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OIG | OFFICE *of the* INSPECTOR GENERAL

Independent Prison Oversight

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Monitoring Internal Investigations and the Employee Disciplinary Process of the California Department of Corrections and Rehabilitation

*Semi-Annual Report
July–December 2018
Appendices*

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Appendices

Appendix A: Combined Administrative Cases

Appendix A contains the assessments for 175 combined phase (investigative and disciplinary phases) cases monitored and concluded during this reporting period, listed by geographical region.

Appendix A Combined Phase Cases

175

Central

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-08-25	16-0002003-IR	1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity 4. Misuse of State Equipment or Property 5. Discrimination/Harassment	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between August 25, 2015, and March 24, 2016, a vocational instructor allegedly told an inmate he did not deserve to take an examination because of his race and called the inmate a sexually derogatory term. Between August 25, 2015, and August 4, 2016, the vocational instructor allegedly used office equipment to make inappropriate sexual gestures toward inmates and between July 1, 2016, and August 4, 2016, allegedly printed and distributed gang materials to multiple inmates. Between July 14, 2016, and August 2, 2016, the vocational instructor allegedly grabbed, touched, and rubbed his groin against an inmate's buttocks and on February 9, 2017, allegedly lied during an interview with the Office of Internal Affairs.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action as June 31, 2019, when the deadline was actually August 25, 2018.

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on October 12, 2016, but did not complete the investigation until September 19, 2017, more than 11 months thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations, except that the vocational instructor discriminated against the inmate, and dismissed the vocational instructor. The OIG concurred except for the hiring authority's decision to not sustain the discrimination allegation. The OIG did not seek a higher level of review due to a conflict in the evidence. The vocational instructor filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. However, the vocational instructor retired retroactively before the dismissal took effect. The hiring authority placed a letter in the vocational instructor's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-31	16-0001308-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Salary Reduction

Case Type:

Direct Action with Subject-Only Interview

Incident Summary

On March 31, 2016, outside law enforcement arrested an officer after he allegedly slapped and choked his girlfriend.

<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not correctly modify the deadline to take disciplinary action or consult with the OIG regarding the modification, and the hiring authority did not timely conduct the investigative findings conference. In the OIG’s opinion, the Office of Internal Affairs did not make an appropriate initial determination and the special agent should have conducted a more thorough interview of the officer.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?</p> <p><i>In the OIG's opinion, the Office of Internal Affairs should have opened an administrative investigation to investigate evidence of additional misconduct by the officer.</i></p> <p>◦ In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?</p> <p><i>The department attorney incorrectly, and without consulting the OIG, modified the deadline for taking disciplinary action based on tolling during a criminal investigation as November 4, 2017, when the deadline was actually January 11, 2019.</i></p> <p>◦ In the OIG's opinion, did the Office of Internal Affairs special agent conduct thorough interviews and conduct the interviews in a professional manner?</p> <p><i>In the OIG's opinion, the special agent should have used the video recording of the incident from outside law enforcement during the officer's interview and questioned the officer regarding his alcohol consumption that night and whether he admitted to outside law enforcement that he shook the victim.</i></p> <p>◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?</p> <p><i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 27, 2016, but did not complete the investigation until March 2, 2017, over ten months thereafter.</i></p> <p>◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</p> <p><i>The officer's criminal case concluded on January 11, 2018. However, the hiring authority did not conduct the investigative findings conference until June 11, 2018, five months thereafter.</i></p> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely conduct the disciplinary findings conference, the department attorney did not prepare an adequate disciplinary action, and the department did not serve the disciplinary action in accordance with policy.</p>	

Procedural Rating		Substantive Rating			
Insufficient		Insufficient			
Assessment Questions					
<ul style="list-style-type: none"> <p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The officer's criminal case concluded on January 11, 2018. However, the hiring authority did not conduct the disciplinary findings conference until June 11, 2018, five months thereafter.</i></p> <p>◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action included misconduct that was not alleged or sustained and did not advise the officer of his right to respond to an uninvolved manager.</i></p> <p>◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>One delay is addressed in a prior question. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on June 11, 2018. However, the department did not serve the disciplinary action until July 13, 2018, 32 days later.</i></p> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-18	17-0021665-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Threat/Intimidation 3. Neglect of Duty 4. Discourteous Treatment 5. Other Failure of Good Behavior 6. Dishonesty 7. Misuse of Authority 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Not Sustained 	Dismissal	Demotion
Case Type:					
Direct Action with Subject-Only Interview					
Incident Summary					
On December 18, 2016, outside law enforcement arrested a sergeant after he allegedly threatened to physically assault, pushed, and swore at a private citizen. The sergeant also allegedly lied to outside law enforcement, used his position as a law enforcement officer in an attempt to gain preferential treatment, and failed to report his arrest to the department. On December 12, 2017, the sergeant allegedly lied during an interview with the Office of Internal Affairs.					
Investigative Phase Assessment					
The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating		Substantive Rating			
Sufficient		Sufficient			

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on February 1, 2017, but did not complete the investigation until February 27, 2018, more than one year later.

Case Disposition

The hiring authority sustained the allegations, except for lying about pushing the citizen and using his position as a law enforcement officer to gain preferential treatment, and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant reducing the penalty to a demotion. The OIG did not concur but could not seek a higher level of review because the department did not consult with the OIG regarding the settlement.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary action in accordance with policy and the hiring authority did not serve the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney and hiring authority did not adequately cooperate with the OIG and the hiring authority settled the case without sufficient justification.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority agreed to reduce the penalty from dismissal to a demotion without identifying any new evidence, flaws, or risks to support the reduction.
- **Did the hiring authority consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?**
The hiring authority did not consult with the OIG before modifying the penalty and agreeing to a settlement.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with reducing the penalty from dismissal to a demotion because the hiring authority did not identify any new evidence, flaws, or risks to justify the reduction.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney did not consult with the OIG before agreeing to settle the case.
- **In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The hiring authority did not consult with the OIG before agreeing to a settlement.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on March 13, 2018. However, the department did not serve the disciplinary action until April 23, 2018, 41 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-01	17-0022789-IR	1. Use of Force	1. Sustained	Salary Reduction	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On January 1, 2017, an officer allegedly deployed pepper spray when there was no imminent threat, made an unnecessary emergency entry into a cell, and failed to notify a supervisor prior to entering the cell.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs, resulting in the inability of two witnesses to recall specific details of the incident.					

Procedural Rating Insufficient	Substantive Rating Insufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on January 1, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 5, 2017, more than four months after the date of discovery.</i></p> <p>In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The hiring authority's delay in referring the matter to the Office of Internal Affairs resulted in two witnesses being unable to recall details of the incident.</i></p> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the salary reduction. The administrative law judge credited the officer's testimony that there was imminent threat justifying the use of pepper spray and the immediate cell entry, and that there was insufficient time to alert a supervisor.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary action in accordance with policy and the hiring authority did not serve the disciplinary action in accordance with policy.</p>	
Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the officer of his right to respond to an uninvolved manager.</i></p> <p>In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on October 13, 2017. However, the department did not serve the disciplinary action until December 13, 2017, 61 days later.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-01	17-0022277-IR	1. Battery 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction

<p>Case Type: Direct Action with Subject-Only Interview</p>	
<p>Incident Summary On March 1, 2017, outside law enforcement arrested an officer after he allegedly hit his teenage son in the head, and choked and hit his wife in the arm when she attempted to intervene.</p>	
<p>Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference and the department attorney did not adequately cooperate with the OIG. Also, in the OIG's opinion, the Office of Internal Affairs did not make appropriate determinations regarding the hiring authority's request and only added an allegation of battery after the OIG intervened.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</p>

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have added allegations of dishonesty and battery because evidence showed the officer hit his wife and son and choked his wife but lied to outside law enforcement when he denied choking his wife.
- **Would the Office of Internal Affairs have made an appropriate initial or appeal determination without OIG intervention?**
The Office of Internal Affairs agreed to add an allegation the officer committed battery only after the OIG elevated the matter to Office of Internal Affairs management.
- **In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?**
The department attorney did not consult with the OIG before modifying the deadline for taking disciplinary action.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 26, 2017, but did not complete the investigation until January 17, 2018, more than eight months later.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
Criminal charges against the officer were resolved on April 6, 2018, but the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 11, 2018, 66 days thereafter.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**
The deficiency is addressed in a prior question.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 13 months. The OIG concurred. After the officer's *Skelly* hearing, the hiring authority reduced the penalty to a 5 percent salary reduction for 18 months. The OIG did not concur but did not seek a higher level of review because the penalty was within departmental guidelines.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely conduct the disciplinary findings conference or adequately cooperate with the OIG and entered into a settlement agreement without sufficient justification. The department attorney did not prepare the disciplinary action in accordance with policy or prepare an accurate case settlement report.

Procedural Rating Insufficient	Substantive Rating Insufficient
Assessment Questions	
<ul style="list-style-type: none"> <p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>Criminal charges against the officer were resolved on April 6, 2018, but the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 11, 2018, 66 days thereafter.</i></p> <p>◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the officer of the right to respond to an uninvolved manager.</i></p> <p>◦ Did the department conduct the Skelly hearing pursuant to policy? <i>The hiring authority did not notify the OIG of the Skelly hearing, preventing the OIG from attending.</i></p> <p>◦ If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy? <i>The hiring authority agreed to reduce the penalty without identifying any new evidence, flaws, or risks justifying the reduction.</i></p> <p>◦ Did the department provide the case settlement report to the OIG and if so, was the form complete and accurate? <i>The case settlement report included a different officer's name and inaccurately reported that the settlement resulted in the officer's resignation.</i></p> <p>◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.</i></p> <p>◦ In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The insufficiency is addressed in a prior question.</i></p> <p>◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-08	17-0022639-IR	1. Dishonesty 2. Insubordination 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Dismissal	Resignation in Lieu of Termination

<p>Case Type: Direct Action with Subject-Only Interview</p>
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Incident Summary

On April 8, 2017, outside law enforcement arrested an officer after he allegedly punched his girlfriend in the stomach, pushed her, and knocked a telephone from her hand as she tried to call for help. Between November 2, 2017, and November 7, 2017, the officer allegedly violated a direct order from the Office of Internal Affairs to not discuss the incident. On November 7, 2017, the officer allegedly lied during an interview with the Office of Internal Affairs.

