant allegedly drove a motor vehicle while under the influence of alcohol. He was allegedly in possession of two firearms at the time, and was prohibited from possession of firearms by a valid temporary restraining order. In addition, the sergeant allegedly did not have permission to carry his personal firearms off duty because he had not qualified with them. When detained by outside law enforcement, the sergeant allegedly requested to be released because of his position in the department. When the outside law enforcement officers would not let him go, the sergeant was allegedly discourteous to them when he used profanity. The sergeant also allegedly failed to report the firearms restriction to the hiring authority.

NORTH REGION

Disposition

The hiring authority sustained the allegations and imposed a 48-working-day suspension. The sergeant filed an appeal with the State Personnel Board. Pursuant to a settlement agreement, the penalty was reduced to a 38-working-day suspension. The OIG concurred because the officer admitted the misconduct and accepted responsibility, and the settlement was not a significant reduction in penalty. While the disciplinary process was underway, the district attorney's office sent a letter to the hiring authority referencing Constitutional discovery requirements pursuant to *Brady v. Maryland* and three criminal cases involving the sergeant. The district attorney's office stated that the sergeant's "credibility has been compromised, [and] he is essentially useless as a prosecution witness for the next five years." The letter requested that the sergeant be given an assignment that would not involve the possibility of testifying in criminal matters.

Disciplinary Assessment

Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to timely make a determination regarding the case and the hiring authority failed to conduct the findings and penalty conference in a timely manner.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 17, 2013, but did not take action until May 31, 2013, 44 calendar days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on May 31, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until July 9, 2013, 39 calendar days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on May 31, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until July 9, 2013, 39 calendar days after receipt of the case.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to filing.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The disciplinary officer did not complete the CDC Form 3021.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to make a timely determination regarding the case and conduct the investigative findings and disciplinary determinations in a timely manner.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-26	13-0590-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Driving Under the Influence Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On March 26, 2013, an officer was arrested after allegedly causing a motor vehicle accident while driving under the influence of alcohol. The driver of the other vehicle sustained injuries. The officer was also allegedly driving on a suspended license as a result of two prior incidents of driving under the influence, was discourteous to arresting officers, and resisted arrest.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-26	13-1268-IR	<ol style="list-style-type: none"> Discourteous Treatment 	<ol style="list-style-type: none"> Sustained 	Dismissal	No Change

Incident Summary

On April 26, 2013, an officer approached two inmates who were standing in front of a dorm building. The officer called to the inmates so that he could identify them. The inmates ignored his directive and began to walk away. The officer then allegedly used a racial epithet towards the two inmates.

Disposition

The hiring authority determined that there was sufficient evidence to sustain the allegation and determined dismissal was the appropriate penalty because there was prior sustained misconduct. The OIG concurred. However, the officer resigned before disciplinary action could be imposed.

Disciplinary Assessment

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination on the referral, the disciplinary officer failed to document relevant dates and accurately complete the CDCR Form 403, and the hiring authority failed to conduct the findings and penalty conference in a timely manner.

Rating: Insufficient

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on June 4, 2013, but did not take action until July 17, 2013, approximately 43 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline known at the time.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The hiring authority received the case from OIA Central Intake on August 6, 2013, but did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until September 11, 2013, 36 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The hiring authority received the case from OIA Central Intake on August 6, 2013, but did not consult with the OIG regarding the disciplinary determinations until September 11, 2013, 36 days after receipt of the case.
- Was the CDCR Form 403 documenting the penalty properly completed?
The hiring authority failed to document the disciplinary determinations and the aggravating and mitigating factors on the CDCR Form 403.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the findings and penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-10	13-1091-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On May 10, 2013, a parole agent allegedly grabbed his girlfriend by the throat and choked her. It was further alleged that the parole agent grabbed her by the hair, pulled her out of the bedroom, pulled her to the floor, and placed his knee on her neck. The parole agent alleged that he was attacked by his girlfriend and that he used a wrist lock and they both fell to the ground. The parole agent denied choking his girlfriend. The parole agent and the girlfriend were arrested on charges of domestic violence.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation. However, the hiring authority issued the agent a letter of expectation reminding the agent that peace officers are held to a higher standard of conduct both on and off duty. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: Sufficient

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2010-07-01	12-2506-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Insubordination 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 		

Incident Summary

Between July 1, 2010, and August 31, 2012, a parole services associate allegedly failed to properly supervise a parolee, failed to document her supervision of the parolee, and destroyed confidential law enforcement documents pertaining to the parolee. Between June 1, 2011, and August 31, 2012, the parole services associate also allegedly failed to properly supervise another parolee and was allegedly dishonest in documenting her supervision of the parolee, reporting the parolee was in custody between August 17, 2011, and June 29, 2012, when he was not. Between July 10, 2012, and August 12, 2012, the same parole services associate allegedly failed to prepare proper documentation as instructed by a supervisor and failed to properly document contacts with another parolee. On August 6, 2012, the parole services associate was allegedly insubordinate when she failed to prepare a discharge review report regarding one of the parolees as instructed by a supervising parole agent. Between June 9, 2012, and August 17, 2012, a parole agent allegedly failed to properly document his contacts with the same parolee. Between June 1, 2011, and August 31, 2011, the parole agent allegedly failed to properly supervise a parolee. On August 17, 2011, the parole agent allegedly improperly transferred supervision of the parolee to a federal immigration agency. Between July 1, 2011, and August 31, 2011, the parole agent also allegedly failed to properly document his supervision of the parolee. The whereabouts of both parolees, who are illegal immigrants, is unknown.

Disposition

The hiring authority sustained all allegations against the parole services associate except for failure to prepare a discharge review and determined an aggravated salary reduction of 10 percent for 24 months was appropriate. The OIG concurred. After the *Skelly* hearing, the hiring authority unilaterally reduced the penalty to 10 percent for 12 months. Upon review, the hiring authority determined that the scope of the misconduct only involved two out of hundreds of parolees the parole services associate supervised and, therefore, the aggravated penalty was excessive. The reduced penalty was within the department's disciplinary matrix and, therefore, the OIG concurred with the hiring authority's decision. As to the parole agent, the hiring authority determined that the investigation conclusively proved that the misconduct did not occur and the OIG concurred.

Disciplinary Assessment

Rating: Insufficient

The hiring authority and department attorney failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the findings and penalty conference in a timely manner. The department attorney was not well versed in the facts of the case and as a result, provided inaccurate legal advice to the hiring authority regarding whether allegations could be supported. Further, the department attorney failed to timely draft the letter of intent and disciplinary action. In addition, both documents contained legal and factual errors.

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 June 21, 2013. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 29, 2013, 38 days after receipt of the case.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

Several of the recommendations the department attorney made could not be supported by the facts the investigation uncovered.
- 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 21, 2013. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 29, 2013, 38 days after receipt of the case.
- Was the notice of intent to take disciplinary action served on the employee(s) appropriately drafted?

The letter of intent that was served contained errors in the time frame of the alleged misconduct and was served on the employee prior to the OIG review. After the OIG noted the errors, the hiring authority corrected the errors and re-served the employee.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action contained numerous factual inaccuracies that if not corrected could have undermined the department's case.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the findings and penalty conference in a timely manner. The department attorney failed to timely draft the disciplinary action resulting in the need to serve the parole services associate with a hastily drafted letter of intent that contained factual errors. Additionally, the department waited until two days before the deadline to take action before serving the disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-01-01	12-1597-IR	<ol style="list-style-type: none"> Dishonesty Sexual Misconduct Contraband Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

Between January 1, 2011, and June 25, 2012, a licensed psychiatric technician allegedly engaged in overly familiar relationships with five different inmates, including sexual relations with two of the five inmates, and introduced marijuana, mobile phones, mobile phone chargers, lighters, and tools into the institution. It was further alleged that on September 14, 2012, the licensed psychiatric technician was dishonest to the Office of Internal Affairs when asked about her interactions with inmates, in denying that she wrote three greeting cards found in an inmate's cell, and in denying speaking to an individual who claimed to be an associate of one of the inmates with whom she was involved even though the conversation was recorded by the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations, except one allegation of overfamiliarity, and served the licensed psychiatric technician with a notice of dismissal. The OIG concurred with the hiring authority's determinations. The licensed psychiatric technician filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement in which the licensed psychiatric technician agreed to resign in lieu of termination. The OIG concurred with those terms, but did not concur with subsequently added terms allowing the licensed psychiatric technician to resign due to stress, potentially providing a basis for a workers' compensation claim. The department attorney agreed to add these terms to the settlement without consulting with the hiring authority and the OIG.

SOUTH REGION

Disciplinary Assessment

Rating: Insufficient

The department's disciplinary process failed to comply with policies and procedures. The initial department attorney inaccurately evaluated the evidence in the case and as a result, provided the hiring authority with inaccurate legal advice concerning the strength of the department's case against the licensed psychiatric technician and concerning the appropriate penalty. The department attorney did not provide the hiring authority and OIG with written confirmation of penalty discussions, nor did he ensure the disciplinary process was handled diligently. Further, the next assigned department attorney failed to provide complete and timely legal advice to the hiring authority and settled the case without fully consulting with the hiring authority and 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 case was returned to the hiring authority on November 20, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until January 7, 2013, 48 days after receipt of the case. The delay was attributable to the department attorney who maintained he was not ready to proceed.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney did not adequately analyze the evidence in the case when advising the hiring authority of the strengths and weaknesses of the case. The department attorney stated that all of the allegations stemmed from inmate testimony. However, while much of the evidence included inmate statements, those statements were corroborated at least in part by other evidence that was discovered in the case. Additionally, the department attorney did not consider the efforts of the Office of Internal Affairs in securing evidence in the form of surreptitious phone calls to the licensed psychiatric technician as further strengths of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on November 20, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until January 7, 2013, 48 days after receipt of the case. The delay was attributable to the department attorney, who maintained he was not ready to proceed.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not have a firm grasp of the facts of the case and, therefore, provided the hiring authority with inaccurate legal advice regarding the strengths of the department's case.
- 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 the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The contents of the CDC Form 3021 were inaccurate in that the department attorney implied that the hiring authority was aware of all terms of the settlement and was the final decision maker concerning the settlement, when in fact, the department attorney had not consulted with the hiring authority at all on October 15, 2013, the day of the settlement. The department attorney had not had a conversation about the case with the hiring authority since June 25, 2013, almost four months prior to the settlement. The hiring authority did not authorize the settlement terms agreed to by the department attorney.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
The department attorney assured the OIG that he had consulted with the hiring authority and the hiring authority was willing to settle the case for resignation in lieu of termination. The OIG was not opposed to those terms of the settlement and, therefore, deemed the discussion sufficient consultation with the hiring authority through the department attorney. However, it was later discovered that the department attorney did not disclose to the OIG that the last consultation he had had with the hiring authority was four months prior to the date of settlement and that he never discussed with the hiring authority the addition of the extra terms regarding the licensed psychiatric technician's workers' compensation claim.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The department attorney represented to the OIG that the terms of the settlement were resignation in lieu of termination. Based on that representation, along with the representation that the hiring authority was willing to settle the case on those terms, the OIG believed the settlement was in the best interests of the department and concurred. However, while in session before the administrative law judge, the department attorney agreed to accept additional terms of the settlement to include language regarding the licensed psychiatric technician's workers' compensation claim. The OIG did not concur with the additional terms of the settlement.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The consultation provided by the department attorney was deficient because he failed to provide the OIG with complete information regarding the terms of the settlement.
- Was the disciplinary phase conducted with due diligence by the department?
The final investigative report was submitted to the hiring authority on November 20, 2012. The findings and penalty conference was not held until January 7, 2013, 48 days later. Additionally, the adverse action was not served until February 13, 2013, 37 days later.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-04-01	12-1582-IR	<ol style="list-style-type: none"> Over-Familiarity Disclosure of Confidential Information Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Unfounded Unfounded 	Salary Reduction	Modified Salary Reduction

Incident Summary

From April 1, 2011, until April 30, 2012, a parole agent allegedly engaged in an overly familiar relationship with the wife of an inmate. The parole agent allegedly used his state vehicle to transport the wife of the inmate for personal purposes, provided money and gifts to the inmate's wife and child, and accessed and provided confidential state information to assist the inmate's wife in locating a relative.

Disposition

The hiring authority found sufficient evidence that the parole agent was overly familiar with the inmate's wife when he gave the wife gifts and money, but did not sustain any other allegations, and imposed a 5 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the parole agent, wherein the department agreed to reduce the penalty to a 10 percent salary reduction for three months based on the fact the parole agent's friendship with the inmate's wife preceded her marriage to the inmate, the prohibited contact revolved around religious activities, and the parole agent acknowledged the policy violation and accepted full responsibility for his conduct. Based on the change in circumstance, the OIG concurred with the settlement.

Disciplinary Assessment

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 which, absent the OIG's intervention, would have resulted in the hiring authority failing to sustain the allegations.

Assessment Questions

- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney did not provide appropriate legal consultation regarding the sufficiency of the evidence related to the allegation of over-familiarity.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney provided incorrect legal advice regarding the elements of the over-familiarity allegation and the department's policies and procedures regarding the process for determining the penalty to be imposed when multiple allegations are sustained.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-01	12-2675-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

Between August 1, 2011, and January 9, 2012, a parole agent allegedly failed to properly supervise a high-control parolee by failing to make a single home visit and other required contacts. The parole agent also allegedly made false entries in the parolee's file indicating the parole agent made contact with the parolee when he had not.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the parole agent retired prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the officer retired under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-11	11-2882-IR	1. Discourteous Treatment	1. Sustained	Salary Reduction	No Change

Incident Summary

On October 11, 2011, a supervising nurse allegedly cursed and yelled at her supervisor while being served with a letter of instruction regarding deficiencies in her work performance.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations. However, after the disciplinary action was served but before it could be imposed, the supervising nurse retired from the department. A letter was placed in the supervising nurse's official personnel file indicating that she retired under adverse circumstances.

Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-17	12-1804-IR	1. Dishonesty	1. Sustained	Dismissal	Suspension

Incident Summary

On October 17, 2011, a sergeant allegedly provided dishonest testimony at a State Personnel Board hearing relative to his allegations of misconduct against another sergeant. The testifying sergeant had previously called outside law enforcement and given a statement to the Office of Internal Affairs accusing the second sergeant of committing a battery against him. As a result of the call to outside law enforcement and his statement to the Office of Internal Affairs, the accused sergeant was dismissed from her position. At the State Personnel Board hearing, however, the testifying sergeant's testimony clearly contradicted his statements to outside law enforcement and to the Office of Internal Affairs.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. The department entered into a settlement agreement reducing the original penalty of dismissal to an unpaid work suspension until one day before his retirement date, thereby allowing the sergeant to receive full medical benefits for life upon his retirement. The OIG did not concur with the settlement as no change of circumstances existed to justify a reduced penalty but did not seek a higher level of review as the ultimate goal of separation was achieved by the department.

Disciplinary Assessment

The department failed to comply with policies and procedures governing the disciplinary process. Although no change of circumstances existed to justify a reduced penalty, the department entered into a settlement agreement reducing the original penalty of dismissal to an unpaid work suspension, thereby allowing the sergeant to receive full medical benefits for life upon his retirement.