Investigative Phase Assessment

In the OIG's opinion, the special agent delayed conducting the investigation and drafting the investigative report, causing the department to employ an officer, whose misconduct resulted in dismissal, for longer than necessary. Also, the Office of Internal Affairs did not make an appropriate initial determination, the department attorney provided inadequate legal advice to the special agent and the hiring authority, and the hiring authority did not make appropriate findings. Also, the department attorney provided untimely feedback regarding the draft investigative report.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer because the officer did not provide a statement to outside law enforcement.

- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**

The Office of Internal Affairs provided the draft report to the department attorney on January 10, 2018. However, the department attorney did not provide feedback until February 1, 2018, 22 days later.

- **In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation?**

In the OIG's opinion, the department attorney inappropriately advised the special agent to allow the officer to review the outside law enforcement report before interviewing the officer.

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on July 12, 2017, but did not complete the investigation until February 8, 2018, nearly seven months thereafter.

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**

In the OIG's opinion, the department attorney should have recommended adding an additional allegation the officer was dishonest during his interview with the Office of Internal Affairs when he denied another person was present during the incident.

- **In the OIG's opinion, did the hiring authority correctly identify the subjects and factual allegations for each subject based on the evidence?**

In the OIG's opinion, the hiring authority should have added an additional allegation the officer was dishonest during his interview with the Office of Internal Affairs when he denied another person was present during the incident.

- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**

In the OIG's opinion, the hiring authority should have sustained an additional allegation the officer was dishonest during his interview with the Office of Internal Affairs when he denied another person was present during the incident.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

In the OIG's opinion, the special agent unnecessarily delayed interviewing the officer for three and one-half months, spent 35 hours transcribing a two-hour interview, and took two months preparing the investigative report for a single interview.

Case Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. However, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney prepared a disciplinary action that referenced incorrect statutes and did not include language required by policy and the hiring authority did not serve the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney did not provide appropriate legal advice to the hiring authority and the hiring authority did not make appropriate determinations.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?**
In the OIG's opinion, the department attorney should have recommended adding an additional disciplinary matrix allegation the officer was dishonest during his interview with the Office of Internal Affairs when he denied another person was present during the incident.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline?**
In the OIG's opinion, the hiring authority should have added an additional disciplinary matrix allegation the officer was dishonest during his interview with the Office of Internal Affairs when he denied another person was present during the incident.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct statutes regarding peace officer confidentiality or advise the officer of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on March 9, 2018. However, the department did not serve the disciplinary action until May 7, 2018, 59 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-12	17-0023911-IR	1. Neglect of Duty 2. Dishonesty 3. Failure to Report 4. Neglect of Duty 5. Misuse of State Equipment or Property	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type:

Administrative Investigation

Incident Summary

On April 12, 2017, a sergeant allegedly inappropriately authorized officers to make an emergency entry into an inmate's cell when there was no imminent threat. Four officers allegedly failed to wear riot helmets before entering the cell, and one of the officers allegedly placed a spit mask on the inmate without sufficient justification. The sergeant and the officers allegedly engaged in a code of silence to prevent reporting the misconduct and lied in their reports regarding the incident.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination and the hiring authority did not make appropriate findings.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on April 17, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 14, 2017, nearly four months after the date of discovery.

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have opened an investigation to clarify the facts, inconsistencies in the incident reports, and missing portions of the visual recording of the incident. The Office of Internal Affairs also should have added a lieutenant as a subject of the investigation for failing to identify the immediate use of force did not comply with policy.

- **In the OIG's opinion, did the hiring authority correctly identify the subjects and factual allegations for each subject based on the evidence?**

In the OIG's opinion, the hiring authority should have added and sustained an allegation against one of the officers for failing to follow the sergeant's direct order to provide the inmate with an additional meal.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained an allegation that the sergeant inappropriately authorized the emergency cell entry and imposed a 5 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the remaining allegations against the sergeant and the officers. The OIG concurred except with the decision not to add an allegation one of the officers was insubordinate. The OIG did not seek a higher level of review due to a conflict in evidence. The sergeant filed an appeal with the State Personnel Board. At a pre-hearing settlement conference, the hiring authority reduced the sergeant's penalty to a 5 percent salary reduction for four months and agreed to remove the disciplinary action from the sergeant's official personnel file after one year. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained within the appropriate range for the misconduct.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary action in accordance with policy and the hiring authority did not serve the disciplinary action in accordance with policy and reached a settlement agreement without sufficient justification. In the OIG's opinion, the hiring authority did not make an appropriate determination.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline?**
In the OIG's opinion, the hiring authority should have added a disciplinary matrix allegation against one of the officers for insubordination for failing to follow the sergeant's order to provide the inmate with an additional meal.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, by not adding a disciplinary matrix allegation against one of the officers for being insubordinate, the hiring authority did not impose a penalty against that officer.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the sergeant of the right to respond to an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority reduced the sergeant's penalty without identifying any new evidence, flaws, or risks justifying the reduction.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on April 9, 2018. However, the department did not serve the disciplinary action until May 14, 2018, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-26	17-0023433-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type:

Direct Action with Subject-Only Interview

Incident Summary

On May 26, 2017, outside law enforcement arrested an officer after she allegedly pushed her husband and adult son, repeatedly hit her son, and slapped her husband. The officer also allegedly refused to tell an outside law enforcement officer her employer's name.

Investigative Phase Assessment

In the OIG's opinion, the Office of Internal Affairs made an inappropriate initial determination and did not conduct a thorough investigation, the department attorney did not properly advise the hiring authority, and the hiring authority did not make appropriate findings.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have added an allegation the officer was dishonest to outside law enforcement and approved an interview of the officer.
- **In the OIG's opinion, did the hiring authority correctly decide whether the investigation was sufficient?**
In the OIG's opinion, the hiring authority should have deemed the investigation insufficient and requested interviews of the officer's husband, son, and the outside law enforcement officer but failed to do so because he believed there was insufficient time to request further investigation.
- **If the hiring authority determined additional investigation was necessary, did the hiring authority request additional investigation?**
Although the hiring authority recognized the need for further investigation on April 13, 2018, he ultimately determined there was insufficient time to request further investigation because the deadline to take disciplinary action was July 17, 2018.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
In the OIG's opinion, the department attorney should have recommended conducting additional interviews and advised the hiring authority to add an allegation the officer was dishonest during her interview with the Office of Internal Affairs when she alleged her husband threw her to the ground during the incident.
- **In the OIG's opinion, did the hiring authority correctly identify the subjects and factual allegations for each subject based on the evidence?**
In the OIG's opinion, the hiring authority should have identified the officer was dishonest during her interview with the Office of Internal Affairs.
- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**
In the OIG's opinion, the hiring authority should have found the officer was dishonest during her interview with the Office of Internal Affairs when she alleged her husband threw her to the ground during the incident.
- **If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?**
The hiring authority was unable to make a proper determination regarding whether the officer was dishonest because the Office of Internal Affairs insisted on only interviewing the officer and not percipient witnesses.

Case Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 36 months. The OIG did not concur with the hiring authority's decision to not add an allegation the officer was dishonest but concurred with the penalty based on the sustained allegations. The OIG did not seek a higher level of review due to evidentiary issues. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 18 months and agreeing to remove the disciplinary action from her official personnel file after 18 months. The OIG did not concur but did not seek a higher level of review because the penalty was within departmental guidelines for the sustained misconduct.

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney did not provide appropriate legal advice to the hiring authority and the hiring authority did not make appropriate determinations and entered into a settlement agreement without sufficient justification.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>◦ In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?</p> <p><i>In the OIG's opinion, the department attorney should have advised the hiring authority to add allegations to support dismissing the officer because the evidence established the officer was dishonest during her interview with the Office of Internal Affairs when she alleged her husband threw her to the ground during the incident.</i></p> <p>◦ In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline?</p> <p><i>In the OIG's opinion, the hiring authority should have added allegations to support dismissing the officer because the evidence established the officer was dishonest during her interview with the Office of Internal Affairs.</i></p> <p>◦ In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?</p> <p><i>In the OIG's opinion, by not selecting allegations the officer was dishonest, the hiring authority did not select dismissal as the appropriate penalty.</i></p> <p>◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></p> <p>◦ If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?</p> <p><i>The hiring authority agreed to reduce the officer's penalty without identifying any new evidence, flaws, or risks to support the reduction.</i></p> <p>◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</p> <p><i>The OIG did not concur with reducing the officer's penalty because the hiring authority did not identify any new evidence, flaws, or risks to justify the reduction.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-31	17-0024502-IR	1. Threat/Intimidation	1. Not Sustained	No Penalty	No Penalty
		2. Failure to Report	2. Not Sustained	Imposed	Imposed
		3. Discourteous Treatment	3. Not Sustained		

Case Type:
Administrative Investigation

Incident Summary

On May 31, 2017, an officer allegedly swore at and threatened an inmate, and two other officers allegedly failed to report the first officer's misconduct. On July 7, 2017, the first officer and one of the other two officers allegedly shook and threw cans of soda against the inmate's cell door. On September 18, 2017, the first, second, and a fourth officer allegedly tried to dissuade a second inmate from reporting the first officer's misconduct.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference and the department attorney did not timely assess the deadline to take disciplinary action. However, the special agent performed exceptional investigative work, including identifying and interviewing additional witnesses and preparing a well-written report.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on August 7, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 20, 2017, 74 days after the date of discovery.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney was assigned November 28, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 20, 2017, 22 days after assignment.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 22, 2017, but did not complete the investigation until June 1, 2018, more than six months thereafter.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 1, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 17, 2018, 46 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-10	17-0023820-IR	1. Neglect of Duty 2. Dishonesty 3. Use of Force 4. Failure to Report 5. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On July 10, 2017, an officer allegedly punched an inmate in the face while a second officer allegedly deployed pepper spray near the inmate's face. These officers, along with a third officer, allegedly took turns punching, kicking, and spanking the inmate. The three officers and a fourth officer allegedly failed to report the force they used or witnessed and lied in their reports. The four officers, a sergeant, a licensed vocational nurse, and a psychiatric technician allegedly participated in a code of silence to not report the use of force. The licensed vocational nurse and the psychiatric technician allegedly failed to document all of the inmate's injuries.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase. In addition, the department attorney provided a very detailed and thorough memorandum prior to the investigative findings conference despite being recently reassigned the case.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on August 28, 2017, but did not complete the investigation until May 2, 2018, more than eight months thereafter.</i> 					
Case Disposition The hiring authority for the licensed vocational nurse sustained the allegation she failed to document all of the inmate's injuries and imposed a letter of reprimand. The hiring authorities found insufficient evidence to sustain any of the remaining allegations. The OIG concurred with the hiring authorities' determinations. The licensed vocational nurse did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Assessment Questions

- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the nurse of her right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-20	18-0027771-IR	1. Over-Familiarity	1. Sustained	Dismissal	Dismissal

Case Type:

Direct Action with Subject-Only Interview

Incident Summary

On July 20, 2017, an officer allegedly received money from an inmate's wife.

Investigative Phase Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Case Disposition

The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned prior to completion of the investigation. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-25	17-0024474-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Administrative Investigation

Incident Summary

On July 25, 2017, a lieutenant allegedly falsely reported he served an inmate with an institutional document.

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigative phase.

Procedural Rating Sufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 16, 2017, but did not complete the investigation until June 21, 2018, more than seven months thereafter.</i> 	
<p>Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-08	17-0024220-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Suspension	Suspension

<p>Case Type: Administrative Investigation</p>

<p>Incident Summary On August 8, 2017, two officers allegedly failed to constantly supervise an inmate on contraband surveillance watch and were dishonest in their documentation. A third officer allegedly failed to report that one of the first two officers fell asleep during the time he was required to constantly observe the inmate. Two sergeants allegedly failed to accurately complete contraband surveillance watch documentation.</p>
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<p>Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.</p>
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Procedural Rating Sufficient	Substantive Rating Sufficient
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<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on October 18, 2017, but did not complete the investigation until June 28, 2018, more than eight months thereafter.</i>
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Case Disposition

The hiring authority sustained the allegations against the first two officers, except an improperly worded dishonesty allegation against the second officer, and imposed a 70-working-day suspension on each. The OIG did not concur with the penalty but did not seek a higher level of review because the penalty was within departmental guidelines. The hiring authority sustained the allegation against the third officer and imposed a 10 percent salary reduction for three months, but found insufficient evidence to sustain the allegations against the sergeants. The OIG concurred with these determinations. After the second officer's *Skelly* hearing, the hiring authority entered into a settlement agreement modifying the penalty to a 24-working-day suspension followed by a 10 percent salary reduction for 23 months. The OIG did not concur. The first and third officers did not file appeals with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department did not serve the disciplinary action in accordance with policy, entered into a settlement that did not comply with policy, and did not provide all required documents to the OIG, and the department attorney did not prepare the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney did not provide appropriate legal advice to the hiring authority and the hiring authority did not select appropriate penalties.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?**
In the OIG's opinion, the department attorney should have advised the hiring authority to dismiss two of the officers for being dishonest.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, the hiring authority should have dismissed two of the officers for being dishonest but instead imposed 70-working-day suspensions on each.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not include the correct statutes governing peace officer confidentiality or advise the officers of their right to respond to an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority did not identify any new evidence, flaws, or risks to justify the modification.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the modification.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney did not provide the OIG with the case settlement report.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 20, 2018. However, the department did not serve two of the disciplinary actions until August 29, 2018, 40 days later. The department did not serve the third disciplinary action until August 30, 2018, 41 days after the decision to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-10	17-0024120-IR	1. Misuse of State Equipment or Property	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On August 10, 2017, three officers allegedly vandalized an office at the institution and destroyed state property.					

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the department attorney did not attend a critical interview or adequately cooperate with the OIG, and the hiring authority did not timely conduct the investigative findings conference. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination. However, the special agent performed exceptional investigative work, including obtaining and processing forensic evidence, and prepared a well-written report.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have opened a criminal investigation based on alleged substantial vandalism of state and personal property, as well as intimidation of departmental personnel.
- **Did the department attorney attend key witness interviews to assess witness demeanor and credibility?**
The department attorney did not attend the interview of one of the officers.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on October 4, 2017, but did not complete the investigation until June 26, 2018, almost nine months thereafter.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 26, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 24, 2018, 28 days thereafter.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**
The department attorney consulted with the hiring authority regarding possible misconduct by a witness during the investigation but neglected to include the OIG in the meeting.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-01	17-0024552-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary On September 1, 2017, a lieutenant allegedly altered reports a sergeant and officer wrote, forged their signatures on the reports, and forged the sergeant's signature on reports from two other officers.</p>					
<p>Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have opened an investigation to determine whether someone other than the lieutenant may have signed the forms.</i> 					
<p>Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the lieutenant resigned before the disciplinary action could be served. The hiring authority placed a letter in the lieutenant's official personnel file indicating she resigned pending disciplinary action.</p>					
<p>Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department completely and correctly complete the form documenting the disciplinary determinations? <i>The employee relations officer omitted the penalty from the form documenting the disciplinary determinations.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-01	18-0024821-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<p>Case Type: Administrative Investigation</p>					

Incident Summary	
On September 1, 2017, an officer allegedly kicked a cat, causing serious injuries to the cat.	
Investigative Phase Assessment	
The department sufficiently complied with policies governing the investigative phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient
Assessment Questions	
<ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG? <i>In the OIG's opinion, the department attorney did not correctly modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied. The department attorney did not consider criminal tolling and modified the deadline to September 14, 2018, without consulting the OIG. After considering criminal tolling, the correct deadline to take disciplinary action was June 30, 2019.</i> 	
Case Disposition	
The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-26	18-0024930-IR	1. Contraband 2. Confidential Information 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Salary Reduction	Salary Reduction
Case Type:					
Direct Action with Subject-Only Interview					
Incident Summary					
On September 26, 2017, an officer allegedly introduced a personal mobile phone into the institution, inappropriately accessed and photographed a parolee's confidential information, and provided the photograph to her son.					
Investigative Phase Assessment					
Overall, the department complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

The department attorney was assigned on November 9, 2017, but did not make an entry into the case management system confirming relevant dates until December 11, 2017, 32 days later.

Case Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 25 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the officer agreed to withdraw her appeal in exchange for removing the disciplinary action from her official personnel file after 25 months. The OIG did not concur with the settlement.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not properly draft the disciplinary action, the department did not serve the disciplinary action in compliance with policy, and the hiring authority agreed to a settlement without sufficient justification. In the OIG's opinion, the hiring authority did not select the appropriate disciplinary matrix allegations.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline?**
In the OIG's opinion, the hiring authority did not select appropriate disciplinary matrix allegations for bringing contraband into the institution for personal gain.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the officer of the right to respond to an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority did not identify any new evidence, flaws, or risks justifying settlement.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlement.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take action on April 12, 2018. However, the department did not serve the disciplinary action until May 17, 2018, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-12	18-0025312-IR	1. Dishonesty 2. Weapons 3. Neglect of Duty 4. Weapons 5. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary Between October 12, 2017, and November 28, 2017, an officer allegedly possessed a firearm in violation of a restraining order, which resulted in his arrest, and on October 12, 2017, and October 21, 2017, the officer allegedly failed to notify the institution of the restraining order. On November 28, 2017, the officer allegedly failed to notify the institution of his arrest and lied to outside law enforcement.					
Investigative Phase Assessment Overall, the department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have opened an investigation because statute prohibits the department from taking disciplinary action based solely on an arrest report. However, the Office of Internal Affairs' failure to open an investigation did not affect the OIG's assessment.</i> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except two with incorrect dates, and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before completion of the investigation. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.</p>					
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-09	18-0024826-IR	1. Intoxication 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction
<p>Case Type: Direct Action with Subject-Only Interview</p>					
<p>Incident Summary</p> <p>On November 9, 2017, outside law enforcement arrested an officer after he allegedly drove a vehicle while under the influence of alcohol and with his four-year-old daughter in the car.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation? <i>The Office of Internal Affairs did not consult the prosecuting agency before interviewing the officer.</i> 					

<p>Case Disposition</p> <p>The hiring authority sustained the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not provide a required form to the hiring authority or to the OIG and did not prepare the disciplinary action in accordance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG?</p> <p><i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i></p> <p>In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary action did not cite the correct statutes governing peace officer confidentiality or advise the officer of the right to respond to an uninvolved manager.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-16	18-0025310-IR	1. Failure to Report 2. Insubordination 3. Neglect of Duty 4. Discourteous Treatment 5. Threat/Intimidation 6. Retaliation	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained	Salary Reduction	Salary Reduction