Rating: Insufficient

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The settlement was not consistent with the department's policies and procedures. Although no change of circumstances existed, the department entered into a settlement agreement reducing the original penalty of dismissal to an unpaid work suspension, thereby allowing the sergeant to receive full medical benefits for life upon his retirement.

- 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 entered into by the department which placed the sergeant on an unpaid work suspension until age 50, followed by a return to work for one day, in order for the sergeant to remain eligible for full medical benefits at retirement.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2011-11-01	12-0689-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Failure to Disclose 3. Dishonesty 4. Insubordination 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 		

Incident Summary

In November and December of 2011, two associate wardens allegedly failed to follow directions from the department's executive staff to immediately make staffing reductions pursuant to recent legislation. The institution's warden retired at the end of December 2011 and new management was assigned in January 2012. During January 2012, one of the associate wardens was allegedly dishonest by leading the new chief deputy wardens to believe the required staffing reductions had been made. In addition, it was alleged that the associate warden failed to meet and confer with the union regarding the staffing reductions.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the first associate warden that he was negligent in his duties when he failed to properly implement staffing reductions and failed to disclose to the chief deputy warden that he was aware that improper staffing cuts had been implemented. The hiring authority determined there was insufficient evidence to sustain the allegations against the first associate warden that he was insubordinate when he failed to properly implement staffing reductions pursuant to directives, he was dishonest when he told the chief deputy warden that the staffing reductions had been properly done, and failed to meet and confer with the union regarding the staffing reductions. The hiring authority imposed a 10 percent salary reduction for 24 months for the first associate warden. The hiring authority determined there was sufficient evidence to sustain the allegation against the second associate warden that she was negligent in her duties when she failed to properly implement staffing reductions pursuant to directives. The hiring authority determined there was insufficient evidence to sustain the allegations against the second associate warden that she was insubordinate when she failed to properly implement staffing reductions pursuant to directives. The hiring authority imposed a 5 percent salary reduction for 12 months for the second associate warden. The OIG concurred with all of the hiring authority's determinations. Both associate wardens filed appeals with the State Personnel Board. Prior to the State Personnel Board hearing for the first associate warden, the State Personnel Board granted his motion to strike the allegation that he failed to properly implement staffing reductions pursuant to directives. Given this State Personnel Board action, the hiring authority entered into a settlement agreement, reducing his penalty to a letter of reprimand and agreeing to remove the action from his official personnel file upon his request. In return, the associate warden waived back pay for four months and withdrew his appeal. The OIG did not concur with this settlement because the concessions were unreasonable. However, the terms of the settlement did not merit a higher level of review because the department's case was hindered by the State Personnel Board's granting of the motion to strike the most egregious allegation. At the pre-hearing settlement conference for the second associate warden, the department entered into a settlement agreement with her because she accepted responsibility for her actions. The department modified the salary reduction to 5 percent for six months in exchange for the associate warden withdrawing her appeal. The department also agreed to take the disciplinary action and the settlement agreement out of her official personnel file in one year. The OIG concurred with this settlement agreement because she accepted responsibility for her actions.

Disciplinary Assessment

Rating: **Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL No Change
2011-12-01	12-0927-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Contraband 3. Dishonesty 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 		

Incident Summary

Between December 1, 2011, and February 3, 2012, an officer allegedly introduced an unauthorized digital scale into the institution. A substance on the scale tested positive for methamphetamine. The officer allegedly used the scale to weigh rifle magazines rather than count each individual round as mandated by policies and procedures. Three other officers allegedly were aware of the scale in December 2011, but failed to report the matter.

SOUTH REGION

Disposition

The hiring authority sustained the allegation of introduction of the scale against the officer and imposed a salary reduction of 10 percent for six months. The hiring authority did not sustain any other allegations, including dishonesty, against this officer. The OIG concurred with the hiring authority's determinations except the OIG did not concur with the hiring authority's decision not to sustain dishonesty, but did not seek a higher level of review given some conflicting facts disclosed during the investigation. This officer did not file an appeal with the State Personnel Board. The hiring authority sustained the allegation against the three other officers and imposed on each a salary reduction of 10 percent for three months. The OIG concurred. All three officers filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with each of the three officers wherein the penalty was reduced to a 5 percent salary reduction for three months and early removal of the disciplinary actions because the hiring authority believed the officers had learned their lesson and it was fair. The OIG did not concur with the settlement because there was no change of circumstances. However, the terms of the settlement did not merit a higher level of review because a salary reduction remained in place and the officers did express remorse.

Disciplinary Assessment

Rating: Insufficient

The hiring authority and the department attorney failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to sustain a dishonesty allegation against one officer. The department attorney unnecessarily delayed the findings and penalty conference, failed to provide appropriate legal consultation, failed to provide confirmation of penalty discussions, was untimely in submitting a draft disciplinary action to the OIG for review, incorrectly drafted the disciplinary actions, and did not complete a form required upon settlement. Both the department attorney and the hiring authority settled the case contrary to departmental policy.

SOUTH REGION

Assessment Questions

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

The department attorney inappropriately determined there was insufficient evidence to support the dishonesty allegations against the officer who brought the scale into the control booth.
- 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 of dishonesty against the officer who brought the scale into the control booth.
- Was the CDCR Form 402 documenting the findings properly completed?

The documented findings for the officer introducing the scale into the control booth included a misconduct date that was consistent with the dishonesty allegation that was not sustained.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide written confirmation of the penalty discussions.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The department attorney misspelled the name of one of the officers, utilized the version of facts given by the officer primarily responsible for the misconduct, discounted the version of facts provided by the key witnesses in the case, and failed to include a list of documents supporting the disciplinary action. Following the OIG recommendations, the department attorney corrected the errors.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

There was no change of circumstances, and the penalty imposed was outside the department's penalty matrix for this type of allegation.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The department attorney did not complete the CDC Form 3021.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG opposed the reduced penalties and early removal from the officers' personnel files because there was no change of circumstances. However, the modifications did not merit a higher level of review.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The department attorney did not provide a copy of a draft disciplinary action until the day before the deadline for taking disciplinary action, leaving insufficient time for the OIG review and consultation. Once the OIG review was completed, the department attorney amended the disciplinary actions for three officers which resulted in new disciplinary actions with attachments that had to be prepared and served by the employee relations officer.
- Was the disciplinary phase conducted with due diligence by the department?

The department attorney delayed the findings and penalty conference while she prepared her legal analysis. The hiring authority, employee relations officer, and the OIG waited nearly an hour after the scheduled time for the department attorney to provide her written analysis.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-17	12-0976-IR	1. Insubordination 2. Discourteous Treatment	1. Sustained 2. Sustained	Salary Reduction	No Change

Incident Summary

On January 17, 2012, a supervising nurse allegedly stormed out of a meeting that had been convened to address deficiencies in her work performance. She also allegedly violated a direct order from her supervisor to not leave the meeting.

SOUTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations. However, after the disciplinary action was served but before it could be imposed, the supervising nurse retired from the department. A letter was placed in the supervising nurse's official personnel file indicating that she retired under adverse circumstances.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-26	12-0902-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Over-Familiarity 4. Neglect of Duty 5. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	No Change

Incident Summary

On January 26, 2012, it was alleged that a parole agent used a parolee he was not assigned to supervise as an informant in violation of departmental policy, and had an overly familiar relationship with the parolee which included sexual activity and exchanging text messages and photographs. It was further alleged that the parole agent assigned to supervise the parolee also participated in the improper use of the parolee as an informant and failed to report allegations of sexual misconduct made by a citizen against the first parole agent. Both parole agents were allegedly dishonest to the Office of Internal Affairs when they denied the allegations. The parole agent assigned to supervise the parolee was allegedly dishonest when he claimed to have disclosed the misconduct to his supervisor. The other parole agent was allegedly dishonest when he denied being directed to not have contact with the parolee.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against both parole agents and dismissed them. The OIG concurred. Both parole agents filed appeals with the State Personnel Board. The parole agent who allegedly engaged in over-familiarity failed to proceed with his appeal and his appeal was dismissed. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent who supervised the parolee wherein the penalty was reduced to a six-month and ten-working-day suspension, and the parole agent agreed to withdraw his appeal. The hiring authority settled the case because new evidence was developed during preparation for the State Personnel Board hearing that weakened the dishonesty allegation. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the new evidence did weaken the dishonesty allegation, the resulting penalty for the second parole agent was still substantial, and the overall goal of dismissing the most culpable first parole agent had been accomplished.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-17	12-2611-IR	<ol style="list-style-type: none"> 1. Insubordination 2. Neglect of Duty 3. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Salary Reduction	No Change

Incident Summary

On February 17, 2012, a sergeant and an officer allegedly left a fire camp unattended for approximately one hour while they went on a hike with an inmate. Additionally, the officer, with the sergeant's permission, allegedly placed handcuffs on the inmate as a practical joke. The inmate was not injured. The officer also allegedly falsified the camp register when he noted that he conducted a count of all inmates during the time he was away from the camp. The officer was allegedly insubordinate when he did not write a memorandum concerning the incident as ordered by his lieutenant. The sergeant's report allegedly did not include the fact that the inmate was handcuffed.

SOUTH REGION

Disposition

The hiring authority sustained all allegations, except the dishonesty allegations, against the sergeant and the officer. The sergeant and officer each received a 5 percent salary reduction for six months. The OIG concurred. The sergeant and officer each filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the sergeant in which her penalty was reduced to a salary reduction of 5 percent for four months and the disciplinary action and written settlement agreement are to be removed from her official personnel file after one year from the effective date of the action. The OIG concurred with the settlement because there was a lack of clarity regarding certain relevant camp policy, the sergeant was remorseful, and the reduction of the penalty by two months was reasonable. However, during the reading of the settlement into the record by the administrative law judge, the judge added a term that all of the disciplinary action documentation, including the settlement agreement, would be removed from the sergeant's official personnel file. Although this was not a term of the settlement agreement contemplated by the hiring authority, the department attorney did not object to the term being added. The OIG does not concur with removing all disciplinary action documentation from the sergeant's file. The department entered into a settlement agreement with the officer in which the insubordination allegation was removed from the disciplinary action, but all other terms of the disciplinary action remained in effect. The OIG concurred with the settlement because the officer provided evidence that he did comply with the order to submit a memorandum and, therefore, insubordination was no longer supported by the evidence. Furthermore, the penalty was not reduced or modified otherwise.

Disciplinary Assessment

Rating: Insufficient

The department's disciplinary process did not sufficiently comply with policies and procedures. The department attorney did not provide to the hiring authority and the OIG written confirmation of penalty discussions and the department attorney failed to properly represent the department's position regarding settlement at the pre-hearing settlement conference.

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.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?
The department attorney did not fully understand or articulate to the administrative law judge the hiring authority's position concerning settlement parameters, nor did he object when the administrative law judge added a term to the sergeant's settlement agreement that did not conform to the agreement and had not been discussed with the hiring authority.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The department attorney did not provide the OIG with a copy of the CDC Form 3021.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-27	12-1079-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	No Penalty Imposed

Incident Summary

On February 27, 2012, and February 28, 2012, two officers allegedly failed to make required welfare checks on two inmates in different cells. The two officers also allegedly falsely documented on a wellness sheet that each inmate was still present in his cell after each inmate had already been transferred out of the unit.

Disposition

The hiring authority found sufficient evidence to sustain the allegations against both officers and imposed dismissals. The OIG concurred. The officers each filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissals of both officers. The administrative law judge determined that the evidence was insufficient to counter the officers' explanations for their conduct.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely and appropriate determination initially and upon a request for reconsideration by the hiring authority. The hiring authority failed to timely conduct the findings and penalty conference. The department attorney failed to document relevant dates and misrepresented legal authority to the administrative law judge.

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on April 6, 2012, but did not take action until May 16, 2012, 41 days after the receipt of the request.
- Did OIA Central Intake make an appropriate initial determination regarding the case?

OIA Central Intake failed to include an allegation of dishonesty for falsification of records.
- If the case was submitted to OIA Central Intake or to the Chief of OIA for reconsideration, was an appropriate decision made regarding the request?

The case was originally returned to the hiring authority to take action without interviews on May 16, 2012. The hiring authority determined that in addition to allegations of neglect of duty, the officers were also dishonest in continuing to indicate that the welfare checks were conducted when the inmates were no longer in the housing unit. The matter was resubmitted to OIA Central Intake for reconsideration for dishonesty allegations to be added and to request the officers be interviewed. OIA Central Intake did not approve the interviews and returned the case to the hiring authority to take corrective or disciplinary action.
- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?

Despite the OIG's recommendation to add dishonesty allegations and interview the officers, OIA Central Intake did not approve the interviews.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The department attorney did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on May 16, 2012; however, the consultation with the OIG and department attorney regarding the investigative findings did not occur until October 1, 2012, more than four months after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on May 16, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until October 1, 2012, more than four months after receipt of the case.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?

The department attorney misrepresented to the administrative law judge that a case she was citing directly supported her position related to witness fees and costs for subpoenaed department employees. The legal authority cited was directly contrary to the position taken by the department attorney.
- Was the disciplinary phase conducted with due diligence by the department?

OIA Central Intake failed to make its initial determination in a timely manner and the hiring authority failed to conduct the findings and penalty conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-16	12-1077-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On April 16, 2012, an officer was arrested after she allegedly hit her husband in the face with her fists, causing minor physical injuries.

SOUTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement with the officer wherein the penalty was reduced to a 10 percent salary reduction for 23 months in exchange for withdrawal of the appeal. The OIG did not concur with the settlement because the department attorney could not identify factors justifying reduction; however, the OIG did not seek a higher level of review because the officer had completed counseling, expressed remorse for the incident, and the penalty was reduced by only one month.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. Despite repeated OIG insistence, the department attorney failed to recommend to the hiring authority and the hiring authority failed to nonpunitively dismiss the officer for 15 months during which the officer was restricted from possessing a firearm, a requirement of the officer's position, as a result of a domestic violence criminal arrest and charge. Instead, the hiring authority permitted the officer to work in a non-peace-officer position while receiving peace officer pay. The department also entered into a settlement agreement that was not consistent with department policy and the department attorney failed to complete the settlement form.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney failed to recommend to the hiring authority that the officer should be nonpunitively terminated because the officer was restricted from possessing a firearm due to a domestic violence arrest and charge.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department entered into a settlement agreement with the officer even though there was no change in circumstances to justify the settlement.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The department attorney did not complete a CDC Form 3021.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement because there was no change in circumstances.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-20	13-0541-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Discourteous Treatment Battery 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Suspension	No Change

Incident Summary

On April 20, 2012, an off-duty officer was arrested after she allegedly punched a private citizen in the face. During her arrest, the officer allegedly refused to provide her name and identifying information to outside law enforcement officers, cursed at them, and called them derogatory and discriminatory names.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and issued a 60-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board; however, she did not appear for hearing and the appeal was deemed withdrawn by the State Personnel Board.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority referred the matter to the Office of Internal Affairs with only 13 days to impose discipline on the officer.

SOUTH REGION

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department was in possession of the arrest notification on April 21, 2012, but did not refer the matter to the Office of Internal Affairs until the arrest notification was discovered during an audit of the disciplinary officer's files on April 8, 2013. Upon discovery of the arrest notification, the matter was referred to the Office of Internal Affairs with only 13 days to impose discipline on the officer.

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

The department was in possession of the arrest notification but did not refer the matter to the Office of Internal Affairs until the arrest notification was discovered during an audit of the disciplinary officer's files. Upon discovery of the arrest notification, the matter was referred to the Office of Internal Affairs with only 13 days to impose discipline on the officer.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-29	12-2228-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Insubordination 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On May 29, 2012, a parole agent allegedly neglected her duties when she failed to notify her supervisor, failed to conduct a timely investigation, and failed to prepare proper documentation upon learning a parolee assigned to her caseload was involved in a domestic violence incident. On June 29, 2012, the parole agent allegedly neglected her duty when she failed to take steps to keep the parolee in custody upon learning that the parolee had been arrested on the domestic violence allegations. On July 3, 2012, the parole agent was allegedly insubordinate when she failed to comply with a supervising parole agent's directive to obtain a copy of the police report related to the domestic violence incident. In addition, the parole agent was allegedly dishonest by submitting a Board of Parole Hearings document containing false information about the date the parole agent learned of the domestic violence incident.

Disposition

The hiring authority determined there was sufficient evidence to sustain the neglect of duty allegations, but did not sustain the dishonesty or insubordination allegations, and imposed a salary reduction of 10 percent for 12 months. The OIG concurred. The parole agent filed an appeal with the state Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent wherein the penalty was reduced to a 10 percent salary reduction for six months because, at the *Skelly* hearing, the parole agent stated she did not intentionally violate policy, was remorseful for her actions, and would not repeat the misconduct in the future. The parole agent agreed to withdraw her appeal. The OIG concurred with the settlement due to the newly discovered mitigating evidence.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a timely determination about the case, the hiring authority failed to conduct the findings and penalty conference in a timely manner, and the department attorney allowed terms to be in the settlement agreement that were not in the department's best interest.

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on August 23, 2012, but did not take action until September 26, 2012, 34 days after receipt of the request.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on September 26, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until May 30, 2013, more than eight months after receipt of the case.
- If the HA determined additional investigation was necessary, was additional investigation requested?

The hiring authority properly determined that additional investigation was necessary but did not request additional investigation because there was insufficient time before the deadline for taking disciplinary action.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on September 26, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until May 30, 2013, more than eight months after receipt of the case.
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?

Although the settlement included the required key clauses, it also included clauses that were not in the department's best interest. The department attorney agreed that both the settlement agreement and the disciplinary action would be removed from the parole agent's official personnel file, effectively leaving no record of the disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?

The department failed to conduct the findings and penalty conference in a timely manner. The case was returned to the hiring authority on September 26, 2012. The department attorney and the hiring authority discussed requesting reconsideration by OIA Central Intake to have an investigation conducted, but failed to make the request. Despite repeated requests by the OIG to schedule a findings and penalty conference, the department did not conduct the conference until May 30, 2013, more than eight months after receipt of the case.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-01	13-0362-IR	<ol style="list-style-type: none"> Dishonesty Contraband Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

Between June 1, 2012, and September 28, 2012, a supervising cook was allegedly involved in a romantic and overly familiar relationship with an inmate who worked in the kitchen. The supervising cook also allegedly provided tobacco, mobile phones, and jewelry to the inmate. Additionally, the supervising cook was allegedly dishonest when she filed a false complaint against an officer and was dishonest during her interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and served the supervising cook with a notice of dismissal. The OIG concurred. The supervising cook filed an appeal with the State Personnel Board; however, she failed to show up at the hearing and her appeal was dismissed.

Disciplinary Assessment

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

Rating: Sufficient

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-14	12-2033-IR	1. Neglect of Duty	1. Sustained	Suspension	No Change

Incident Summary

On June 14, 2012, an officer allegedly left an inmate who was on contraband watch alone in his cell in order to use the restroom. A control booth officer allegedly opened a secure door to allow the other officer to use the restroom and also allegedly left the inmate's cell door open.

Disposition

The hiring authority determined that there was sufficient evidence to sustain the allegation against the first officer and imposed a two working-day suspension. The officer did not file an appeal with the State Personnel Board. The hiring authority determined that the investigation conclusively proved that the alleged misconduct by the control booth officer did not occur. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-06	12-2770-IR	1. Dishonesty 2. Insubordination 3. Neglect of Duty 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Salary Reduction	No Change

Incident Summary

On September 6, 2012, an officer allegedly failed to wear his duty belt and protective vest and was dishonest to a sergeant about the location of the equipment. After the officer reported the equipment was at home, he was ordered to retrieve the equipment and report back to work. However, the officer failed to return to work.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney provided inappropriate legal consultation to the hiring authority regarding the sufficiency of the investigation and investigative findings. The department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 6, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 7, 2012, 62 days after the date of discovery.
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney incorrectly determined that additional investigation was needed.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely serve the disciplinary action. The hiring authority decided to take disciplinary action on April 12, 2013, but did not serve the disciplinary action until May 13, 2013, 31 days after the decision to take disciplinary action.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Reprimand
2012-10-11	13-0620-IR	1. Neglect of Duty	1. Sustained		

Incident Summary

On October 11, 2012, an officer and a youth counselor allegedly used force on a ward and failed to timely obtain medical treatment for the ward. They also allegedly failed to timely notify the supervisor of the use of force.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations. The youth counselor received a salary reduction of 5 percent for six months. The officer received a salary reduction of 5 percent for 12 months. The OIG concurred with the hiring authority's determinations. The officer presented exculpatory information at the *Skelly* hearing that he had performed as required by departmental policy. Based on this new information, the hiring authority elected to withdraw the action and determined that the allegations were unfounded. The OIG concurred based on the information learned at the *Skelly* hearing. At his *Skelly* hearing, the youth counselor expressed remorse and accepted responsibility for his actions. The youth counselor also filed an appeal with the State Personnel Board. Following the *Skelly* hearing but prior to any State Personnel Board proceedings, the department entered into a settlement agreement with the youth counselor agreeing to lower the penalty to a letter of reprimand based on the mitigating factors presented at the *Skelly* hearing. The OIG agreed with the settlement because the employee accepted responsibility for his actions, was remorseful, and withdrew his appeal.

Disciplinary Assessment

Rating: Insufficient

The hiring authority failed to comply with the department's policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the case to the Office of Internal Affairs, document relevant dates, timely hold the findings and penalty conference, and complete required forms.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The date of discovery was October 11, 2012; however, the matter was not referred to the Office of Internal Affairs until April 15, 2013, over six months later.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make an entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority for action on May 5, 2013; however, the consultation regarding the investigative findings did not take place until August 2, 2013, almost three months later.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority for action on May 5, 2013; however, the consultation regarding the disciplinary determinations did not take place until August 2, 2013, almost three months later.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The disciplinary officer did not complete a CDC Form 3021.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. The case was returned to the hiring authority on May 5, 2013; however, the findings and penalty conference did not occur until August 2, 2013, almost three months later.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-16	13-0619-IR	1. Neglect of Duty	1. Unfounded	No Penalty Imposed	No Change

Incident Summary

On October 16, 2012, an officer allegedly failed to submit a written report concerning his participation in a use-of-force incident during which a ward sustained a chemical burn to his cornea from pepper spray used to stop the incident.

Disposition

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

Disciplinary Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the disciplinary process. The hiring authority delayed referring the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 16, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 10, 2013, 176 days after the date of discovery.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-12	13-0402-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On November 12, 2012, an officer allegedly failed to secure her firearm and ammunition inside the secure perimeter and wore these items on her duty belt while transporting inmates with mental health concerns. Another officer allegedly failed to report the first officer's failure to secure the firearm and ammunition. A third officer allegedly permitted the first officer to enter the secure perimeter with the firearm and weapon.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer who failed to properly secure her firearm and ammunition and imposed a 5 percent salary reduction for 13 months. The hiring authority did not impose discipline on the other two officers, as it was discovered prior to the findings and penalty conference that they had already been issued letters of instruction, precluding discipline. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the officer and agreed to reduce the officer's penalty to a 5 percent salary reduction for eight months and early removal of the disciplinary action from the officer's official personnel file. The OIG did not concur with the settlement because there was no change in circumstances to justify a reduction in the original penalty. The OIG did not seek a higher level of review because the change in penalty was within an acceptable range for the conduct involved.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to take action on the case within 30 days, as required. Prior to referring the matter to the Office of Internal Affairs, the hiring authority inappropriately issued letters of instruction to two officers, thereby precluding disciplinary action. The hiring authority also failed to document the deadline to take disciplinary action, delayed in conducting the findings and penalty conference, and entered into a settlement agreement with the officer with which the OIG did not concur.

SOUTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on February 4, 2013, but did not take action until March 11, 2013, 34 days after the receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make an entry into CMS prior to the findings conference 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.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The case was returned to the hiring authority on March 11, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the findings did not occur until August 12, 2013, 153 days after receipt of the case.
- Did the HA, who participated in the findings conference, identify the appropriate subjects and factual allegations for each subject based on the evidence?

Prior to referring the matter to the Office of Internal Affairs, the hiring authority inappropriately issued letters of instruction to two officers, thereby precluding disciplinary action.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

The case was returned to the hiring authority on March 11, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until August 12, 2013, 153 days after receipt of the case.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

The disciplinary officer did not complete a CDC Form 3021.
- 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 and settlement agreement as there was no change of circumstances to justify the modification.
- Was the disciplinary phase conducted with due diligence by the department?

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-22	13-0538-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Driving Under the Influence 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Suspension	Salary Reduction

Incident Summary

On November 22, 2012, an officer was arrested for driving under the influence of alcohol. The officer was allegedly dishonest when he told the outside law enforcement officer that he had not been drinking. The officer was subsequently convicted for driving under the influence and, as part of the penalty, his driver's license was restricted requiring him to install an ignition interlock device on his vehicles. The officer allegedly failed to notify the department of the conviction and the driver's license restriction.

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and imposed a 36 working-day suspension. The OIG concurred. After a *Skelly* hearing, the hiring authority entered into a settlement agreement with the officer in which the dishonesty and failure to report allegations were stricken from the disciplinary action and the penalty was reduced to a 5 percent salary reduction for 12 months. The OIG concurred due to mitigating factors discovered during the *Skelly* hearing. Specifically, it was determined there was conflicting evidence regarding the dishonesty allegation. It was also determined that, although the officer knew he was supposed to report his arrest, which he did, the officer was not aware that he was also required to report his conviction. Additionally, the officer was remorseful and enrolled in a self-help program.

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-12-24	13-0517-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Dishonesty 	<ol style="list-style-type: none"> Sustained Not Sustained 		

Incident Summary
 On December 24, 2012, an officer was allegedly arrested for felony vandalism after spitting on a neighbor's vehicle and scratching the vehicle with a key. The officer was allegedly dishonest by denying he vandalized the vehicle, but later admitting the behavior.

Disposition
 The hiring authority determined there was sufficient evidence to sustain the allegation related to the vandalism, but determined there was insufficient evidence to sustain the allegation of dishonesty. The hiring authority imposed a salary reduction of 10 percent for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer presented evidence that he participated in anger management counseling through the State's Employee Assistance Program and he expressed remorse for his actions. The hiring authority entered into a settlement agreement with the officer in which the officer agreed to withdraw his appeal and the salary reduction was modified to 5 percent for 22 months. The OIG concurred with the settlement because of the officer's efforts to correct his behavior, his remorse, and the fact that the change in the penalty was minimal.

Disciplinary Assessment	Rating: Insufficient
The department failed to comply with policies and procedures governing the disciplinary process. OIA Central Intake failed to make a determination in a timely manner. The disciplinary officer failed to make required entries in CMS and failed to complete a required form. The hiring authority failed to timely conduct the findings and penalty conference.	

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on February 22, 2013, but did not take action until March 27, 2013, 33 days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on March 27, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and investigative findings did not occur until July 12, 2013, 107 days after receipt of the case.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The case was returned to the hiring authority on March 27, 2013; however, the consultation with the OIG regarding the disciplinary determinations did not occur until July 12, 2013, 107 days after receipt of the case.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
The disciplinary officer failed to complete a CDC Form 3021.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-19	13-0539-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Domestic Violence 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On January 19, 2013, while off duty an officer allegedly assaulted his former girlfriend, causing an injury to her finger.

Disposition

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

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with the policies and procedures governing the disciplinary process. OIA Central Intake failed to timely make a determination on the case. The disciplinary officer failed to make any entries in the case management system regarding the deadline for taking disciplinary action. And, the hiring authority delayed conducting the findings and penalty conference.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on February 22, 2013, but did not take action until April 10, 2013, 47 days after receipt of the request.
- Did the disciplinary officer make an entry into CMS prior to the findings conference 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 disciplinary officer did not make any entry into CMS confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The case was returned to the hiring authority on April 10, 2013; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until July 12, 2013, 93 days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
OIA Central Intake failed to timely make a determination on the matter and the hiring authority failed to timely conduct the findings and penalty conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-25	13-0699-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On January 25, 2013, a sergeant allegedly failed to thoroughly review an incoming inmate's paperwork to check for potential enemies. The sergeant housed the incoming inmate on the same facility where a known documented inmate enemy was housed. Subsequently, the incoming inmate assaulted the inmate enemy, resulting in injury.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. After the *Skelly* hearing, it was discovered the sergeant was truthful, remorseful, and accepted responsibility for his actions. Due to this mitigating information, the hiring authority entered into a settlement agreement with the sergeant wherein the penalty was reduced to a 5 percent salary reduction for nine months and the sergeant agreed not to file an appeal with the State Personnel Board. The OIG concurred because the sergeant took responsibility for his actions and it was not a significant penalty reduction.

Disciplinary Assessment

Rating: Sufficient

The department sufficiently complied with policies and procedures.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-31	13-0645-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty 3. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Suspension	Salary Reduction

Incident Summary

On January 31, 2013, during an argument with an inmate, an officer allegedly went alone into the inmate's cell, un-holstered her pepper-spray canister, and threatened the inmate with force. Shortly thereafter, the officer told a second officer of her misconduct. The second officer allegedly failed to report the first officer's misconduct in a timely manner. A licensed vocational nurse also allegedly failed to report the misconduct.

Disposition

The hiring authority sustained all allegations against both officers. The first officer received a 34-working-day suspension and the second officer received a salary reduction of 5 percent for 36 months. The hiring authority did not find sufficient evidence to sustain the allegation against the licensed vocational nurse. The OIG concurred with the hiring authority's determinations. After the *Skelly* hearings for both officers, it was discovered that both officers were truthful, remorseful, and took responsibility for their actions and, as such, the hiring authority entered into settlement agreements with both officers. The first officer received a salary reduction of 10 percent for 17 months, which equaled the 34-working-day suspension. The second officer received a salary reduction of 5 percent for 24 months. The OIG concurred with the settlements due to the mitigating information presented at the *Skelly* hearing.

Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-19	13-0698-IR	<ol style="list-style-type: none"> 1. Felony Conviction 	<ol style="list-style-type: none"> 1. Sustained 	Dismissal	No Change

Incident Summary

On February 19, 2013, an officer was allegedly convicted of a felony in federal court for making false statements on a loan application.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer had already been nonpunitively dismissed; therefore, disciplinary action was not taken. A letter indicating the officer was dismissed under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-06	13-1861-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On March 6, 2013, an officer allegedly failed to lock a gate to an enclosed exercise yard. Two inmates who were in the enclosed yard exited the unlocked gate and attacked another inmate causing minor injuries. The officer also allegedly did not read his post orders prior to assuming his post and failed to follow escort policy when he escorted two inmates to the yard without being assisted by another officer.