<p>Case Type:</p> <p>Administrative Investigation</p>
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<p>Incident Summary</p> <p>On November 16, 2017, a parole agent allegedly failed to comply with a range master’s orders to turn around and swore at the range master. On January 23, 2018, the parole agent allegedly told a second parole agent he would hurt an associate information systems analyst for reporting the first parole agent for using his state computer to store pictures of partially nude women. On January 30, 2018, the parole agent allegedly told coworkers he would injure the associate information systems analyst in a planned accident at the gym, and the second and a third parole agent allegedly discovered but failed to report the first parole agent’s alleged threats.</p>
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Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the department attorney did not provide timely feedback regarding the draft investigative report and the hiring authority did not timely conduct the investigative findings conference. In the OIG's opinion, the special agent did not prepare a thorough final investigative report, the department attorney did not provide appropriate feedback to the special agent or appropriate advice to the hiring authority, and the hiring authority did not make an appropriate investigative finding.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**
The department attorney received the draft investigative report on March 19, 2018, but did not provide feedback to the special agent until April 11, 2018, 23 days thereafter, and in the OIG's opinion, neglected to address the special agent's failure to include summaries of two critical memoranda and email messages between the alleged victim and a co-worker regarding the alleged threats.
- **In the OIG's opinion, did the Office of Internal Affairs special agent prepare a thorough and accurate final investigative report containing all relevant information?**
In the OIG's opinion, the final investigative report failed to include summaries of two critical memoranda and email messages between the alleged victim and a co-worker regarding the alleged threats.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 26, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 4, 2018, 39 days thereafter.
- **In the OIG's opinion, did the hiring authority correctly decide whether the investigation was sufficient?**
In the OIG's opinion, the hiring authority should have deemed the investigation insufficient because additional investigation was needed to determine whether the first parole agent failed to comply with range safety rules.
- **In the OIG's opinion, did the hiring authority correctly decide whether additional investigation was necessary?**
In the OIG's opinion, the hiring authority should have requested additional investigation to determine whether the first parole agent failed to comply with range safety rules.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
In the OIG's opinion, the department attorney should have advised the hiring authority there was insufficient evidence to determine whether the first parole agent failed to comply with range safety rules.
- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**
In the OIG's opinion, the hiring authority incorrectly determined there was sufficient evidence to sustain the allegation that the first parole agent failed to comply with range safety rules.
- **In the OIG's opinion, did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the investigative phase?**
The inadequacy is addressed in a prior question.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations against the first parole agent, except that he retaliated against the associate information systems analyst, and imposed a 10 percent salary reduction for 24 months. The OIG did not concur that there was sufficient evidence to determine the allegations for failing to comply with range safety rules or the penalty but did not seek a higher level of review due to a conflict in the evidence. The hiring authority sustained the allegations against the second and third parole agents and imposed a 5 percent salary reduction for 12 months on each. The OIG did not concur but did not seek a higher level of review because the penalties were within the appropriate range for the misconduct. After the first parole agent's *Skelly* hearing, the hiring authority learned the first parole agent accepted responsibility, showed remorse, and participated in counseling to avoid recurrence, and entered into a settlement reducing the penalty to a 10 percent salary reduction for 18 months. The OIG concurred based on the factors learned at the *Skelly* hearing. The second parole agent did not file an appeal with the State Personnel Board. The third parole agent retired before the disciplinary action took effect. The hiring authority placed a letter in the third parole agent's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and serve the disciplinary actions in compliance with policy. In the OIG's opinion, the department attorney did not prepare the disciplinary actions in compliance with policy or properly advise the hiring authority and the hiring authority did not impose proper penalties.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 26, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 4, 2018, 39 days thereafter.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?**
In the OIG's opinion, the department attorney should have advised the hiring authority to impose a lower salary reduction for the first parole agent based on the sustained misconduct and to impose higher salary reductions for the second and third parole agents based on the seriousness of potential harm.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, the hiring authority should have imposed a lower salary reduction on the first parole agent based on the sustained misconduct and higher salary reductions for the second and third parole agents based on the seriousness of potential harm.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the parole agents of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. In addition, the department did not serve the disciplinary actions within 30 days of the decision to take disciplinary actions. The hiring authority decided to take disciplinary action on June 4, 2018. However, the department did not serve the disciplinary actions until August 8, 2018, 65 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-18	17-0024776-IR	1. Dishonesty 2. Intoxication 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On November 18, 2017, outside law enforcement arrested an officer after he allegedly drove a vehicle while under the influence of alcohol. The officer also allegedly lied to outside law enforcement.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney provided untimely legal advice to the hiring authority and the OIG.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**

The department attorney did not provide her memorandum of recommendations regarding the sufficiency of the investigation and the investigative findings to the hiring authority until 21 minutes before the investigative findings conference, which did not provide a reasonable time for review.

- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**

In the OIG's opinion, the department attorney did not adequately cooperate with the OIG because she did not provide her memorandum of recommendations regarding the sufficiency of the investigation and the investigative findings until 21 minutes before the investigative findings conference, which did not provide a reasonable time for review.

Case Disposition

The hiring authority sustained the allegations, except for an improperly worded allegation, and served a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer in which the officer resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary action pursuant to policy or prepare a case settlement report and the department did not serve the disciplinary action in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?**
In the OIG's opinion, the department attorney provided poor legal advice when she recommended a penalty range that did not apply to off-duty driving, and did not recommend applying an aggravating factor that the officer attempted to conceal his driving by moving to the passenger seat after being pulled over.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.
- **Did the department provide the case settlement report to the OIG and if so, was the form complete and accurate?**
The department attorney did not complete the case settlement report.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on April 3, 2018. However, the department did not serve the disciplinary action until June 5, 2018, 63 days thereafter.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-22	18-0025532-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On November 22, 2017, an officer allegedly slammed an inmate into a wall and onto the ground.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on November 22, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 8, 2018, 78 days after the date of discovery.

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have added a lieutenant and captain as subjects of the investigation for failing to identify the unreasonable use of force.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-24	18-0025246-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On November 24, 2017, an officer allegedly tripped a handcuffed inmate, slammed her to the ground, and jumped on the inmate's back.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.					
Procedural Rating Sufficient			Substantive Rating Insufficient		

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have added an allegation that the officer failed to accurately report his use of force because he did not report the inmate hitting her head on the floor or how she injured her head.

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on February 2, 2018, but did not complete the investigation until August 8, 2018, six months thereafter.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-02	18-0025534-IR	1. Misuse of Authority 2. Discourteous Treatment	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction

Case Type:

Direct Action (No Subject Interview)

Incident Summary

On December 2, 2017, a sergeant allegedly waved his badge in an outside law enforcement officer's face, used foul language, and threatened to have the outside law enforcement officer fired and to destroy a criminal investigation the outside law enforcement officer was conducting in which the sergeant's grandson was a witness.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs, timely conduct the investigative findings conference, or adequately consult with the OIG.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on December 4, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 6, 2018, 64 days after the date of discovery.

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have opened an investigation to interview the sergeant, the outside law enforcement officer, and other witnesses to investigate the conduct of all parties leading up to the incident.

- **In the OIG's opinion, if the hiring authority submitted an appeal, did the Office of Internal Affairs make an appropriate decision regarding the appeal?**

In the OIG's opinion, in response to the hiring authority's appeal, the Office of Internal Affairs should have authorized interviews of the officer, the outside law enforcement officer, and other witnesses.

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

The Office of Internal Affairs returned the matter to the hiring authority on March 7, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until March 29, 2018, 22 days thereafter.

- **In the OIG's opinion, did the hiring authority correctly decide whether additional investigation was necessary?**

In the OIG's opinion, the hiring authority should have determined an investigation was necessary to interview the officer, outside law enforcement officers, and other witnesses but instead, withdrew a prior request for investigation.

- **If the hiring authority determined additional investigation was necessary, did the hiring authority request additional investigation?**

In the OIG's opinion, the hiring authority should have determined an investigation was necessary but instead, withdrew a prior request for investigation.

- **In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**

The hiring authority did not consult with the OIG about withdrawing the request for an investigation.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for eight months. The OIG did not concur with the penalty but did not seek a higher level of review because the penalty was within departmental guidelines. The sergeant did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely conduct the disciplinary findings conference, the department attorney did not prepare the disciplinary action in accordance with policy, and the department did not serve the disciplinary action in compliance with policy. In the OIG's opinion, the hiring authority did not make disciplinary determinations consistent with the evidence.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The hiring authority withdrew the appeal requesting an investigation on May 4, 2018, but did not consult with the OIG and department attorney regarding the disciplinary determinations until July 6, 2018, 63 days thereafter.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline?**
In the OIG's opinion, the hiring authority should have selected disciplinary matrix allegations and causes for discipline consistent with the officer having been inappropriately involved in a law enforcement matter, threatening a private citizen, and using his position as an officer to solicit a privilege.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, the hiring authority should have imposed a greater salary reduction based on the seriousness of the misconduct.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the officer of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 6, 2018. However, the department did not serve the disciplinary action until August 8, 2018, 33 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-05	18-0025974-IR	1. Failure to Report 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Suspension	Suspension

Case Type:

Direct Action (No Subject Interview)

<p>Incident Summary</p> <p>On February 5, 2018, outside law enforcement arrested an officer after he allegedly pushed his wife down a set of stairs. The officer also allegedly failed to report his arrest.</p>	
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 6, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 26, 2018, 48 days after the date of discovery.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have authorized an interview of the officer because statute prohibits taking disciplinary action based solely on an arrest report. However, the Office of Internal Affairs' failure to authorize the interview did not affect the OIG's assessment.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the matter to the hiring authority on April 25, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until May 22, 2018, 27 days thereafter.</i> ◦ In the OIG's opinion, did the hiring authority correctly decide whether additional investigation was necessary? <i>In the OIG's opinion, the hiring authority should have submitted a request to the Office of Internal Affairs to interview the officer because statute prohibits the department from taking disciplinary action based solely on an arrest report. However, the failure to do so did not affect the OIG's assessment.</i> ◦ In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings? <i>In the OIG's opinion, the department attorney should have recommended the hiring authority request an interview of the officer because statute prohibits the department from taking disciplinary action based solely on an arrest report. However, the failure to do so did not affect the OIG's assessment.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and imposed a 60-working-day suspension. The OIG concurred. However, the officer retired before disciplinary action could be taken. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.</p>	

<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>	
<p>Procedural Rating Sufficient</p>	<p>Substantive Rating Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs returned the matter to the hiring authority on April 25, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determination until May 22, 2018, 27 days thereafter.</i></p> <p>◦ Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG?</p> <p><i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i></p> <p>◦ In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?</p> <p><i>The hiring authority did not provide the form documenting the disciplinary determinations to the OIG.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-11	18-0025634-IR	1. Intoxication 2. Intoxication	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

<p>Case Type:</p> <p>Direct Action (No Subject Interview)</p>
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<p>Incident Summary</p> <p>On February 11, 2018, outside law enforcement arrested an officer after the officer allegedly drove his vehicle while under the influence of alcohol.</p>

<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase.</p>
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<p>Procedural Rating Sufficient</p>	<p>Substantive Rating Sufficient</p>
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Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer because statute prohibits the hiring authority from taking disciplinary action based solely on an arrest report. However, the failure to authorize the interview did not effect the OIG's assessment.