SOUTH REGION

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 30 months. The OIG concurred. At the *Skelly* hearing it was discovered that the officer did not escort the two inmates by himself. Further, the officer took responsibility for his actions and was remorseful. Due to the mitigating information the hiring authority entered into a settlement agreement with the officer whereby the escort allegation was withdrawn and the salary reduction was modified to 5 percent for 12 months. The OIG concurred with the removal of the escort allegation; however did not concur with the final penalty. Although some mitigating information was presented at the *Skelly* hearing, that information alone did not justify reducing the penalty by 18 months. The OIG did not seek a higher level of review because the final penalty was not unreasonable.

Disciplinary Assessment

Rating: **Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-17	13-2692-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Resignation

Incident Summary

On August 17, 2013, a sergeant allegedly directed staff to place a padlock on an inmate's cell without proper authorization and without notifying his supervisor.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined that a 5 percent salary reduction for 12 months was the appropriate penalty. The OIG concurred. However, the sergeant resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures.

APPENDIX C1

COMBINED PHASE CASE SUMMARIES

CASES INVOLVING USE OF FORCE

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-06	12-0899-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Failure to Report Use of Force 4. Failure to Report 5. Unreasonable Use of Force 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 Reprimand	No Change

Incident Summary

On February 6, 2012, an officer allegedly improperly confiscated an inmate's personal belongings, called the inmate a derogatory name, challenged the inmate to a fight, removed his handcuffs, and bumped his chest against the inmate's chest. The officer also allegedly failed to report his own use of force and provided false information regarding the incident in a report. The officer, a sergeant, and three other officers allegedly engaged in a collective effort to conceal the first officer's use of force. The sergeant and the three other officers also allegedly failed to report the first officer's use of force and provided false information regarding the incident in their reports.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures. The Office of Internal Affairs failed to timely make a determination regarding the hiring authority's request for an investigation and failed to timely complete its investigation.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 9, 2012, but did not take action until April 20, 2012, 43 days after receipt of the request.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The final investigative reports were not completed and provided to the hiring authority until January 18 and January 25, 2013, 20 and 13 days, respectively, before the deadline to take disciplinary action.

Disposition

The hiring authority found sufficient evidence to sustain the allegation that the officer treated the inmate discourteously, but did not sustain any of the other allegations, and served the officer with a letter of reprimand. The hiring authority determined there was insufficient evidence to sustain the allegations against the sergeant and the other three officers. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. The department entered into a settlement with the officer in which the department agreed to remove the letter of reprimand from the officer's official personnel file after one year. The OIG concurred with the settlement as the penalty did not substantially change.

Disciplinary Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-20	12-1040-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Failure to Report Use of Force 4. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Counseling	No Change

Incident Summary

On March 20, 2012, at the end of his shift, an officer allegedly left a second officer unassisted, as inmates in their area became disruptive. The second officer then allegedly moved several of the disruptive inmates to the patio area. A sergeant and a third and fourth officer responded to gain control of the situation. The sergeant allegedly stepped on an inmate's head while the inmate was lying prone on the floor. The sergeant was also allegedly dishonest in his report of the incident. The third and fourth officers allegedly failed to report that the sergeant stepped on an inmate's head.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the second officer and ordered counseling and documented training. No allegations were sustained against the sergeant or the other officers. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-27	12-2748-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Failure to Report Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Training	No Change

Incident Summary

On July 27, 2012, an officer allegedly violated departmental policy by conducting razor exchange during the wrong time of day. As the officer retrieved a razor from an inmate, the inmate slashed the officer's finger and refused orders to get down. The officer sprayed pepper spray into the cell. When the inmate refused to get down, a second officer allegedly violated policy by opening the closed food port to introduce more pepper spray. The inmate and his cellmate were removed from the cell. A third and fourth officer escorted the cellmate from the cell. During the escort, the cellmate became resistive and the third and fourth officers used physical force to place the inmate against the wall. The third and fourth officers allegedly failed to report the force they used and the force they witnessed.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority sustained the allegation against the first officer and determined that training was appropriate. The hiring authority determined there was insufficient evidence to sustain the allegations against the other officers. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-15	13-0531-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Failure to Report Use of Force 3. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On August 15, 2012, a sergeant and three unidentified officers allegedly forced an inmate to the ground, forcibly placed him in handcuffs, and failed to report the use of force. On the same date, a nurse allegedly failed to complete a report after being informed of the use of force and the injuries sustained by the inmate. On August 28, 2012, an office technician allegedly failed to properly process a complaint of excessive use of force submitted by the inmate. On September 8, 2012, a second sergeant allegedly failed to properly submit a timely report of allegations of the use of force by staff members. On November 29, 2012, a correctional counselor allegedly failed to properly process a second complaint of excessive use of force submitted by the inmate.

Investigative Assessment

Rating: Insufficient

The hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not refer the matter to the Office of Internal Affairs until nearly seven months after discovery of the alleged misconduct.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on August 15, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 11, 2013, nearly seven months after the date of discovery.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The investigation was not completed until six days before the deadline to take disciplinary action.

Disposition

The hiring authority determined that there was insufficient evidence to sustain any of the allegations against the sergeant and officers for unnecessary use of force and the allegation against the nurse for neglect of duty. However, the hiring authority determined that there was sufficient evidence to sustain the allegations of neglect of duty against the sergeant who failed to submit a timely report, and the correctional counselor and office technician who failed to properly process the inmate's appeals. The hiring authority imposed a 5 percent salary reduction for 12 months against the sergeant, and issued the correctional counselor and office technician a letter of instruction. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. Due to evidentiary problems that developed after the service of the disciplinary action and because the sergeant was remorseful, the department entered into a settlement agreement with the sergeant. The department agreed to reduce the penalty from a 5 percent salary reduction for 12 months to a 5 percent salary reduction for three months, and agreed to remove the disciplinary action from the sergeant's personnel file 18 months after the effective date. The OIG concurred with the settlement because of the mitigating factors.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-05	12-2952-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Letter of Instruction	No Change

Incident Summary

On October 5, 2012, an officer allegedly used unreasonable force when he deployed pepper spray in the face of an inmate because the inmate refused an order to stand up from a table, and then the officer struck the inmate with his baton on the lower leg. The officer also allegedly failed to report his use of force.

CENTRAL REGION

Investigative Assessment	Rating: Sufficient
Overall, the department's investigative process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority found there was sufficient evidence to sustain the allegation that the officer used unnecessary force when he deployed pepper spray in the inmate's face but did not sustain the allegations regarding failure to report or unreasonable use of force with a baton. The officer received a letter of instruction. The OIG concurred with the hiring authority's findings.	
Disciplinary Assessment	Rating: Sufficient
Overall, the department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-14	13-0274-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On November 14, 2012, an officer allegedly discharged pepper spray into the face of an inmate who was sitting behind a secured shower door and also was allegedly unable to identify two medical staff members he was escorting when he deployed the pepper spray. Another officer was also allegedly unable to identify the two medical staff members who were present when force was used and could have provided witness statements.

Investigative Assessment	Rating: Sufficient
Overall, the department's investigative process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority determined there was insufficient evidence to sustain the allegations against both officers. However, the hiring authority did provide training to one of the officers regarding not permitting inmates to hang towels on the shower doors, which obscure the view of officers. The OIG concurred with the hiring authority's determinations.	
Disciplinary Assessment	Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-06	13-0312-IR	<ol style="list-style-type: none"> Neglect of Duty Discourteous Treatment Failure to Report Use of Force Failure to Report Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained Not Sustained 	Salary Reduction	No Change

Incident Summary

On December 6, 2012, an officer allegedly slammed an inmate against a wall, used profanity against him, and failed to accurately document the incident. Another officer allegedly kicked the inmate's feet apart. A sergeant allegedly also used profanity toward the inmate, called him a "child molester," and failed to accurately document the incident. Three other officers allegedly failed to accurately document the use of force. A lieutenant allegedly neglected his duty by failing to properly review the reports of the officers.

Investigative Assessment	Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	

CENTRAL REGION

Disposition

The hiring authority sustained the allegation against the lieutenant and decided that training would be appropriate. The hiring authority sustained the allegation that the sergeant made discourteous statements to the inmate, but did not sustain the other allegation, and determined the appropriate penalty to be a 5 percent salary reduction for eight months. However, the sergeant was nonpunitive terminated for felony convictions for making a criminal threat and resisting arrest before a disciplinary action could be served upon him. The hiring authority determined sufficient evidence did not exist to sustain the allegations against the officers. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-02	13-0738-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On January 2, 2013, two officers allegedly punched an inmate in the face and upper body after the inmate was taken to the ground for hitting one of the officers with his head.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs, hiring authority, and department attorney failed to comply with policies and procedures governing the investigative process. The hiring authority failed to timely refer the case to the Office of Internal Affairs and OIA Central Intake failed to timely make a determination on the case. The department attorney failed to timely contact the special agent and the OIG to discuss the elements of a thorough investigation and failed to timely document her assessment of the case.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 18, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 9, 2013, 81 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 9, 2013, but did not take action until May 23, 2013, 47 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make an entry in CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline within 21 calendar days of 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 special agent or the OIG to discuss the elements of a thorough investigation within 21 calendar days following assignment.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-10	13-0166-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On September 10, 2012, while two officers were escorting an inmate, the inmate slipped out of his handcuffs and broke away from officers' control. The inmate reportedly turned toward one of the officers and punched him in the face. The officers responded by using their body weight to force the inmate to the ground. While on the ground, one officer allegedly used unreasonable force when he used his knee to strike the inmate in the head. The other officer allegedly used unreasonable force when he punched the inmate in the head. A responding sergeant also allegedly used unreasonable force when he used his knee to strike the inmate. The inmate sustained abrasions and a contusion in his facial area, and a chipped tooth. In addition, the two officers and sergeant allegedly failed to accurately report their unreasonable uses of force.

Investigative Assessment

Rating: Sufficient

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

Disposition

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

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-10	13-0282-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Failure to Report 3. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On September 10, 2012, during an unclothed body search, an inmate reportedly threw a shoe at an officer striking him in the stomach. In response, the officer allegedly used unreasonable force by punching the inmate several times in the face and physically forcing him to the ground where he struck the inmate two additional times. In addition, the officer allegedly failed to accurately describe the force he used during the incident. A sergeant allegedly witnessed the incident but failed to accurately report the use of force he observed. Another officer also allegedly witnessed the incident but failed to prepare a report.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely submit a request for investigation for over three months and the Office of Internal Affairs failed to make a timely determination regarding the request. The department attorney failed to make an entry into CMS confirming the relevant dates. And, the investigative report was delivered to the hiring authority only 21 days prior to the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 13, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 27, 2012, 105 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on January 4, 2013, but did not take action until February 6, 2013, 33 days after the receipt of the request.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entry into CMS confirming relevant dates.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs, the Office of Internal Affairs delayed making a determination regarding the hiring authority's request, and the Office of Internal Affairs did not timely complete the investigation.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The report was completed and submitted to the hiring authority with only 21 days left before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-26	13-0167-IR	<ol style="list-style-type: none"> Failure to Report Use of Force Unreasonable Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On September 26, 2012, an inmate walked through a puddle of water, intentionally splashing water on two officers. The inmate then ran away from the officers. The first officer chased after the inmate and applied chemical agents, striking the inmate on the back of his head. The first officer also reportedly struck the back of the inmate's thigh twice with a baton. The second officer used physical force and placed the inmate on the ground. While on the ground, the inmate repeatedly attempted to bite the officer on the arm. The second officer then allegedly used unreasonable force by using the butt end of his baton to strike the inmate on the head and ribs. A third officer allegedly used unreasonable force by striking the inmate on the head with his chemical agent canister as the inmate attempted to bite the other officer. The first officer allegedly failed to accurately report the force he witnessed being used by the other two officers.

Investigative Assessment

Rating: Insufficient

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not timely submit a request for investigation and the Office of Internal Affairs did not complete the investigation until nine days before the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 26, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 17, 2012, 82 days after the date of discovery.
- 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 deadline to take disciplinary action was September 25, 2013. The draft copy of the investigation was forwarded to the OIG on September 13, 2013, only 12 days before the deadline to take disciplinary action.
- 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 deadline to take disciplinary action was September 25, 2013. The draft copy of the investigation was forwarded to the department attorney on September 13, 2013, only 12 days before the deadline to take disciplinary action.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The investigation was completed on September 16, 2013, only nine days before the deadline to take disciplinary action.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The investigation was completed on September 16, 2013, only nine days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-25	13-0193-IR	<ol style="list-style-type: none"> Code of Silence Failure to Report Use of Force Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On October 25, 2012, an officer allegedly used unreasonable force by striking a handcuffed inmate repeatedly with a baton and inserting the baton in the inmate's rectum. The officer also allegedly failed to report his use of force. Four other officers and two psychiatric technicians allegedly failed to report the use of force witnessed. A sergeant was allegedly negligent in failing to gather reports from all staff, failing to report the alleged misconduct, and conspiring with other officers to prevent the reporting of misconduct.

Investigative Assessment

Rating: Sufficient

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

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-18	13-0448-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Unreasonable Use of Force 	<ol style="list-style-type: none"> 1. Unfounded 2. Unfounded 	No Penalty Imposed	No Change

Incident Summary

On November 18, 2012, an officer allegedly used unreasonable force when he punched and pushed an inmate against a wall. A sergeant and three other officers allegedly witnessed the use of force and failed to report it.

Investigative Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the investigative process. OIA Central Intake delayed making a determination on the case and the department attorney failed to attend interviews.

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
The case was received by OIA Central Intake on January 24, 2013; however, a decision was not made until March 13, 2013, 48 days after receipt of the case.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend investigative interviews for key witnesses.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-31	12-2677-IR	<ol style="list-style-type: none"> Neglect of Duty Unreasonable Use of Force 	<ol style="list-style-type: none"> Sustained Not Sustained 	Counseling	No Change

Incident Summary

On August 31, 2012, an officer allegedly used unreasonable force while attempting to restrain a ward, and sprayed the ward in the face with pepper spray although the ward did not pose an immediate threat. The officer also allegedly failed to accurately document the incident.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs failed to timely complete the investigation.

Assessment Questions

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

The investigation was completed on August 6, 2013, only 25 days before the deadline for taking disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the officer failed to accurately document the use-of-force incident, but determined there was insufficient evidence to sustain any other allegations. The hiring authority determined the proper penalty was a work improvement discussion. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Insufficient

The department attorney failed to schedule a timely consultation concerning findings and penalty. The initial consultation was scheduled eight days before the deadline to take disciplinary action. The department attorney then, without consulting the OIG, moved the consultation to just three days before the deadline to take disciplinary action.

Assessment Questions

- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

The department attorney unilaterally cancelled the findings and penalty conference and sought to continue the matter to the day the deadline for taking disciplinary action was due to expire. The department attorney did not consult with the OIG about this issue. The department attorney's memorandum regarding findings and penalty was not provided to the OIG until four minutes before the conference.