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

The department attorney was assigned on March 22, 2018, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until April 17, 2018, 26 days after assignment.

Case Disposition

The hiring authority sustained the allegation, except for an improperly worded allegation, and imposed a 10 percent salary reduction for 12 months. The OIG concurred. However, the officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-22	18-0025975-IR	1. Dishonesty 2. Use of Force	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Administrative Investigation

Incident Summary

On February 22, 2018, an officer allegedly inappropriately deployed pepper spray when an inmate failed to follow orders and allegedly falsely reported the inmate took a bladed stance.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the department attorney did not provide timely feedback regarding the investigative report. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have added a lieutenant and a captain as subjects of the investigation because, after they reviewed all available evidence, they failed to conclude the use of force was not reasonable.

- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**

The special agent provided the draft report to the department attorney on October 23, 2018, but the department attorney did not provide feedback until November 30, 2018, 38 days thereafter.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-24	18-0026165-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
		2. Battery	2. Sustained		
		3. Other Failure of Good Behavior	3. Sustained		
		4. Dishonesty	4. Not Sustained		

Case Type:

Administrative Investigation

Incident Summary

On February 24, 2018, an officer allegedly verbally and physically fought with his girlfriend and was dishonest with outside law enforcement about the cause of his wrist injuries. On March 23, 2018, outside law enforcement arrested the officer after he allegedly grabbed his girlfriend by the neck and pulled her to the ground by her ponytail.

Investigative Phase Assessment

Overall, the department sufficiently complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have opened an administrative investigation to interview the officer, girlfriend, and outside law enforcement to obtain all relevant information.</i> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney made an entry into the case management system. However, he did not identify an applicable exception to the deadline for taking disciplinary action.</i> ◦ In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG? <i>The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.</i>

<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except for an improperly worded allegation, and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</p>

<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>
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Procedural Rating	Substantive Rating
Sufficient	Sufficient

<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG? <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i>

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-20	18-0026170-IR	1. Weapons	1. Sustained	Salary Reduction	Salary Reduction

<p>Case Type: Direct Action (No Subject Interview)</p>

<p>Incident Summary</p> <p>On March 20, 2018, an officer allegedly negligently discharged a firearm in an office while attempting to determine whether the firearm was fully loaded.</p>	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and imposed a 5 percent salary reduction for three months. The OIG did not concur with the penalty but did not seek a higher level of review because the penalty was within the department’s guidelines. The officer did not file an appeal with the State Personnel Board.</p>	
<p>Disciplinary Assessment</p> <p>In the OIG's opinion, the department attorney did not provide appropriate legal advice to the hiring authority and the hiring authority did not make appropriate disciplinary determinations.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations? <i>In the OIG's opinion, the department attorney should have recommended the hiring authority select a disciplinary matrix allegation for gross negligence in handling a duty weapon based on the officer's actions before the weapon discharged and the significant risk of serious injury.</i> ◦ In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline? <i>In the OIG's opinion, the hiring authority should have selected a disciplinary matrix allegation for gross negligence in handling a duty weapon based on the officer's actions before the weapon discharged and the significant risk of serious injury.</i> ◦ In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty? <i>In the OIG's opinion, the hiring authority should have imposed a greater salary reduction based on the severity of the misconduct.</i> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the officer of the right to respond to an uninvolved manager.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-27	18-0026287-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On March 27, 2018, an officer allegedly tested positive for cocaine.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. However, the officer resigned before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the department attorney did not adequately consult with the OIG or prepare the disciplinary action in accordance with policy and the department did not timely serve the disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

- **Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?**
The department attorney did not provide the OIG with the draft disciplinary action before the department served the officer, thereby preventing the OIG from providing feedback.
- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not include a statement of confidentiality for peace officers and did not advise the officer of the right to respond to an uninvolved manager.
- **In the OIG’s opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney did not provide a copy of the draft disciplinary action to the OIG.
- **In the OIG’s opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on June 15, 2018. However, the department did not serve the disciplinary action until July 25, 2018, 40 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-26	18-0026348-IR	1. Discrimination/Harassment 2. Insubordination 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

Case Type:

Direct Action with Subject-Only Interview

Incident Summary

On April 26, 2018, an officer allegedly sexually harassed a transgender inmate by commenting on the inmate's lipstick. On May 24, 2018, the officer allegedly intentionally failed to tell a lieutenant about the comments when the lieutenant questioned him and discussed the incident with another officer after the lieutenant ordered him not to do so.

Investigative Phase Assessment

In the OIG's opinion, the department attorney did not provide appropriate legal advice to the hiring authority and the hiring authority did not make an appropriate determination.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the hiring authority correctly decide whether the investigation was sufficient?**
In the OIG's opinion, the hiring authority should have found the investigation insufficient because interviews of another officer and the lieutenant were necessary to determine whether the dishonesty allegation was true.
- **In the OIG's opinion, did the hiring authority correctly decide whether additional investigation was necessary?**
In the OIG's opinion, the hiring authority should have requested additional investigation to interview the other officer and the lieutenant.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
In OIG's opinion, the department attorney should have recommended the hiring authority request additional investigation to interview the other officer and the lieutenant to thoroughly address the dishonesty allegation.

Case Disposition

The hiring authority sustained the allegations, except that the officer was dishonest to a lieutenant, and imposed a 10 percent salary reduction for nine months. The OIG concurred. The hiring authority entered into a settlement agreement with the officer agreeing to remove the disciplinary action from the officer's official personnel file after one year. The OIG concurred.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not adequately consult with the OIG and did not prepare the disciplinary action in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?**
The department attorney did not provide the OIG with a copy of the draft disciplinary action or consult with the OIG prior to serving the officer.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of his right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-30	18-0026489-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

<p>Case Type: Direct Action (No Subject Interview)</p>	
<p>Incident Summary On April 30, 2018, outside law enforcement arrested an officer after he allegedly grabbed his girlfriend's head and slammed her face into a speaker, causing a visible injury. The officer also allegedly lied to outside law enforcement when he denied battering his girlfriend and causing the injury.</p>	
<p>Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the employee relations officer did not document the deadline for taking disciplinary action and the hiring authority did not timely conduct the investigative findings conference. Also, in the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have opened a full investigation to obtain all relevant information regarding the incident.</i> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the matter to the hiring authority on June 20, 2018. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until July 9, 2018, 19 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition The hiring authority sustained the allegations and decided to dismiss the officer. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</p>	
<p>Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>	

Procedural Rating	Substantive Rating
Sufficient	Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on June 20, 2018. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until July 9, 2018, 19 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-05-29	18-0026958-IR	1. Over-Familiarity 2. Dishonesty 3. Over-Familiarity	1. Sustained 2. Not Sustained 3. Not Sustained	Dismissal	Dismissal

<p>Case Type: Direct Action (No Subject Interview)</p>

<p>Incident Summary Between May 29, 2018, and June 21, 2018, a medical assistant allegedly kissed an inmate and on June 5, 2018, allegedly gave personal food to the inmate. On June 8, 2018, the medical assistant allegedly accepted inmate-manufactured alcohol from the inmate and communicated with the inmate's mother via text message. On June 21, 2018, the medical assistant allegedly lied to a lieutenant regarding her relationship with the inmate.</p>
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<p>Investigative Phase Assessment Overall, the department sufficiently complied with policies governing the investigative phase.</p>

Procedural Rating	Substantive Rating
Sufficient	Sufficient

<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i>
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<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except for dishonesty and an improperly worded allegation, and determined dismissal was the appropriate penalty. The OIG concurred. However, the department ended the medical assistant’s limited term employment before the disciplinary findings conference. Therefore, disciplinary action could not be imposed. The hiring authority placed a letter in the medical assistant’s official personnel file indicating that her limited term status ended pending disciplinary action.</p>	
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-08-02	18-0027677-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal

<p>Case Type:</p> <p>Direct Action (No Subject Interview)</p>
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<p>Incident Summary</p> <p>On August 2, 2018, an officer allegedly tested positive for cocaine.</p>
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<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>

<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
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<p>Case Disposition</p> <p>The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action was served. The hiring authority placed a letter in the officer's official personnel file indicating the officer resigned under unfavorable circumstances.</p>
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<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>

<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2013-04-29	18-0026483-IR	1. Misuse of Authority 2. Other Failure of Good Behavior	1. Sustained 2. Not Sustained	Other	Other
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary Between April 29, 2013, and April 17, 2017 an associate warden allegedly used the department's email to send personal email messages and engaged in relationships with female coworkers in violation of the department's nepotism and fraternization policy.</p>					
<p>Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase. The special agent conducted an extremely thorough investigation and continuously consulted with the department attorney and the OIG.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action? <i>The Office of Internal Affairs did not complete the investigation and submit the matter to the hiring authority until November 26, 2018, two years and six months after the deadline to take disciplinary action for some of the alleged misconduct. However, the delay was due to the hiring authority's inability to discover the alleged misconduct until an anonymous person reported it.</i> ◦ Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation? <i>The Office of Internal Affairs did not complete the investigation and submit the matter to the hiring authority until November 26, 2018, two years and six months after the deadline to take disciplinary action for some of the alleged misconduct. However, the delay was due to the hiring authority's inability to discover the alleged misconduct until an anonymous person reported it.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in prior questions.</i> 					
<p>Case Disposition The hiring authority sustained the allegation the associate warden used the department's email to send personal email messages, but not the remaining allegation, and provided training to the associate warden. The OIG concurred.</p>					

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not complete the disciplinary findings conference until after the deadline to take disciplinary action.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action? <i>The hiring authority did not conduct the findings and penalty conference until December 14, 2018, two years and six months after the deadline to take disciplinary action for some of the alleged misconduct. However, the delay was due to the hiring authority's inability to discover the alleged misconduct until after an anonymous person reported it.</i></p> <p>In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-01-01	18-0027012-IR	1. Dishonesty 2. Sexual Misconduct 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary Between January 1, 2014, and February 28, 2015, an officer allegedly exchanged sexually explicit photographs with a minor via social media and between July 1, 2014, and December 2014, allegedly engaged in a sexual relationship with the minor. On June 13, 2018, the officer allegedly admitted having a sexual relationship with the minor but lied to outside law enforcement regarding the extent of the relationship.</p>					
<p>Investigative Phase Assessment Overall, the department sufficiently complied with policies governing the investigative phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney did not consider an exception to the deadline for taking disciplinary action based on criminal tolling.