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

The findings and penalty conference was not scheduled until August 23, 2013, eight days prior to the deadline for taking disciplinary action. However, the department attorney unilaterally cancelled that conference without explanation. The conference did not take place until August 28, 2013, three days prior to the deadline for taking disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-19	13-0647-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On October 19, 2012, a youth counselor and a casework specialist sprayed chemical agents on a ward who had tied a television cord to his neck, threatened to hang himself, banged his head against a television set, and kicked his legs at the television. Both allegedly acted without first reviewing the ward's crisis intervention plan or notifying a psychologist, thereby posing a health risk to the ward who was taking psychotropic medication. The casework specialist allegedly used unreasonable force by escalating the situation and spraying the ward twice in the face.

SOUTH REGION

Investigative Assessment	Rating: Insufficient
<p>The hiring authority and the Office of Internal Affairs failed to comply with the department’s policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to timely take action after receipt of the request for investigation.</p>	

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 26, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 11, 2013, 167 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 11, 2013, but did not take action until May 15, 2013, 34 days after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against the youth counselor and casework specialist. The OIG concurred.

Disciplinary Assessment	Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-02	13-1659-IR	1. Neglect of Duty 2. Failure to Report Use of Force 3. Unreasonable Use of Force	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	No Change

Incident Summary

On January 2, 2013, two officers allegedly left their assigned posts on the yard to conduct a random cell search in a housing unit, without supervisor approval. The officers allegedly punched and kicked one of the celled inmates in the head causing injuries to the inmate. After the inmate claimed the officers used excessive force, a sergeant allegedly coerced the inmate into recanting his allegations and covering up the injuries. The sergeant and officers allegedly failed to report the alleged use of force.

Investigative Assessment	Rating: Insufficient
<p>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 complete the investigation, and the department attorney failed to provide and document feedback regarding the investigative report.</p>	

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on February 21, 2013; however, the matter was not referred to the Office of Internal Affairs until July 20, 2013, more than five 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 did not provide any feedback to the investigator about the draft investigative 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 the special agent or the OIG with written confirmation of discussions about the investigative report.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to timely complete the investigation.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The deadline for taking disciplinary action was January 2, 2014. The investigation was not completed until December 19, 2013, only 15 days prior to the deadline.

Disposition

The hiring authority sustained the allegations against the officers for leaving their assigned posts without supervisory approval, but found insufficient evidence to sustain the other allegations. Each officer received a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the allegations against the sergeant. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

APPENDIX C2
COMBINED PHASE CASE SUMMARIES
CASES NOT INVOLVING USE OF FORCE
CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-01-06	11-0027-IR	<ol style="list-style-type: none"> Over-Familiarity Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On January 6, 2010, an officer allegedly conspired with an inmate for another inmate to be murdered and neglected his duty by not reporting the imminent attack. The officer allegedly supplied a slashing weapon to the inmate, who then used it to immediately attack the other inmate. The inmate who was attacked received serious injuries as a result of the attack, was treated at a local hospital, and later returned to the institution. The officer also allegedly failed to report that he was related to an inmate in the facility and that he received phone calls at his home from an inmate.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board, which upheld the dismissal.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-02-01	11-1549-IR	<ol style="list-style-type: none"> Over-Familiarity Discourteous Treatment Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	No Change

Incident Summary

From February 1, 2011, to July 31, 2011, a lieutenant allegedly engaged in an overly familiar relationship with a parolee by calling the parolee, visiting with the parolee, and allowing the parolee to live with the lieutenant and the lieutenant's girlfriend who was a close friend of the parolee. On May 11, 2011, the lieutenant allegedly threatened his girlfriend and brandished a handgun at her. On May 18, 2011, the lieutenant allegedly harassed a former girlfriend and her current boyfriend, both of whom are department employees, through inappropriate telephone calls, text messages, and personal contacts.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority sustained allegations that the lieutenant was discourteous to his former girlfriend and her current boyfriend, and that the lieutenant was overly familiar with a parolee. The hiring authority did not sustain the allegations that the lieutenant threatened his girlfriend and brandished a weapon. The hiring authority determined that dismissal was the appropriate penalty; however, the lieutenant retired prior to completion of the investigation. Therefore, disciplinary action was not taken. A letter indicating the lieutenant retired while under investigation was placed in his official personnel file. The OIG concurred with the determinations.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-07-01	11-2879-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Neglect of Duty 4. Discourteous Treatment 5. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 	Dismissal	No Change

Incident Summary

On July 1, 2011, an electronics technician allegedly viewed pornography on his state computer during work hours, discussed sexual topics pertaining to his wife, foster daughter, and five-year-old son with colleagues, was distracted from duty by his misuse of telephones and computers, and introduced a flash drive disguised as a wristwatch into the secure perimeter of the institution. On November 15, 2012, the electronics technician was allegedly dishonest during his interview with the Office of Internal Affairs.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority sustained all allegations except the allegation that the electronics technician viewed pornography on a state computer and determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations; however, the electronics technician resigned before the disciplinary action could be imposed. A letter indicating the electronics technician resigned pending disciplinary action was placed in his official personnel file.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-01	13-2116-IR	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

In August 2011, a lieutenant and counselor allegedly kissed and flirted with each other while on duty. On August 19, 2011, the lieutenant allegedly engaged in a sexual relationship with the counselor against her will while off duty.

Investigative Assessment

Rating: Sufficient

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

Disposition

Due to credibility issues and a lack of any corroborating witnesses, the hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.

Disciplinary Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-22	12-1580-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

On October 22, 2011, and December 7, 2011, a lieutenant allegedly documented that a particular officer had served as the staff assistant during the re-hearing of an inmate's rules violation report even though that officer had not been assigned. Another officer, who was the assigned disciplinary officer, allegedly forged the chief disciplinary officer's signature on rules violation reports dated November 23, 2011, and January 30, 2012. From October 22, 2011, to April 2012, that same officer allegedly failed to appropriately process or entered false information on several rules violation reports and made numerous false entries on a disciplinary action log.

Investigative Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the investigative process. The hiring authority failed to timely submit a request for investigation to the Office of Internal Affairs and the Office of Internal Affairs failed to timely complete the investigation.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on March 8, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 7, 2012, 91 days after the date of discovery.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The deadline to take disciplinary action was February 27, 2013. The investigation was not completed until January 30, 2013, 28 calendar days before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and dismissed her. The hiring authority determined that there was insufficient evidence to sustain the allegations against the lieutenant. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. However, the officer failed to appear at the pre-hearing settlement conference. Consequently, the State Personnel Board withdrew the officer's appeal, thereby sustaining the officer's dismissal.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the findings and penalty conference. Additionally, a letter of intent to take disciplinary action was served with only one day left before the deadline to take disciplinary action expired.

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 on January 30, 2013, and delivered the investigative report to the hiring authority on January 31, 2013. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until February 26, 2013, 26 calendar days after receipt of the case.
- 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 on January 30, 2013, and delivered the investigative report to the hiring authority on January 31, 2013. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until February 26, 2013, 26 calendar days after receipt of the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-28	12-0628-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On December 28, 2011, a lieutenant was arrested after he allegedly grabbed his estranged wife, slapped her in the face, and vandalized an officer's vehicle. He also allegedly made discourteous statements to his estranged wife and challenged the officer to a fight. The lieutenant was also allegedly dishonest to outside law enforcement and to the Office of Internal Affairs regarding the incident.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the lieutenant resigned before the disciplinary action was served. A letter indicating the lieutenant resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-06	12-2741-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

From March 6, 2012, to September 25, 2012, an officer allegedly retaliated against a second officer by making rude and threatening comments after the second officer reported misconduct by the first officer.

Investigative Assessment

Rating: Sufficient

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

Disposition

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

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-01	12-2029-IR	<ol style="list-style-type: none"> Sexual Misconduct 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary

From April 2012 to August 2012, an officer allegedly sexually harassed an inmate by asking her to engage in sexual acts with him.

CENTRAL REGION

Investigative Assessment	Rating: Insufficient
<p>Overall, the hiring authority sufficiently complied with the department's policies and procedures governing the investigative process; however, the Office of Internal Affairs and department attorney did not. The department attorney failed to timely and properly assess the deadline for taking disciplinary action. The Office of Internal Affairs failed to conduct the investigation with due diligence and failed to timely complete the investigation.</p>	
Assessment Questions	
<ul style="list-style-type: none"> • Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>A department attorney was assigned the case on September 4, 2012, but did not make an entry into CMS assessing the relevant dates until October 17, 2012, 43 days after assignment. In addition, the entry only identified the date of the reported incident and date of discovery, but not the deadline for taking disciplinary action.</i> • Was the OIA investigation, or subject only interview, conducted with due diligence? <i>There was no activity by the special agent for more than three months during the investigation. The special agent did not complete the investigation until 24 days before the deadline to take disciplinary action.</i> • Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action? <i>The deadline to take disciplinary action was August 10, 2013. The investigation was completed on July 17, 2013, only 24 days before the deadline to take disciplinary action.</i> 	
Disposition	
<p>The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred.</p>	
Disciplinary Assessment	Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-20	12-2043-IR	<ol style="list-style-type: none"> 1. Insubordination 2. Neglect of Duty 3. Sexual Misconduct 4. Discrimination/ Harassment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 	Salary Reduction	No Change

Incident Summary
<p>On April 20, 2012, an officer allegedly attempted to engage an office technician in an explicitly sexual conversation, asked her to kiss him, and grabbed her breast under her clothing. The officer also allegedly failed to generate a report regarding the allegations after being directed to do so by a sergeant and left work without permission.</p>

Investigative Assessment	Rating: Insufficient
<p>The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. Based upon the severity of the allegations and the state of the evidence, the hiring authority, department attorney, and the OIG made numerous requests for additional investigation and for additional witnesses to be interviewed. However, these requests were repeatedly denied by the Office of Internal Affairs, which resulted in an insufficient investigation. As a result of the incomplete nature of the investigation, only the insubordination and neglect of duty allegations could be sustained.</p>	

CENTRAL REGION

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The date of discovery was April 24, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until July 17, 2012, 84 days after the date of discovery.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The report was not thorough as the Office of Internal Affairs declined to interview several potential witnesses, ultimately resulting in the investigation being deemed insufficient.
- Was the final investigative report thorough and appropriately drafted?
The report was not thorough as the Office of Internal Affairs declined to interview several potential witnesses, ultimately resulting in the investigation being deemed insufficient.
- Was the investigation thorough and appropriately conducted?
Although the investigation was conducted in consultation with the OIG, the hiring authority, and the department attorney, the OIG requested additional investigation on several occasions but was denied. Due to the severity of the allegations, the hiring authority and department attorney requested additional potential witness interviews. The Office of Internal Affairs declined to interview the additional witnesses resulting in the investigation being deemed insufficient by the hiring authority.

Disposition

The hiring authority determined there was sufficient evidence to sustain the insubordination and neglect of duty allegations, but not the other allegations, and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. After a *Skelly* hearing, additional evidence came to light. As a result of the new evidence, the hiring authority settled the case for a 5 percent salary reduction for two months. Given the new evidence, the OIG concurred with the settlement.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-21	13-0707-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

From July 21, 2012, to March 19, 2013, an officer allegedly obtained narcotic pain medications by submitting fraudulent prescriptions. Additionally, on March 19, 2013, the officer allegedly made a phone call to a pharmacy and impersonated a medical technician in order to renew and increase a narcotic pain prescription. Further, on August 1, 2013, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and dismissed the officer. The OIG concurred. This case was consolidated with another pending disciplinary case against the same officer. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-01	13-2212-IR	1. Over-Familiarity	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

Between August 1, 2012, and May 1, 2013, an officer allegedly engaged in a sexual relationship with an inmate and conspired to smuggle mobile phones, tobacco, and methamphetamines into the institution.

Investigative Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the investigative process as the department attorney provided inappropriate recommendations to disclose the identity of confidential informants who were under the care and custody of the department.

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 provided the Office of Internal Affairs with an inappropriate recommendation to disclose the identity of confidential informants who provided information to the department that led to the allegations brought against the officer. Release of the identity of those confidential informants could have placed those individuals in danger while under the care and supervision of the department, could have exposed the department to legal liability for any injuries or deaths caused to those individuals by retaliatory acts, and could have jeopardized the future willingness of individuals to act as confidential informants, a necessary source of information for officers to protect the safety and security of the institution. After consultation with the OIG, the department attorney agreed not to insist on disclosing the identity of the confidential informants.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-07	12-2399-IR	1. Other Failure of Good Behavior	1. Exonerated	No Penalty Imposed	No Change

Incident Summary

On August 7, 2012, an officer allegedly hit his girlfriend in the stomach. He was arrested the next day.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined that the conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper since the officer's girlfriend was extremely intoxicated at the time and was being violent towards the officer. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment

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
2012-09-05	12-2355-IR	1. Dishonesty 2. Over-Familiarity	1. Sustained 2. Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

On September 5, 2012, an officer was allegedly overly familiar with inmates when he gave them advance warning of a housing unit search by the institution's investigative services unit. The officer was also allegedly dishonest during his investigatory interview with the Office of Internal Affairs.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to a hearing, the parties entered into a settlement agreement whereby the officer resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred because the officer had been granted a disability retirement and would not be returning to work for the department.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-21	12-2744-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

Incident Summary

On September 21, 2012, an officer allegedly altered the return-to-work date on a doctor's note and submitted it to the department. Additionally, on April 25, 2013, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and dismissed the officer. The OIG concurred. This case was consolidated with another pending disciplinary case against the same officer. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-19	13-0225-IR	1. Neglect of Duty	1. Sustained	Training	No Change

Incident Summary

On October 19, 2012, a sergeant allegedly neglected to have an officer initial a notice of interview form to indicate whether or not he would waive the required 24-hour notice for an interview. The sergeant allegedly signed the notice of interview form for the officer without his knowledge or permission. On November 7, 2012, an office technician allegedly submitted the improperly completed form and stated that "it was done and she did not want to see the appeal again."

CENTRAL REGION

Investigative Assessment	Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority sustained the allegation that the sergeant failed to obtain the signature of the officer on the notice of interview form, but not the other allegation. The hiring authority also sustained the allegation against the office technician. The hiring authority determined training was appropriate for the sergeant and the office technician. The OIG concurred with the hiring authority's determinations. The sergeant retired before the training was effectuated. A letter indicating the sergeant retired pending adverse circumstances was placed in his official personnel file.	
Disciplinary Assessment	Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty				
2012-10-26	13-0154-IR	1. Neglect of Duty	1. Sustained	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">INITIAL</td> <td style="text-align: center; font-size: small;">FINAL</td> </tr> <tr> <td style="text-align: center;">Letter of Instruction</td> <td style="text-align: center;">No Change</td> </tr> </table>	INITIAL	FINAL	Letter of Instruction	No Change
INITIAL	FINAL							
Letter of Instruction	No Change							

Incident Summary
 On October 26, 2012, an observation officer allegedly left his assigned duty weapon, a Mini-14 rifle, unsecured on the rooftop of the observation tower. The observation officer also allegedly failed to read and sign his post orders. On that same date, another officer also failed to account for the Mini-14 rifle and failed to read and sign his post orders. On October 27, 2012, yet another officer failed to account for the Mini-14 rifle.