Case Disposition
 The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment
 Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating Sufficient	Substantive Rating Sufficient
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Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-03-04	18-0024987-IR	1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment 4. Misuse of State Equipment or Property 5. Dishonesty 6. Insubordination 7. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained	Dismissal	Dismissal

Case Type:
 Administrative Investigation

Incident Summary

On March 4, 2015, an Office of Correctional Safety senior special agent allegedly failed to notify the department he owned a private business and between October 4, 2016, and September 7, 2017, allegedly lied on six timesheets. On July 27, 2017, the senior special agent allegedly prepared an inadequate memorandum his supervisor instructed him to prepare. On November 16, 2017, the senior special agent allegedly used profanity toward his supervisor and called a chief deputy derogatory names. Between August 1, 2017, and August 24, 2017, the senior special agent allegedly flexed his work hours without authorization and on August 3, 2017, and August 4, 2017, allegedly failed to report to his office to supervise an escape investigation and a dispute among staff members. On October 2, 2017, and October 6, 2017, the senior special agent allegedly used his state-issued mobile phone for non-work related purposes and between January 8, 2018, and January 12, 2018, allegedly failed to attend mandatory training.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on July 27, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 20, 2017, five months after the date of discovery.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 19, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until July 20, 2018, 31 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained allegations the senior special agent lied in four timesheets, used profanity toward his supervisor, called a chief deputy derogatory names, used his state-issued mobile phone for non-work related purposes, and failed to report to his office to resolve a dispute among staff members, but not the remaining allegations, and determined dismissal was the appropriate penalty. The OIG concurred. However, the senior special agent retired before the disciplinary action took effect. The hiring authority placed a letter in the senior special agent's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority 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 19, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until July 30, 2018, 41 days thereafter.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-04-17	16-0001913-IR	1. Unreasonable Use of Force 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On April 17, 2015, an officer allegedly punched an inmate in the jaw. Three other officers allegedly witnessed the incident and failed to report it, and a sergeant and lieutenant allegedly witnessed or were aware of the incident and failed to report it. A fifth and sixth officer allegedly called the inmate a derogatory racial name, and the sixth officer allegedly made a racial gesture toward the inmate.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. As a result, the deadline for taking disciplinary action against one of the officers expired before the referral and witnesses were unable to recall relevant details.					
Procedural Rating Insufficient			Substantive Rating Insufficient		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct against the sixth officer on June 1, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 29, 2016, two months after the deadline for taking disciplinary action against the sixth officer and nearly 14 months after the earliest date of discovery. As a result, some witnesses were unable to recall relevant details.
- **Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action?**
The deadline for taking disciplinary action for the sixth officer's alleged misconduct was June 1, 2016, but the Office of Internal Affairs did not complete the investigation until January 24, 2017.
- **Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation?**
The deadline for taking disciplinary action for the sixth officer's alleged misconduct was June 1, 2016, but the Office of Internal Affairs did not complete the investigation until January 24, 2017.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-07-07	17-0024257-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand

Case Type:

Administrative Investigation

Incident Summary

Between July 7, 2015, and December 15, 2015, four case records analysts and one managing counselor allegedly failed to conduct an adequate review of an inmate's commitment documents when calculating his release date, resulting in the inmate being released from the institution 11 years early. A fifth case records analyst allegedly conducted an inadequate post-release review of the inmate's parole file, allowing the inmate to remain on parole.

Investigative Phase Assessment

Overall, the department complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**
The special agent did not consult with the OIG before scheduling a case records analyst's interview, preventing the OIG from attending.

Case Disposition

The hiring authority sustained the allegations against four case records analysts and issued letters of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the managing counselor and the fifth case records analyst. The OIG concurred with the hiring authority's determinations. The case records analysts did not file appeals with the State Personnel Board.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the case records analysts of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-01	18-0025902-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
		2. Sexual Misconduct	2. Sustained		
		3. Discrimination/Harassment	3. Sustained		
		4. Misuse of Authority	4. Sustained		
		5. Other Failure of Good Behavior	5. Sustained		
		6. Misuse of State Equipment or Property	6. Sustained		
		7. Sexual Misconduct	7. Not Sustained		

Case Type:

Administrative Investigation

Incident Summary

Between September 1, 2015, and April 14, 2018, a staff services manager allegedly inappropriately touched and made sexual comments and gestures toward subordinate staff, made racial jokes, and directed subordinate staff to work on his personal projects using state computers. Between November 1, 2017, and March 18, 2018, the staff services manager allegedly lied to a supervisor and between November 1, 2017, and April 10, 2018, allegedly directed subordinate staff to delete computer files that contained his personal projects. On March 23, 2018, the staff services manager allegedly made a racial comment and on July 19, 2018, allegedly lied during his interview with the Office of Internal Affairs.

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigative phase. In addition, the special agent, who was reassigned to investigate the allegations, completed a very complicated and thorough investigation approximately one month after assignment.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Case Disposition

The hiring authority sustained the allegations, except for one allegation that the staff services manager inappropriately touched subordinate staff, and determined dismissal was the appropriate penalty. The OIG concurred. However, the staff services manager resigned before disciplinary action could be imposed. The hiring authority placed a letter in the staff services manager's official personnel file indicating he resigned under unfavorable circumstances.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-01	17-0023405-IR	1. Discrimination/Harassment	1. Sustained	Suspension	Salary
		2. Confidential Information	2. Sustained		Reduction
		3. Discourteous Treatment	3. Sustained		
		4. Misuse of State Equipment or Property	4. Sustained		
		5. Discrimination/Harassment	5. Not Sustained		
		6. Neglect of Duty	6. Not Sustained		

Case Type:

Administrative Investigation

Incident Summary

Between November 1, 2015, and February 22, 2017, a program chief allegedly made racially-discriminatory statements about her staff members, discriminated against them based on perceived sexual orientation and disabilities, and made sexual and inappropriate comments. On March 17, 2016, the chief and a staff services manager allegedly used state equipment to print personal documents.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner. In the OIG's opinion, the special agent did not properly conduct interviews, adequately consult with the OIG, or complete the investigation in a timely manner.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs special agent conduct thorough interviews and conduct the interviews in a professional manner?**
In the OIG's opinion, at times the special agent asked leading questions, argued with witnesses, and asked questions framed in a manner that assumed the truth of the allegations.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on July 19, 2017, but did not complete the investigation until April 24, 2018, nine months thereafter.
- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**
In the OIG's opinion, the special agent obtained documents from a witness, unilaterally determined they were not relevant, and returned them to the witness without retaining a copy or consulting the OIG.
- **In the OIG's opinion, did the Office of Internal Affairs conduct a thorough investigation that addressed all relevant information?**
In the OIG's opinion, the special agent asked leading questions, thereby losing the opportunity to assess witness credibility by not asking open-ended questions.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 24, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 21, 2018, 58 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
One delay is addressed in a prior question. Also, the special agent, department attorney, and the OIG agreed on December 18, 2017, that no further interviews were necessary, but the special agent did not complete the investigative report until April 24, 2018, more than four months thereafter.

Case Disposition

The hiring authority sustained the allegations against the chief, except for improperly worded allegations, and imposed a 40-working-day suspension. The OIG concurred. Following a *Skelly* hearing, the department entered into a settlement agreement with the chief modifying the suspension to a 5 percent salary reduction for 40 months. The OIG did not concur but did not seek a higher level of review because the salary reduction was the monetary equivalent to the suspension. The hiring authority sustained the allegation against the staff services manager and issued a letter of instruction. The OIG concurred.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 24, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 21, 2018, 58 days thereafter.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-09	18-0027857-IR	1. Dishonesty	1. Not Sustained	No Penalty	No Penalty
		2. Other Failure of Good Behavior	2. Not Sustained	Imposed	Imposed

Case Type:

Administrative Investigation

Incident Summary

On November 9, 2015, a cadet allegedly associated with a prison gang, lied to investigators during an employment background interview regarding his gang affiliation, and failed to disclose his gang affiliation. On May 6, 2016, the cadet allegedly lied during a background interview and on August 20, 2018, allegedly failed to disclose information during a background interview.

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-15	16-0001727-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
		2. Use of Force	2. Not Sustained		

Case Type: Administrative Investigation	
Incident Summary On November 15, 2015, a sergeant and four officers allegedly dumped an inmate out of his wheelchair, dragged him by the arms, slammed a door on him, and failed to report it. A fifth officer allegedly observed the use of force and failed to report it. On October 11, 2016, the sergeant and first officer allegedly lied during their interviews with the Office of Internal Affairs. On November 14, 2016, the second officer allegedly lied during his interview with the Office of Internal Affairs.	
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not make a timely entry into the case management system or sufficiently attend interviews.	
Procedural Rating Insufficient	Substantive Rating Sufficient
Assessment Questions	
<ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 16, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 25, 2016, 70 days after the date of discovery.</i> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney was assigned on June 16, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 22, 2016, more than two months after assignment.</i> ◦ Did the department attorney attend key witness interviews to assess witness demeanor and credibility? <i>The department attorney arrived late for one of the officer's interviews and on a second occasion, missed a witness interview.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on June 8, 2016, but did not complete the investigation until February 23, 2017, more than eight months thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Case Disposition