Investigative Assessment	Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority determined that there was sufficient evidence to sustain the allegations against the observation officer, issued a letter of instruction, and required the observation officer to receive documented training. The hiring authority also sustained allegations against the two other officers and required both to receive documented training. The OIG concurred with the hiring authority's determinations.	
Disciplinary Assessment	Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty				
2012-10-31	13-0425-IR	1. Neglect of Duty	1. Not Sustained	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">INITIAL</td> <td style="text-align: center; font-size: small;">FINAL</td> </tr> <tr> <td style="text-align: center;">No Penalty Imposed</td> <td style="text-align: center;">No Change</td> </tr> </table>	INITIAL	FINAL	No Penalty Imposed	No Change
INITIAL	FINAL							
No Penalty Imposed	No Change							

Incident Summary
 On October 31, 2012, three officers allegedly failed to ensure inmate mattresses were thoroughly searched for weapons after information was received about a potential inmate attack against officers and after being ordered to do so. During the next shift, other officers searched and discovered weapons hidden in a mattress.

Investigative Assessment	Rating: Sufficient
Overall, the department's investigative process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority determined there was insufficient evidence to sustain allegations against the three officers. The OIG concurred with the hiring authority's determinations.	
Disciplinary Assessment	Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-06	13-0491-IR	<ol style="list-style-type: none"> 1. Retaliation - Act of Reprisal 2. Discrimination - Harassment 3. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	No Change

Incident Summary

On December 6, 2012, a sergeant allegedly retaliated against an officer by threatening him after the officer made a protected disclosure. On January 9, 2013, the sergeant allegedly called the officer a derogatory term in front of other staff. On February 3 and 4, 2013, the sergeant allegedly posted discriminatory and harassing comments about the officer on a social networking website. On February 7, 2013 the sergeant allegedly made discourteous statements about the officer to other staff.

Investigative Assessment

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

Rating: **Sufficient**

Disposition

The hiring authority determined there was sufficient evidence to sustain all but one of the allegations for discourteous treatment and determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the sergeant was nonpunitive terminated for felony convictions for making a criminal threat and resisting an officer before the disciplinary action could be served on the sergeant.

Disciplinary Assessment

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

Rating: **Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-07	13-0492-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Retaliation-Act of reprisal 4. Intoxication-Driving under the influence 5. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	No Change

Incident Summary

From December 7, 2012, through February 7, 2013, a sergeant allegedly made several non-work-related phone calls to staff at the institution and threatened to change officers' job assignments if they did not accept his phone calls. On December 15, 2012, the sergeant allegedly sent several discourteous and threatening text messages to an officer. Between January 20 and January 23, 2013, the sergeant allegedly made several unnecessary 911 calls and calls for service to a local law enforcement agency. On January 22, 23, and 26, 2013, the sergeant allegedly made several discourteous and threatening statements to local law enforcement officers. On February 10, 2013, while under the influence of alcohol, the sergeant allegedly operated his vehicle and, during contact with outside law enforcement, the sergeant identified himself as a sergeant with the department, told them that he was going to get them fired, and made numerous other threatening and discourteous statements. He also allegedly failed to notify the hiring authority of his arrest for driving under the influence.

Investigative Assessment

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

Rating: **Sufficient**

CENTRAL REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain all but one of the allegations for discourteous treatment and determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the sergeant was nonpunitively terminated for felony convictions for making a criminal threat and resisting arrest prior to serving the disciplinary action.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-13	13-0422-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On January 13, 2013, an officer was arrested after he allegedly grabbed his fiancée's arm and neck during an argument.

Investigative Assessment

Rating: Sufficient

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

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-21	13-0464-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On January 21, 2013, an officer was arrested after he allegedly grabbed his girlfriend by the arms during an argument, attempted to prevent her from leaving the residence by physically holding her down, and threatened to kill her.

Investigative Assessment

Rating: Sufficient

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

Disposition

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

Disciplinary Assessment

Rating: Sufficient

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-05	13-0755-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

Incident Summary

On February 5, 2013, an officer was allegedly dishonest when he submitted time sheets for January 2013 containing false information about absences based on medical appointments. On February 21, 2013, the officer allegedly falsified physician notes and was allegedly dishonest to the return-to-work coordinator when he told her the physician notes were authentic. On March 12, 2013, the officer was allegedly dishonest when he submitted time sheets for February 2013 containing false information about absences based on medical appointments.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was separated from state service for being absent without leave before disciplinary action could be imposed.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-06	13-0529-IR	1. Controlled Substances 2. Other Failure of Good Behavior	1. Sustained 2. Not Sustained	Dismissal	No Change

Incident Summary

On February 6, 2013, an officer allegedly used methamphetamine and admitted the use to outside law enforcement. The officer also allegedly displayed his departmental badge to private citizens in a parking lot.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation regarding methamphetamine use but not the other allegation, and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was separated for being absent without leave prior to serving the disciplinary action. A letter indicating the department reserved the right to reopen disciplinary proceedings was provided to the officer.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-08	13-0672-IR	1. Dishonesty 2. Theft	1. Sustained 2. Sustained	Dismissal	No Change

Incident Summary

On February 8, 2013, an officer allegedly stole an alligator statue from a hotel lobby. The theft was captured on a surveillance video. On February 20, 2013, the officer was allegedly dishonest to outside law enforcement about the theft. On July 24, 2013, the officer was also allegedly dishonest to the Office of Internal Affairs about the incident.

CENTRAL REGION

Investigative Assessment	Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. A letter indicating the officer resigned pending disciplinary action was placed in his official personnel file.	
Disciplinary Assessment	Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-10	13-0490-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Intoxication - Driving Under the Influence 4. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	No Change

Incident Summary

On February 10, 2013, a sergeant allegedly identified himself as a correctional sergeant, displayed his departmental badge, and threatened and pushed a private citizen to the ground. On that same date, the sergeant also allegedly drove while intoxicated and allegedly drove on a suspended license. When contacted by outside law enforcement, the sergeant allegedly identified himself as a correctional sergeant, yelled profanities at them, was belligerent, and threatened to get them fired. The sergeant also allegedly failed to report his arrest to the hiring authority.

Investigative Assessment	Rating: Sufficient
The department's investigative process sufficiently complied with policies and procedures.	
Disposition	
The hiring authority determined there was sufficient evidence to sustain all of the allegations and determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the sergeant was nonpunitive terminated for felony convictions for making a criminal threat and resisting arrest before the disciplinary action could be served on him.	
Disciplinary Assessment	Rating: Sufficient
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-04	13-0756-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior 3. Under the Influence of Drugs 4. Association with Street Gang 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	No Change

Incident Summary

On May 4, 2013, an officer allegedly failed to cooperate with outside law enforcement when, after being ordered to do so, he failed to exit an apartment he was hiding in with several gang members. Outside law enforcement also determined that the officer was allegedly under the influence of methamphetamine and found gang paraphernalia, drug paraphernalia, and a stolen handgun in the apartment. The officer admitted to outside law enforcement that he uses methamphetamine.

CENTRAL REGION

Investigative Assessment

Rating: **Sufficient**

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

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. However, the officer resigned before the dismissal took effect. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

Disciplinary Assessment

Rating: **Sufficient**

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-01-02	12-1749-IR	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Over-Familiarity 3. Neglect of Duty 4. Failure to Report 5. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 	Dismissal	No Change

Incident Summary

Between January 2, 2010, and July 2, 2012, two licensed psychiatric technicians allegedly engaged in overly familiar relationships with inmates. The first licensed psychiatric technician allegedly engaged in sexual misconduct by exposing her breasts to inmates, and misappropriated and furnished medication to an inmate. The second licensed psychiatric technician was allegedly overly familiar with inmates, and misappropriated and furnished medication to an inmate. The second licensed psychiatric technician also allegedly failed to report the first licensed psychiatric technician's misconduct.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority sustained allegations against the first licensed psychiatric technician that she engaged in an overly familiar relationship with an inmate and failed to properly supervise inmates. The hiring authority determined there was insufficient evidence to sustain allegations that she misappropriated state-issued medications. The hiring authority determined dismissal was the appropriate penalty. However, the licensed psychiatric technician resigned before disciplinary action could be taken. A letter indicating she resigned under adverse circumstances was placed in her official personnel file. The hiring authority determined there was insufficient evidence to sustain allegations against the second licensed psychiatric technician. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-22	13-0304-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 	No Penalty Imposed	No Change

Incident Summary

Between February 22, 2012, and October 10, 2012, seven officers allegedly transferred over 5,000 rounds of ammunition from the institutional armory to the range and used the ammunition for firing their personally owned weapons. The sergeant at the range also allegedly failed to properly log and account for the ammunition.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs did not process the case in a timely manner. The special agent did not adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan. The department attorney did not adequately document her initial review of the case nor contact the assigned special agent within 21 days following assignment. No substantive case work occurred between an initial interview on March 19, 2013, and August 21, 2013, a five-month period of inactivity. The deadline to take disciplinary action was December 6, 2013. The investigation was completed on November 21, 2013, only 15 days before the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on December 26, 2012, but did not take action until February 13, 2013, 49 calendar days after the receipt of the request.
- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?

The special agent did not adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan. The special agent set the sergeant's interview prior to any consultation with the OIG and refused to reschedule when advised that the OIG monitor had a scheduling conflict. No initial case conference was conducted.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The department attorney did not make an entry into CMS within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action.
- 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 and the monitor to discuss the elements of a thorough investigation of the alleged misconduct within 21 days following assignment.
- Was the OIA investigation, or subject only interview, conducted with due diligence?

No substantive case work occurred between an initial interview on March 19, 2013, and August 21, 2013, a five-month period of inactivity.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

The deadline to take disciplinary action was December 6, 2013. The investigation was completed on November 21, 2013, only 15 days before the deadline to take disciplinary action.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-29	12-1214-IR	<ol style="list-style-type: none"> Dishonesty Insubordination Attendance 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Suspension	Modified Suspension

Incident Summary

On February 29, 2012, and March 30, 2012, an officer was allegedly dishonest when he falsified time cards. On April 25, 2012, and April 30, 2012, the officer was allegedly insubordinate when he failed to provide substantiation for missed time after being ordered to do so. The officer also allegedly used excessive leave.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The special agent did not communicate with the OIG and department attorney regarding the investigative plan. The department attorney failed to contact the special agent and the OIG to discuss the elements of a thorough investigation and failed to provide feedback to the Office of Internal Affairs regarding the thoroughness of the draft report. The investigative report was not thorough and appropriately drafted.

NORTH REGION

Assessment Questions

- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?
The special agent did not confer with the OIG upon case initiation nor prior to finalizing the investigative plan. The special agent did not make any contact until two months following assignment of the case.
- Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan?
The special agent did not confer with the department attorney upon case initiation nor prior to finalizing the investigative plan.
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney made an entry into CMS confirming the date of discovery and the deadline for taking disciplinary action. However, he failed to confirm the dates of the reported incidents.
- 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 within 21 days to discuss the elements of a thorough investigation.
- 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 review the report but did not provide feedback.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report was not thorough. While it listed the allegations and contained a summary of the interview, it did not describe any other factual details regarding the case nor indicate how the officer's statements related to the allegations.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report was not thorough and contained typographical errors that were in the draft report. There were no changes between the draft and final reports.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The investigation was not conducted with due diligence as there was no work done nor any contact with the OIG for two months after the case was assigned to the special agent.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not provide consultation with the OIG throughout the investigative phase as the agent failed to make any contact before developing the investigative plan.
- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the investigative phase?
The special agent failed to make any contact with the department attorney before developing the investigative plan.
- Was the investigation thorough and appropriately conducted?
Overall, the investigation was not thorough nor appropriately conducted. The special agent failed to consult with the OIG and the investigative report was not thorough.

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officer with a 36-working-day suspension. The officer filed an appeal with the State Personnel Board. Prior to completion of the State Personnel Board proceedings, the department entered into a settlement agreement wherein the penalty was reduced to a 22-working-day suspension and the officer agreed to withdraw the appeal. The OIG concurred because the officer acknowledged that his actions violated policy, showed that he had since corrected his behavior, and agreed to continue to strictly adhere to policy.

Disciplinary Assessment

Rating: Insufficient

Overall, the hiring authority sufficiently complied with the department's policies and procedures; however, the department attorney did not. The department attorney failed to provide the hiring authority and the OIG with written confirmation of penalty discussions and failed to provide the OIG with a draft pre-hearing settlement conference statement. In addition, the department attorney failed to timely draft and provide the letter of intent to take disciplinary action to the hiring authority for service within 30 days of the decision to take disciplinary action.

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 OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?
There is no indication the department attorney completed the CDC Form 3021.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney failed to provide the OIG with confirmation of penalty discussions and also failed to provide a draft of the pre-hearing settlement conference statement.
- Was the disciplinary phase conducted with due diligence by the department?
Because the department attorney failed to timely draft and provide the letter of intent to the hiring authority, the department failed to serve the disciplinary action within 30 days of the decision to take action. The decision to take disciplinary action was made on October 29, 2012; however, the officer was not served with the letter of intent to impose disciplinary action until February 28, 2013, almost four months later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-01	13-0340-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Other Failure of Good Behavior 3. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Salary Reduction	No Change

Incident Summary

On June 1, 2012, three off-duty officers allegedly failed to report that they attended a middle school graduation party and observed minors consuming alcoholic beverages. One of the officers also allegedly failed to report his outside employment as a music system technician and consumed alcohol with one of the minors.

Investigative Assessment

Rating: Sufficient

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

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against one officer for failing to report his outside employment as a music system technician and accepting an alcoholic beverage from a minor. The hiring authority imposed a 5 percent salary reduction for three months against the officer. The officer did not file an appeal with the State Personnel Board. The allegation against the second officer was not sustained. The hiring authority determined the allegation against the third officer was unfounded. The OIG concurred with all of the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-09	12-2457-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On July 9, 2012, a lieutenant assigned to a fire camp allegedly falsified overtime sign-in sheets for financial gain. The lieutenant allegedly engaged in the same misconduct on July 12, 2012, and July 29, 2012.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process by failing to conduct the investigation with due diligence.

Assessment Questions

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigator did not address all of the exculpatory information brought forward by the lieutenant in the investigative draft report.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The investigation was not conducted with due diligence after a delay in transferring the investigation to another region. The investigation was assigned to an investigator approximately 19 days after the case was approved for investigation by OIA Central Intake. Due to the location of the majority of the interviews, the case was reassigned to an investigator in another region, but not until 88 days after the initial assignment.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-05	12-2139-IR	1. Sexual Misconduct 2. Over-Familiarity 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Dismissal	No Change

Incident Summary

On August 5, 2012, a supervising youth counselor allegedly engaged in sexual misconduct and overly familiar relationships with several wards when he made sexual advances toward them, gave them hugs, and allowed them to rub his stomach. It was further alleged on August 5, 2012, that he was negligent in his duties when he spent four to six hours in the back office with various wards.

Investigative Assessment

Rating: Sufficient

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

NORTH REGION

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the youth counselor resigned before disciplinary action could be imposed. A letter indicating the youth counselor resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-07	13-0480-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On August 7, 2012, a registered nurse allegedly neglected his duties by failing to provide timely and appropriate medical care for two inmates in the triage treatment area. Another registered nurse assigned to the same triage treatment area also allegedly neglected his duties by failing to timely notify the physician about one of the aforementioned inmates who was complaining of shortness of breath and whose vital signs indicated he was in respiratory distress. Medical staff provided life-saving measures but the inmate subsequently died at the scene.