The hiring authority sustained the allegations the sergeant and two officers were dishonest, but not the remaining allegations against them or the other officers, and served the sergeant and the first officer a notice of dismissal and the second officer a 60-working-day suspension. The second officer received a lesser penalty because during his interview with the Office of Internal Affairs, he ultimately accepted responsibility. The OIG concurred. The sergeant and two officers filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the second officer reducing the penalty to a 45-working-day suspension. The OIG did not concur but did not seek a higher level of review because the penalty was within the specified range for the misconduct. Following a hearing, the State Personnel Board revoked the sergeant's dismissal but upheld the officer's dismissal. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the sergeant's credible denials.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not timely provide the pre-hearing settlement conference statement to the OIG and the hiring authority entered into a settlement agreement without sufficient justification.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed?**
The department attorney did not provide a draft pre-hearing settlement conference statement to the OIG for review and did not provide a copy of the final pre-hearing settlement conference statement until one week after the settlement conference.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority did not identify any new evidence, flaws, or risks justifying the reduction of the second officer's 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 decision to reduce the second officer's penalty because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The insufficiency is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-01	16-0002093-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Direct Action with Subject-Only Interview

<p>Incident Summary</p> <p>Between May 1, 2016, and May 15, 2016, an officer allegedly sexually assaulted his niece, resulting in the officer's arrest on November 26, 2018.</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the Office of Internal Affairs did not make a timely determination regarding the request for investigation.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on July 29, 2016, but did not take action until November 30, 2016, four months after receipt of the request. During that time, the Office of Internal Affairs consulted with outside law enforcement regarding the status of the criminal investigation.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 30, 2016, but did not complete the investigation until January 22, 2018, almost 14 months thereafter. During that time, the matter was under criminal investigation and the district attorney asked the special agent not to conduct interviews until after the criminal trial.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition</p> <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-02	16-0001708-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary</p> <p>On May 2, 2016, an officer allegedly pulled a 17-year-old from a vehicle and physically assaulted her in a parking lot, resulting in an on-scene response by outside law enforcement.</p>					
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase.</p>					

Procedural Rating		Substantive Rating			
Sufficient		Sufficient			
Assessment Questions					
<ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have opened an investigation to clarify the facts, including interviewing witnesses who were present during the incident, and because statute prohibits the department from taking disciplinary action base solely on an arrest report. The OIG elevated the matter to an Office of Internal Affairs manager, who also decided an investigation was not warranted.</i> 					
Case Disposition					
The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-02	16-0001857-IR	1. Neglect of Duty 2. Use of Force	1. Sustained 2. Not Sustained	Salary Reduction	No Penalty Imposed
Case Type:					
Direct Action with Subject-Only Interview					
Incident Summary					
On May 2, 2016, a sergeant allegedly struck a ward with a baton while the ward was on the floor and had stopped fighting, failed to accurately document his use of force, and inappropriately sought information from wards about his use of force.					
Investigative Phase Assessment					
The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. In the OIG's opinion, the department attorney did not provide adequate advice to the special agent regarding the investigative report.					
Procedural Rating		Substantive Rating			
Insufficient		Sufficient			

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on May 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 18, 2016, 73 days after the date of discovery.

- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**

In the OIG's opinion, the department attorney neglected to recommend including references to critical policy and training materials and failed to recommend including a summary of the surveillance visual recording used during the sergeant's interview.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation the sergeant failed to accurately document his use of force, but not that he struck the ward with a baton after he was on the floor, and imposed a 5 percent salary reduction for three months. The OIG concurred. The department attorney sought a higher level of review because the hiring authority sustained the allegation that the sergeant failed to accurately document his use of force. At the higher level of review, the hiring authority's supervisor upheld the hiring authority's decision and added an allegation that the sergeant inappropriately sought information from wards about his use of force, but the penalty remained the same. The OIG concurred with the determination. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the allegation that the sergeant inappropriately sought information from wards about his use of force, but not that the sergeant failed to accurately document his use of force, and upheld the penalty. The sergeant filed a petition for rehearing. Following the petition for rehearing, the State Personnel Board revoked the salary reduction, finding there was no known duty prohibiting the sergeant from contacting wards to ascertain facts about the incident.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not advise the sergeant of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-10	18-0026420-IR	1. Dishonesty 2. Failure to Report 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 10, 2016, an officer allegedly intentionally omitted from her personal history statement her relationship with a former inmate and on November 23, 2017, and November 28, 2017, allegedly accepted employment with the department without disclosing the relationship.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations, except an improperly worded allegation, and served a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary action in accordance with policy and the department did not serve the disciplinary action in accordance with policy.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on October 1, 2018. However, the department did not serve the disciplinary action until November 8, 2018, 38 days later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-06	18-0027663-IR	1. Discrimination/Harassment	1. Sustained	Letter of Instruction	Letter of Instruction
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary On July 6, 2016, an officer allegedly sent inappropriate sexual messages to another officer using a state computer.</p>					
<p>Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the employee relations officer did not assess relevant dates and the hiring authority did not conduct the investigative findings conference in a timely manner.</p>					
<p>Procedural Rating Insufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the case to the hiring authority on October 17, 2018. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until November 26, 2018, 40 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
<p>Case Disposition The hiring authority sustained the allegation and issued a letter of instruction. The OIG concurred.</p>					
<p>Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs returned the case to the hiring authority on October 17, 2018. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until November 26, 2018, 40 days thereafter.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-24	16-0002030-IR	1. Weapons	1. Sustained	Letter of Instruction	Letter of Instruction

Case Type:

Direct Action (No Subject Interview)

Incident Summary

On August 24, 2016, an officer allegedly negligently discharged one round from a firearm, striking a bathroom counter in his home.

Investigative Phase Assessment

Overall, the department sufficiently complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs returned the case to the hiring authority on November 9, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until December 16, 2016, 37 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation and issued a letter of instruction. The OIG concurred.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner. The department attorney did not provide written confirmation of penalty discussions.

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on November 9, 2016. However, the hiring authority did not consult with the OIG and department attorney until December 16, 2016, 37 days thereafter.</i> ◦ Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG? <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-01	17-0023718-IR	1. Dishonesty 2. Over-Familiarity 3. Contraband 4. Over-Familiarity 5. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal

Case Type:
Administrative Investigation

Incident Summary
Between November 1, 2016, and December 30, 2016, an officer allegedly had personal communications with inmates and an inmate’s visitor, conspired with an inmate’s visitor to introduce mobile phones into the institution, received a bribe, and introduced a mobile phone into the institution. On September 20, 2018, the officer allegedly lied during his interview with the Office of Internal Affairs.

Investigative Phase Assessment
The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not make a timely or complete entry into the case management system, modify the deadline to take disciplinary action, or timely consult with the Office of Internal Affairs or the OIG. However, the special agent completed a complicated and thorough investigation with less than 45 days remaining to take disciplinary action.

Procedural Rating Insufficient	Substantive Rating Sufficient
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Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on January 9, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 18, 2017, six months after the date of discovery.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney was assigned on August 17, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 4, 2017, 48 days after assignment. In addition, the entry did not reference any specific dates.
- **No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct?**
The department attorney was assigned on August 17, 2017, but did not contact the special agent or the OIG to discuss the elements of a thorough investigation until October 4, 2017, 48 days after assignment.
- **In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?**
The department attorney did not modify the deadline for taking disciplinary action after the Office of Internal Affairs opened a criminal investigation creating an exception to the deadline to take disciplinary action.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on August 16, 2017, but did not complete the investigation until September 26, 2018, 13 months thereafter. However, the administrative investigation was tolled from December 4, 2017, to September 14, 2018, because of a criminal investigation.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegations, except for two improperly worded allegations, and served the officer a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase. In addition, the department attorney and the hiring authority performed very well in completing the process with less than 45 days remaining to take disciplinary action.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-01	17-0024441-IR	1. Confidential Information 2. Neglect of Duty 3. Misuse of State Equipment or Property 4. Over-Familiarity 5. Confidential Information	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type:

Administrative Investigation

Incident Summary

Between November 1, 2016, and November 15, 2017, two officers allegedly accessed confidential inmate information without a business reason, allowed inmates to access other inmates' confidential information, and were overly familiar with inmates by allowing them to access confidential information. One of the officers allegedly disclosed confidential information about one inmate to a second inmate.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on July 11, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 19, 2017, three months after the date of discovery.

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 15, 2017, but did not complete the investigation until June 20, 2018, seven months later.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations, except for being overly familiar with inmates and allowing them to access confidential information, and imposed 10 percent salary reductions for 24 months on each officer. The OIG concurred. The officers filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the hiring authority reached a settlement agreement with the officers reducing their penalties to 10 percent salary reductions for three months and agreeing to remove the disciplinary actions from their official personnel files after 12 months. The OIG did not concur but did not seek a higher level of review because the officers accepted responsibility and the discipline can be used for progressive discipline.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary actions in accordance with policy and the department did not serve the disciplinary actions in accordance with policy. In the OIG's opinion, the hiring authority reduced the penalties lower than the misconduct warranted.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the officers of the right to respond to an uninvolved manager.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
In the OIG's opinion, the reduced salary reductions did not reflect the severity of the misconduct.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on June 27, 2018. However, the department did not serve the disciplinary actions until August 3, 2018, 37 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-11	18-0026491-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
		2. Over-Familiarity	2. Sustained		
		3. Confidential Information	3. Sustained		
		4. Other Failure of Good Behavior	4. Sustained		
		5. Other Failure of Good Behavior	5. Not Sustained		

Case Type:

Direct Action (No Subject Interview)

<p>Incident Summary</p> <p>Between December 11, 2016, and June 16, 2017, an officer allegedly sent text messages to an inmate. Between June 1, 2017, and June 14, 2017, the officer allegedly conspired with the inmate to obtain and provide confidential information to the inmate, provided confidential records to the inmate, conspired with and aided the inmate in attacking another inmate, and concealed the commission of that crime. On January 25, 2018, the officer allegedly lied during her interview with the Office of Internal Affairs.</p>					
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <p><i>The employee relations officer did not make an entry into the case management system confirming relevant dates.</i></p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except for improperly worded allegations, and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.</p>					
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-14	17-0024152-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Reprimand	Letter of Reprimand
<p>Case Type:</p> <p>Administrative Investigation</p>					
<p>Incident Summary</p> <p>On December 14, 2016, a parole agent allegedly used a shovel to remove and damage surveillance cameras from a parolee's residence and lied to outside law enforcement about the incident.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					