Investigative Assessment

The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

Rating: Insufficient

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The date of discovery was August 31, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until December 18, 2012, 109 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on December 21, 2012, but did not take action until March 20, 2013, 88 days after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the registered nurse who failed to provide medical treatment to the two inmates and determined a 5 percent salary reduction for 12 months was the appropriate penalty. The OIG concurred. However, the registered nurse resigned before disciplinary action could be imposed. A letter indicating the registered nurse resigned under adverse circumstances was placed in his official personnel file. With regard to the other registered nurse, the hiring authority determined that the conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: Sufficient

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-21	13-0246-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On September 21, 2012, an inmate was taken from the inmate processing unit through a vehicle sally port for transportation to court. The sally port gate officer allegedly failed to verify documentation with central control, did not report that the inmate was leaving grounds so the institutional count could be modified, and did not log the movement on the daily movement sheet. Approximately seven hours later, while the inmate was still out to court, a second officer allegedly conducted a standing count and erroneously counted the inmate present in the institution.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to make a timely determination regarding the case. Also, there was no investigative work performed for over five months after the case was opened.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on September 21, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 26, 2012, 66 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on November 28, 2012, but did not take action until January 30, 2013, 63 days after receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The case was assigned to an agent for investigation on February 7, 2013; however, there was no substantive work performed on the case for over five months until the case was reassigned to a different agent on July 16, 2013.

Disposition

The hiring authority sustained two allegations of neglect of duty against the sally port officer for not signing his post orders and for failing to document the inmate's departure from the institution, and determined that a 5 percent salary reduction for three months was the appropriate penalty. However, the officer was employed as a retired annuitant and, therefore, no penalty could be imposed. The hiring authority decided to remove the officer from the employment list and from working at the institution. The OIG concurred. The hiring authority sustained the allegation against the second officer and imposed a 5 percent salary reduction for three months. At the *Skelly* hearing, the officer accepted responsibility for his misconduct and expressed remorse. Due to this mitigating information, the hiring authority entered into a settlement agreement whereby the officer agreed not to file an appeal with the State Personnel Board and the penalty was modified to a letter of reprimand. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-12	13-0279-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

Incident Summary

On October 12, 2012, a lieutenant and a sergeant allegedly neglected their duty to supervise officers when several inmates from one disruptive group gained access to an area occupied by inmates from a rival disruptive group in violation of policy. It was further alleged that a teacher and a captain also allowed unrestricted movement of inmates from a disruptive group, in violation of policy. An inmate riot occurred as a result.

NORTH REGION

Investigative Assessment	Rating: Insufficient
<p>The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the case to OIA Central Intake. The Office of Internal Affairs failed to conduct the investigation with due diligence.</p>	

<p>Assessment Questions</p> <ul style="list-style-type: none"> Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery? <i>The department learned of the misconduct on October 12, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 12, 2012, 61 days after the date of discovery.</i> Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the request for investigation on January 2, 2013, but did not take action until February 6, 2013, 35 days after the 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 contained investigator's notes that were contradicted by the evidence gathered during the investigation. The OIG recommended that these investigator's notes be removed and the investigator agreed.</i> Was the OIA investigation, or subject only interview, conducted with due diligence? <i>The special agent was assigned on February 13, 2013, but did not conduct his first interview until July 1, 2013, 145 days after the case was approved for investigation.</i> Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action? <i>The deadline to take disciplinary action was October 11, 2013. The investigation was completed on September 10, 2013, only 31 days before the deadline to take disciplinary action.</i>

<p>Disposition</p> <p>The hiring authority determined that there was insufficient information to sustain the allegations against the captain, lieutenant, and sergeant. The hiring authority determined that there was sufficient information to sustain an allegation of neglect of duty against the teacher and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The teacher did not file an appeal with the State Personnel Board.</p>
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Disciplinary Assessment	Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-30	13-0217-IR	<ol style="list-style-type: none"> Dishonesty Insubordination Neglect of Duty Misuse of State Equipment or Property Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Sustained 	Dismissal	Suspension

<p>Incident Summary</p> <p>On October 30, 2012, an officer allegedly left his post without prior authorization. When questioned by a sergeant about the incident, the officer allegedly became verbally abusive toward the sergeant, yelling profanities in front of other custody staff and inmates. The officer also allegedly threw his state-issued radio on the table where the sergeant was sitting and refused an order to leave the area until he regained his composure. The officer then allegedly lunged toward the sergeant and needed to be physically restrained by other officers. The officer was also allegedly dishonest during the investigative interview.</p>

NORTH REGION

Investigative Assessment	Rating: Insufficient
<p>The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The investigative report was completed and submitted to the hiring authority with only 12 days left before the deadline to take disciplinary action.</p>	
<p>Assessment Questions</p> <ul style="list-style-type: none"> Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action? <p><i>The deadline to take disciplinary action was October 30, 2013. The investigation was completed on October 18, 2013, only 12 days before the deadline to take disciplinary action.</i></p>	
<p>Disposition</p> <p>The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. At the <i>Skelly</i> hearing, the officer presented mitigating information that reportedly impacted his decision making on the day of his misconduct. The officer provided documentation corroborating his efforts to address these personal issues and prevent them from impacting his job performance in the future. In addition, he expressed remorse and accepted responsibility for his misconduct. Therefore, the department modified the penalty to a 60-working-day suspension and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred with the hiring authority's determinations based on the factors learned at the <i>Skelly</i> hearing</p>	
Disciplinary Assessment	Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures .</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-02	13-1455-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

<p>Incident Summary</p> <p>Between December 2, 2012, and March 22, 2013, two officers allegedly received information and complaints from an inmate that he had been assaulted by other inmates. The two officers allegedly failed to report this to their supervisor.</p>	
Investigative Assessment	Rating: Insufficient
<p>The hiring authority failed to comply with the department's policies and procedures governing the investigative 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 make a timely determination regarding the case.</p>	
<p>Assessment Questions</p> <ul style="list-style-type: none"> Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery? <p><i>The date of discovery was December 10, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until June 17, 2013, more than six months after the date of discovery.</i></p> <ul style="list-style-type: none"> Did OIA Central Intake make a determination regarding the case within 30 calendar days? <p><i>OIA Central Intake received the request for investigation on June 17, 2013, but did not take action until August 9, 2013, 54 days after receipt of the request.</i></p> <ul style="list-style-type: none"> Was the OIA investigation, or subject only interview, conducted with due diligence? <p><i>The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.</i></p>	
<p>Disposition</p> <p>The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.</p>	
Disciplinary Assessment	Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-14	13-1977-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On December 14, 2012, two correctional counselors allegedly allowed an inmate to distribute sensitive case information to other inmates, thereby compromising inmate safety.

Investigative Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 28, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 30, 2013, 123 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on May 8, 2013, but did not take action until September 12, 2013, 128 days after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations; however, the correctional counselors were issued corrective actions addressing performance requirements and expectations. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-07	13-0450-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On January 7, 2013, an officer allegedly altered his performance report and submitted it with a lateral transfer request package. On April 19, 2013, the officer was allegedly dishonest during his Office of Internal Affairs interview regarding the incident.

Investigative Assessment

Rating: Sufficient

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

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-10	13-0689-IR	1. Neglect of Duty	1. Sustained	Letter of Instruction	No Change

Incident Summary

On January 10, 2013, two officers allegedly neglected their duties by failing to notify their supervisor, failing to take immediate action when informed about possible enemy concerns between two inmates, and failing to respond immediately to the cell when the inmates were engaged in a physical altercation with one another.

Investigative Assessment

Rating: Insufficient

The department failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to refer the matter for investigation for over three months and the investigation was not timely completed.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on January 10, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 18, 2013, 98 days after the date of discovery.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the investigation was not completed timely.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The report was completed and submitted to the hiring authority with only 23 days left before the deadline to take disciplinary action.

Disposition

The hiring authority sustained an allegation of neglect of duty against both officers and issued each a letter of instruction. The OIG concurred.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-02	13-0479-IR	1. Neglect of Duty	1. Sustained	Letter of Instruction	No Change

Incident Summary

On February 2, 2013, while assigned to provide hospital coverage, a sergeant allegedly neglected his duties by placing a loaded handgun in an equipment bag and placing the bag in an inmate's hospital room after the inmate was discharged from the hospital. The sergeant also allegedly failed to ensure the weapon and ammunition were retrieved from the hospital. A second sergeant allegedly neglected his duties by failing to inform a relief sergeant that the weapon and equipment bag had not been retrieved from the outside hospital.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority sustained the allegation against the second sergeant and issued him a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the allegations against the first sergeant. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-22	13-0685-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Salary Reduction

Incident Summary

On February 22, 2013, an officer allegedly forged another officer's name on an attendance sheet indicating the second officer worked on December 25, 2012. When the personnel technician asked for the second officer's pay number, the officer allegedly gave the second officer's pay number in an effort to convey he was signing for himself.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The OIG believed there should be a dishonesty allegation for falsifying the time record sheet by signing another employee's name and number. The OIG also believed that the case should be opened for investigation to interview the officer whose name and number the first officer entered on the time record sheet.

Assessment Questions

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

The OIG believed there should be a dishonesty allegation for falsifying the time record sheet by signing another employee's name and number. The OIG also believed that the case should be opened for investigation to interview the officer whose name and number the first officer entered on the time record sheet.

- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?

The OIG believed there should be a dishonesty allegation for falsifying the time record sheet by signing another employee's name and number. The OIG also believed that the case should be opened for investigation to interview the officer whose name and number the first officer entered on the time record sheet.

Disposition

The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. At his *Skelly* hearing, the officer introduced evidence corroborating his assertion that he was acting on the other officer's behalf. In addition, the officer expressed remorse and introduced numerous character references attesting to positive character. Due to this mitigating information, the department agreed to reduce the penalty from dismissal to a 10 percent salary reduction for 13 months in exchange for the officer agreeing to not file an appeal. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-19	13-1289-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Letter of Instruction	No Change

Incident Summary

On March 19, 2013, a lieutenant, two sergeants, and five officers allegedly utilized a memorandum exempting them from the ten-day waiting period for purchasing a firearm even though prior authorization from the hiring authority, which was required, had not been obtained. The lieutenant was allegedly dishonest when he allegedly authored and signed multiple memorandums on departmental letterhead stating a records check had been conducted on staff to be exempt from the ten-day waiting period, when, in fact, records checks had not been completed. One of the sergeants was allegedly dishonest when he, without permission, allegedly altered several memorandums drafted by the lieutenant exempting staff from the ten-day waiting period. One of the officers involved in the incident had an outstanding warrant for his arrest from another state that made him ineligible to possess a firearm, but allegedly failed to notify the department of the warrant.

Investigative Assessment

Rating: Sufficient

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

NORTH REGION

Disposition

The hiring authority determined there was enough evidence to sustain one allegation of neglect of duty against one officer for failing to timely notify the department about an arrest warrant he had from another state, which was eventually cleared. That officer was issued a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the allegations against the lieutenant, both sergeants, and four of the officers. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-04-01	13-0605-IR	<ol style="list-style-type: none"> Sexual Misconduct Over-Familiarity 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

During April 2013, a teacher allegedly engaged in sexual misconduct with an inmate.

Investigative Assessment

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

Rating: Sufficient

Disposition

The hiring authority sustained the allegations and served the teacher with a notice of dismissal. However, pursuant to a settlement agreement, the teacher 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 terminating the teacher's employment was achieved.

Disciplinary Assessment

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

Rating: Sufficient

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2008-05-01	13-0595-IR	<ol style="list-style-type: none"> Misuse of Authority Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	No Change

Incident Summary

From May 1, 2008, through March 14, 2013, a warden allegedly had sexual relationships with two subordinate female employees. On May 6, 2010, the warden allegedly participated as a panel member in the interview and selection process for a captain position for which a lieutenant with whom he had a romantic relationship applied and was ultimately awarded the position. From June 20, 2011, through March 14, 2013, the warden and a captain allegedly misused the state computer by sending numerous personal email messages, some explicitly sexual in nature, via the department's network. From June 20, 2011, through March 14, 2013, the warden also participated in numerous other non-work-related email exchanges with several other staff members at the institution.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority found sufficient evidence to sustain all allegations against the warden. However, the department was not able to pursue the allegations that the warden misused his authority by participating on the captain interview panel and by engaging in a relationship with one of the female subordinate employees because the deadline for taking disciplinary action had expired before the investigation commenced as to those allegations. The hiring authority decided to remove the warden from his appointment as a warden and redirect him to an associate warden position. The hiring authority also decided to impose a 10 percent salary reduction for 12 months as to the warden. However, the warden retired before the disciplinary action could be served. A letter indicating the warden retired under adverse circumstances was placed in his official personnel file. The hiring authority also sustained the allegation against the captain and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The captain filed an appeal with the State Personnel Board. The captain later withdrew her appeal with the State Personnel Board.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-01-01	13-0586-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Other Failure of Good Behavior Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

At various times in 2009, 2011, and 2012, a prison industry administrator allegedly falsely reported working approximately 366 hours that he did not work. On May 3, 2012, the prison industry administrator allegedly stole several items of state equipment and used a state truck, with his wife as a passenger, to deliver the stolen state equipment to a location in Arizona. In July 2012, the prison industry administrator allegedly stole a state-owned sewing machine. On January 28, 2013, the prison industry administrator was allegedly found with state tools at his home without authorization. On August 21, 2012, and June 17, 2013, the prison industry administrator was allegedly dishonest in his Office of Internal Affairs interviews.

Investigative Assessment

Rating: Insufficient

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs did not timely approve an administrative investigation or timely investigate the allegations resulting in the administrator receiving administrative leave pay for nearly one year while the Office of Internal Affairs conducted its investigation.

SOUTH REGION

Assessment Questions

- Was the OIA investigation, or subject only interview, conducted with due diligence?

The administrator was placed on administrative leave on October 4, 2012, during a criminal investigation by the Office of Internal Affairs arising out of the same conduct. Despite the OIG's recommendations, the Office of Internal Affairs did not approve an administrative investigation until April 24, 2013, over six months after the administrator was placed on administrative leave. Further, the investigation was not completed until September 10, 2013, nearly six more months later. The administrator received administrative leave pay for nearly one year while the Office of Internal Affairs conducted its investigations.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the administrator resigned before disciplinary action could be imposed. The hiring authority withheld money from the administrator to reimburse the hiring authority for money the administrator obtained by falsifying time sheets. No letter indicating the administrator resigned under adverse circumstances was placed in his official personnel file despite the OIG's recommendation to do so.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-04-22	13-0371-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

Incident Summary

From April 22, 2010, until November 26, 2012, a lieutenant allegedly placed and left an inmate on management cell status in the administrative segregation unit against departmental policy. The inmate was allegedly left without basic departmentally mandated accommodations. During the same time period, a second lieutenant allegedly failed to review the management cell status of the inmate.

Investigative Assessment

Rating: Sufficient

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

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegation against the first lieutenant and determined the complainant failed to disclose promised information to further the investigation against the second lieutenant. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-12-01	13-0706-IR	1. Sexual Misconduct 2. Over-Familiarity 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	No Change

Incident Summary

Between December 1, 2010, and October 23, 2012, a hazardous materials specialist allegedly initiated sexually oriented conversations with inmates, touched inmates in an intimate way, and rubbed his clothed genitals on inmates. The hazardous materials specialist also allegedly brought food to the inmates, yelled at the inmates, and referred to them in derogatory terms.

SOUTH REGION

Investigative Assessment Rating: **Insufficient**

The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner, the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request, and the department attorney failed to timely provide feedback to the special agent regarding the investigative report.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on December 7, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 10, 2013, four months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on April 15, 2013, but did not take action until May 22, 2013, 37 days after 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 department attorney received the report on November 4, 2013, but did not provide feedback to the investigator until December 9, 2013, 35 days later.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations; however, based on the recommendation of the OIG, the hiring authority issued the hazardous materials specialist a letter of instruction setting forth the expectations for professional conduct toward inmates. The OIG concurred.

Disciplinary Assessment Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-07-06	12-1497-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	No Change

Incident Summary

On July 6, 2011, a materials and stores supervisor who was in charge of the laundry room inmate work crew was allegedly unprofessional when he referred to the inmate work crew as "child molesters" and other derogatory names regarding sexual orientation. Additionally, the materials and stores supervisor allegedly failed to follow security policy and lock the door to the laundry room which resulted in a general population inmate coming into the room and attacking a sensitive needs inmate. The materials and stores supervisor allegedly failed to timely activate his alarm and stood by laughing while the inmates fought. On August 4, 2011, the materials and stores supervisor was allegedly dishonest when he reported both verbally and in writing that two responding officers discharged pepper spray into the faces of the two fighting inmates after the inmates were already lying prone on the ground handcuffed. Finally, on March 21, 2012, and May 23, 2012, the materials and stores supervisor was allegedly dishonest to the Office of Internal Affairs about the incident.

Investigative Assessment Rating: **Insufficient**

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The department attorney failed to attend interviews of the inmates who were percipient and key witnesses to the alleged misconduct. Additionally, the special agent failed to conduct the investigation in a timely matter. The investigation took one year and four months to complete.

SOUTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
Although the department attorney made an entry within 21 days of assignment, the entry was insufficient because it did not include the date of the incident, the date of discovery, or any exceptions to the deadline.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend any of the inmate interviews. Although those inmate interviews occurred in another closely related disciplinary action, the department attorney assigned to the previous disciplinary action failed to attend any of those inmate interviews. The interviews were critical to and formed the basis for this disciplinary action.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The special agent was assigned to the case on June 25, 2012. The final report was not completed until October 2013, 16 months later. No substantive work was completed on the case for nine of the 16 months.
- Was the investigation thorough and appropriately conducted?
Although the investigation was thorough, due to the length of time it took to complete the investigation, it was not appropriately conducted.

Disposition

The hiring authority sustained all allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the materials and stores supervisor resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-01	12-2002-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	No Change

Incident Summary

From October 1, 2011, through May 30, 2012, a parole services associate allegedly failed to conduct face-to-face assessment interviews with numerous inmates, falsely documented that the interviews had occurred, left his assigned area without supervisory approval, and was dishonest to his supervisors at least three times when he reported that he had in fact completed the face-to-face inmate interviews. The parole services associate also allegedly failed to timely report that an inmate had threatened him.

Investigative Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the investigative process. The hiring authority delayed over five months after discovering the alleged misconduct to request an investigation. The department attorney failed to attend any interviews and failed to provide timely legal advice to the special agent. The Office of Internal Affairs failed to conduct the investigation with due diligence.

SOUTH REGION

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on February 21, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 30, 2012, over five months after the date of discovery.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend any interviews, including the interview of the parole services associate.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
There were no investigative efforts from November 2012 through April 2013.
- Was the investigation thorough and appropriately conducted?
The department attorney failed to timely respond to significant legal issues raised by the special agent and the OIG. For nearly two months from May through June 2013, the department delayed in assigning a replacement attorney and failed to provide timely legal direction and advice to the special agent related to the impact of the parole services associate's transfer to another state department. During the delay, the special agent was unable to proceed with the investigation.

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. Although the OIG was not consulted, it agrees with the hiring authority's decision. However, the parole services associate had already resigned from the department and started working for another state department before disciplinary action could be imposed. A letter indicating the officer resigned from the department under adverse circumstances was placed in his official personnel file.

Disciplinary Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney and hiring authority failed to timely notify and consult with the OIG regarding the investigative findings and penalty.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The hiring authority did not consult with the OIG regarding investigative findings because the department did not provide the OIG with sufficient notice to attend the meeting.
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The hiring authority did not consult with the OIG regarding disciplinary determinations because the department did not provide the OIG with sufficient notice to attend the meeting.
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The department attorney failed to timely notify the OIG of the date for the findings and penalty conference.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?
The hiring authority failed to consult with the OIG concerning the investigative findings and penalty.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-01	13-0540-IR	1. Discourteous Treatment	1. Unfounded	No Penalty Imposed	No Change

Incident Summary

During the summer of 2012, a youth counselor allegedly discussed personal issues about wards with other wards, which created hostility and conflict in the housing unit. On November 26, 2012, a second youth counselor allegedly repeatedly referred to a ward in derogatory terms and stabbed a ward in the arm with a pen.

SOUTH REGION

Investigative Assessment	Rating: Insufficient
<p>The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.</p>	

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on November 26, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 1, 2013, 95 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on March 1, 2013, but did not take action until April 10, 2013, 40 days after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Disposition

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

Disciplinary Assessment	Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-20	12-2406-IR	1. Dishonesty 2. Contraband 3. Over-Familiarity	1. Sustained 2. Sustained 3. Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

From June 20, 2012, through July 10, 2013, a sergeant allegedly engaged in a romantic relationship with an inmate and was also involved in overly familiar relationships with the inmate's mother and sister. On June 20, 2012, the sergeant allegedly gave the inmate a ring. On May 17, 2013, the sergeant was allegedly dishonest during her interview with the Office of Internal Affairs.

Investigative Assessment	Rating: Sufficient
<p>Overall, the department's investigative process sufficiently complied with policies and procedures.</p>	

Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the sergeant allowing her to resign and she agreed to dismiss her appeal. The OIG concurred with the settlement as the ultimate goal of separation of the employee from state service was achieved.

Disciplinary Assessment	Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-01	13-0251-IR	<ol style="list-style-type: none"> Neglect of Duty Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

From July 1, 2012, to October 31, 2012, a parole agent allegedly used a state vehicle for personal use, failed to accurately record his work hours on his timesheet, and failed to accurately record drug tests allegedly administered to parolees.

Investigative Assessment

Rating: Sufficient

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

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-22	12-2613-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Suspension

Incident Summary

On July 22, 2012, four officers allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch. The inmate produced a bowel movement containing a bundle of marijuana, unwrapped it, swallowed the contents, and reinserted the packaging in his anal cavity. A sergeant and one of the officers allegedly falsely documented that they had conducted a search of the inmate's cell.

Investigative Assessment

Rating: Insufficient

The department failed to comply with policies and procedures governing the investigative phase. 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 its investigation. The case was submitted to the hiring authority only four days before the deadline to take disciplinary action.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on July 23, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 15, 2012, 84 days after the date of discovery.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?
The deadline to take disciplinary action was July 23, 2013. The investigation was completed on July 19, 2013, only four days before the deadline to take disciplinary action.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against three officers, but decided to issue letters of instruction to each regarding the need to carefully review post orders. The OIG concurred. However, the hiring authority subsequently decided not to issue a letter of instruction to one of the three officers. The OIG was not consulted and did not concur. The hiring authority sustained the allegations against the fourth officer and the sergeant for neglect of duty and dishonesty, and determined dismissal was the appropriate penalty. The OIG concurred. The officer and the sergeant each filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with both the officer and the sergeant wherein the sergeant received a three-month suspension without pay and the officer received a nine-month suspension without pay. The officer and sergeant withdrew their appeals. The OIG concurred because of evidentiary problems in proving the dishonesty portion of the case.

SOUTH REGION

Disciplinary Assessment	Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-18	13-0299-IR	<ol style="list-style-type: none"> Neglect of Duty Discourteous Treatment 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On August 18, 2012, an officer allegedly refused to provide reasonable accommodations for a wheelchair-bound inmate whose wheelchair could not fit through a door to a cell in the receiving area where the inmate was to pick up a package. The officer also allegedly berated and used profanity toward the inmate. On August 19, 2012, a sergeant allegedly failed to address the officer's failure to provide reasonable accommodation. On August 21, 2012, the same officer allegedly used profanity toward the same inmate. On September 23, 2012, the same officer allegedly again refused to provide reasonable accommodations for the same wheelchair-bound inmate to pick up a package in the receiving area. On September 23, 2012, the same sergeant allegedly failed to address the officer's alleged use of profanity toward the inmate.

Investigative Assessment	Rating: Insufficient
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The Office of Internal Affairs and the hiring authority failed to comply with the department's policies and procedures governing the investigative process. 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 hiring authority's request. The special agent did not adequately obtain necessary documents in preparation for interviews and provided inadequate time for the OIG and the department attorney to review the draft investigative report. The Office of Internal Affairs did not timely complete its investigation.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?

The department learned of the misconduct on August 18, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 20, 2012, 124 days after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

OIA Central Intake received the request for investigation on December 26, 2012, but did not take action until February 13, 2013, 49 days after receipt of the request.
- Did the special agent adequately prepare for all aspects of the investigation?

The special agent failed to obtain relevant documents necessary to conduct a thorough investigation, including grievances filed by the inmate, time sheets, and inmate property receipts for the relevant dates until the last month of investigation.
- 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 draft investigative report was not timely forwarded to the OIG. The draft investigative report was forwarded to the OIG on August 1, 2013, and forwarded to the hiring authority on August 5, 2013, only four days after the draft was provided.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the department attorney to allow for feedback before it was forwarded to the HA or prosecuting agency?

The draft investigative report was not timely forwarded to the department attorney. The draft investigative report was forwarded to the department attorney on August 1, 2013, and forwarded to the hiring authority on August 5, 2013, only four days after the draft was provided.
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

The investigative report was forwarded to the hiring authority on August 5, 2013, only 13 days prior to the deadline for taking disciplinary action.

Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against the officer and the sergeant. The OIG concurred.

SOUTH REGION

Disciplinary Assessment	Rating: Sufficient
The department sufficiently complied with policies and procedures governing the disciplinary phase.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-06	13-0363-IR	1. Neglect of Duty	1. Exonerated	No Penalty Imposed	No Change

Incident Summary

On September 6, 2012, a sergeant determined that an inmate should be single-celled, but allegedly failed to obtain proper approval from a lieutenant for single-cell housing.

Investigative Assessment	Rating: Insufficient
The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request	

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The department learned of the misconduct on October 17, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 17, 2012, two months after the date of discovery.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the request for investigation on December 24, 2012, but did not take action until February 27, 2013, more than two months after the receipt of the request.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Disposition

The hiring authority determined that the conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper. The sergeant performed all required functions in the department's computer program to generate notification of the sergeant's recommendation to a lieutenant. However, due to problems with the computer program, the electronic notification did not function properly and no process in the computer program allowed for notification that the sergeant's request had not been acted upon. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment	Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-19	12-2507-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

Incident Summary

On September 19, 2012, an officer allegedly alerted other employees that a security search of employees was occurring, thereby defeating the effectiveness of the search and breaching security. The officer also allegedly was dishonest when he denied it. A second officer allegedly obtained the information from the first officer and alerted other employees of the security search.

Investigative Assessment	Rating: Sufficient
Overall, the department's investigative process sufficiently complied with policies and procedures.	

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-17	13-0398-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior Discourteous Treatment 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary On November 17, 2012, an off-duty officer allegedly grabbed his daughter's hair and dragged her down a street, threw his son to the ground, and was dishonest to outside law enforcement.
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Investigative Assessment Overall, the department's investigative process sufficiently complied with policies and procedures.	Rating: Sufficient
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Disposition The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.
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Disciplinary Assessment The department's disciplinary process sufficiently complied with policies and procedures.	Rating: Sufficient
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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	13-0982-IR	<ol style="list-style-type: none"> Dishonesty 	<ol style="list-style-type: none"> Not Sustained 	No Penalty Imposed	No Change

Incident Summary Between January 1, 2013, and April 30, 2013, an officer allegedly altered a form submitted to the personnel department to increase the amount of time off approved by a health care provider.
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Investigative Assessment Overall, the department's investigative process sufficiently complied with policies and procedures.	Rating: Sufficient
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Disposition The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-17	13-0705-IR	<ol style="list-style-type: none"> Dishonesty Discourteous Treatment 	<ol style="list-style-type: none"> Unfounded Unfounded 	No Penalty Imposed	No Change

Incident Summary

On January 17, 2013, a parole agent was involved in an outside law enforcement operation that resulted in the death of a parolee assigned to the agent's caseload. The parole agent was allegedly dishonest when he signed an operation plan on January 18, 2013, that was back-dated to January 17, 2013. The parole agent was also allegedly discourteous to the fugitive apprehension team. The parole agent's supervisor was allegedly dishonest to the deputy district administrator when the supervising parole agent told her that he created an operations plan on January 17, 2013. On January 18, 2013, the same supervising parole agent was also allegedly dishonest to a special agent from the department's fugitive apprehension team about the possible whereabouts of another parolee and the parole agent's sharing of information with outside law enforcement.

Investigative Assessment

Rating: Insufficient

The department failed to sufficiently comply with policies and procedures governing the investigative process. The hiring authority failed to submit the matter to the Office of Internal Affairs in a timely manner and the Office of Internal Affairs failed to make a timely determination regarding the hiring authority's request.

Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?
The alleged misconduct was discovered on January 17, 2013; however, the matter was not referred to OIA until April 16, 2013, 89 days later.
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?
OIA Central Intake received the matter on April 18, 2013; however, they did not make a determination about the case until May 29, 2013, 41 days later.
- Was the OIA investigation, or subject only interview, conducted with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed making a determination regarding the hiring authority's request.

Disposition

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

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-24	13-0518-IR	<ol style="list-style-type: none"> Dishonesty 	<ol style="list-style-type: none"> Exonerated 	No Penalty Imposed	No Change

Incident Summary

On January 24, 2013, a lieutenant allegedly caused two false rule violation reports to be filed against an inmate in an effort to increase the inmate's security points to keep the inmate from transferring to a lower-level institution. The lieutenant was also allegedly dishonest when he told the warden the inmate was the lieutenant's program clerk and that's why he wanted to keep the inmate at the institution, when the inmate was not the program clerk. The lieutenant was also allegedly dishonest when he told a captain that the warden ordered the inmate be given a transfer override because of his job assignment as program clerk, when the warden never gave that directive.

Investigative Assessment

Rating: Sufficient

The department's investigative process sufficiently complied with policies and procedures. The special agent's report was thorough and provided the hiring authority with sufficient information to properly assess the allegations.

SOUTH REGION

Disposition

The hiring authority determined the conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper, and, therefore, the hiring authority exonerated the lieutenant. The OIG concurred with the hiring authority's determination.

Disciplinary Assessment

Rating: Sufficient

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-19	13-0621-IR	<ol style="list-style-type: none"> Dishonesty Domestic Violence 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Change

Incident Summary

On February 19, 2013, a sergeant allegedly slapped his girlfriend, pushed her against a closet, and was dishonest in a memorandum he submitted regarding the incident.

Investigative Assessment

Rating: Sufficient

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

Disposition

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

Disciplinary Assessment

Rating: Sufficient

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



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Volume I

OFFICE OF THE INSPECTOR GENERAL

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STATE OF CALIFORNIA
March 2014