Procedural Rating Sufficient	Substantive Rating Sufficient
<p>Case Disposition</p> <p>The hiring authority sustained the allegation the parole agent removed the cameras, but not the remaining allegations, and served a letter of reprimand. The OIG concurred. The parole agent did not file an appeal with the State Personnel Board.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department did not prepare or serve the disciplinary action in accordance with policy.</p>	
Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the parole agent of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on May 10, 2018. However, the department did not serve the disciplinary action until July 27, 2018, 78 days later.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-29	18-0025581-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	Letter of Reprimand
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary</p> <p>On December 29, 2016, a lieutenant allegedly received and failed to act on information that an inmate confessed to killing another inmate.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating Sufficient	Substantive Rating Sufficient				

<p>Case Disposition</p> <p>The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred. After a <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement with the lieutenant in which he agreed to remove the letter of reprimand from the lieutenant's official personnel file after one year. The OIG concurred because the lieutenant accepted responsibility and expressed remorse.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because it did not prepare or serve the disciplinary action in accordance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the lieutenant of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on June 8, 2018. However, the department did not serve the disciplinary action until July 12, 2018, 34 days later.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-05	18-0025814-IR	1. Use of Force 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary</p> <p>On January 5, 2017, an officer allegedly grabbed an inmate by the neck, slammed her into a wall, and held the inmate's head in the crook of his elbow. A sergeant and a second officer allegedly punched the inmate in the back, slammed her head into a wall, and twisted her arms. During the incident, the inmate's pants fell down, and the officers and sergeant allegedly escorted her to a holding cell with her buttocks exposed.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority delayed referring the matter to the Office of Internal Affairs. In the OIG's opinion, the department attorney did not adequately assess the deadline for taking disciplinary action or provide adequate legal advice to the special agent.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on January 5, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 15, 2018, more than 13 months after the date of discovery.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney did not note an exception to the deadline to take disciplinary action based on pending civil litigation.
- **In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation?**
In the OIG's opinion, the department attorney should have recommended to the special agent that the inmate's attorney be invited to attend the inmate's interview.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 12, 2018, but did not complete the investigation until October 30, 2018, more than six months thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-21	17-0022207-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type:

Administrative Investigation

Incident Summary

On January 21, 2017, an officer was allegedly involved in a motor vehicle accident, fled the scene of the accident without contacting outside law enforcement, and lied to outside law enforcement when interviewed regarding the accident. On October 5, 2017, the officer allegedly lied during his Office of Internal Affairs interview.

Investigative Phase Assessment

Overall, the department sufficiently complied with polices covering the investigative phase.

Procedural Rating Sufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have added dishonesty allegations and opened a full investigation because the evidence showed the officer falsely reported his actions to outside law enforcement and his supervisor, and there were factual questions that required an investigation.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 15, 2017, but did not complete the investigation until August 8, 2018, almost nine months later. The officer was the subject of a criminal prosecution during this time.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department did not prepare or serve the disciplinary action in accordance with policy.</p>	
Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on August 21, 2018. However, the department did not serve the disciplinary action until September 25, 2018, 35 days later.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-01	17-0023573-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Dishonesty 5. Use of Force	1. Sustained 2. Sustained 3. Not Sustained 4. Unfounded 5. Unfounded	Demotion	Demotion
Case Type: Administrative Investigation					
Incident Summary On February 1, 2017, two officers allegedly deployed pepper spray on an inmate and tackled the inmate to the ground without justification. On February 3, 2017, one of the officers allegedly lied to a lieutenant regarding the incident, and on February 8, 2017, the second officer allegedly lied to the lieutenant. On March 1, 2017, an associate warden allegedly ordered the lieutenant to alter a report about the incident to resemble reports the officers and a second lieutenant submitted. On March 8, 2017, the first lieutenant allegedly lied in a report regarding the incident, and on February 21, 2017, and March 17, 2017, the associate warden allegedly failed to identify discrepancies between reports relating to the same incident.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and incorrectly completed two forms.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 3, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 3, 2017, five months after the date of discovery.</i> ◦ In the OIG's opinion, did the department completely and correctly complete the form documenting the investigative findings? <i>The investigative findings forms for the officers referenced an incorrect finding of not sustained instead of unfounded.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					

Case Disposition

The hiring authority sustained the allegations the associate warden neglected his duty, but not that he was dishonest, and imposed a ten-working-day suspension. The hiring authority sustained the dishonesty allegation against the lieutenant and demoted him to officer. The hiring authority found the investigation conclusively proved the two officers did not commit the alleged misconduct. The OIG agreed with the hiring authority's determinations except for the lieutenant's penalty. The OIG did not seek a higher level of review because the penalty was within the disciplinary guidelines. The associate warden and lieutenant each filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with each. The hiring authority reduced the associate warden's penalty to a two-working-day suspension and reduced the lieutenant's demotion to 18 months and agreed to remove the disciplinary action from his official personnel file after 18 months. The OIG did not concur with the settlement agreements. However, the OIG did not seek a higher level of review because the settlement terms were within disciplinary guidelines.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department did not serve the disciplinary actions in accordance with policy and the department attorney prepared a disciplinary action that contained incorrect information. In the OIG's opinion, the hiring authority did not select the appropriate penalty for the lieutenant and entered into settlement agreements without justification.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, the hiring authority should have dismissed the lieutenant instead of demoting him because the presumptive penalty for dishonesty is dismissal and there were insufficient mitigating factors to justify a lower penalty.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action for the associate warden cited an incorrect time limit for seeking review by an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
In the OIG's opinion, the hiring authority did not identify any new evidence, flaws, or risks justifying the reductions.
- **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 settlements because the hiring authority did not identify any new evidence, flaws, or risks justifying the reductions.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action against the associate warden on December 12, 2017, but did not serve the disciplinary action until January 30, 2018, 49 days later. The hiring authority decided to take disciplinary action against the lieutenant on December 22, 2017, but did not serve the disciplinary action until January 31, 2018, 40 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-27	18-0027770-IR	1. Sexual Misconduct 2. Over-Familiarity	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between February 27, 2017, and September 21, 2017, an office assistant allegedly engaged in sexual misconduct with an inmate and introduced a mobile phone into the institution for the inmate.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not timely assess the deadline to take disciplinary action, the hiring authority did not conduct the investigative findings conference in a timely manner, and the department did not complete a required form.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney was assigned November 1, 2018, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 13, 2018, 42 days later. However, during that time, the department delayed providing the case documents to the department attorney until December 4, 2018.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the matter to the hiring authority on October 31, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until December 14, 2018, 44 days thereafter.</i> ◦ In the OIG's opinion, did the department completely and correctly complete the form documenting the investigative findings? <i>The department did not complete the form documenting the investigative findings.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the office assistant resigned before disciplinary action could be imposed. The hiring authority placed a letter in the office assistant's official personnel file indicating she resigned pending disciplinary action.					

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department did not prepare a required form.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>				
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the matter to the hiring authority on October 31, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 14, 2018, 44 days thereafter.</i> ◦ In the OIG's opinion, did the department completely and correctly complete the form documenting the disciplinary determinations? <i>The department did not complete the form documenting the disciplinary determinations.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
<p>Incident Date</p> <p>2017-03-23</p>	<p>OIG Case Number</p> <p>17-0023416-IR</p>	<p>Allegations</p> <p>1. Neglect of Duty</p>	<p>Findings</p> <p>1. Sustained</p>	<p>Initial Penalty</p> <p>Salary Reduction</p>	<p>Final Penalty</p> <p>Modified Salary Reduction</p>
<p>Case Type:</p> <p>Administrative Investigation</p>					
<p>Incident Summary</p> <p>On March 23, 2017, two officers allegedly failed to properly conduct inmate security and welfare checks. Officers later found an inmate hanging with obvious signs of death.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority delayed referring the matter to the Office of Internal Affairs.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on March 23, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 29, 2017, 98 days after the date of discovery.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have added allegations the officers were dishonest because they documented observing a living and breathing inmate during their security and welfare checks yet the inmate had already committed suicide.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 12 months against the first officer and a letter of reprimand against the second officer. The hiring authority imposed a salary reduction for the first officer because he improperly performed three inmate security checks while the second officer improperly performed one inmate security check. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement reducing the first officer's penalty to a 5 percent salary reduction for eight months. The OIG concurred because the officer accepted responsibility, expressed remorse, and changed the way he approaches his job to reduce the likelihood of recurrence. The second officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare disciplinary actions in compliance with policy or timely complete the case settlement report and the department did not serve the disciplinary actions in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary actions did not advise the officers of their right to respond to an uninvolved manager.

- **Did the department provide the case settlement report to the OIG and if so, was the form complete and accurate?**

The department attorney did not provide the case settlement report to the OIG until two months after the State Personnel Board approved the settlement.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on January 23, 2018. However, the department did not serve the first officer with his disciplinary action until March 15, 2018, 51 days thereafter, and did not serve the second officer until March 20, 2018, 56 days after the decision.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-29	17-0023269-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Suspension	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On March 29, 2017, four youth counselors allegedly left a ward unattended and failed to return the ward to his assigned room, failed to conduct welfare checks, and falsely documented the welfare checks were conducted. One of the youth counselors allegedly falsely documented conducting a count she did not conduct.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference and the Office of Internal Affairs did not take action on the hiring authority's request in a timely manner.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on March 29, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 5, 2017, 68 days after the date of discovery.
- **Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days?**
The Office of Internal Affairs received the request for investigation on June 5, 2017, but did not take action until July 6, 2017, 31 days after receipt of the request.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 23, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until December 13, 2017, 51 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegations, except that the fourth youth counselor neglected to return the ward to his room, and imposed a 60-working-day suspension on the first youth counselor, 10 percent salary reductions for 24 months on the second and third youth counselors, and a 10 percent salary reduction for 18 months on the fourth youth counselor. The hiring authority identified a penalty less than dismissal based on their lengths of employment with the department, the youth counselors were forthright and truthful during their investigative interviews, and the misconduct was correctable through discipline. The penalties varied based on their lengths of service and levels of culpability. The OIG concurred with the hiring authority's determinations. After the first youth counselor's *Skelly* hearing, the hiring authority entered into a settlement agreement modifying the first youth counselor's penalty to a 10 percent salary reduction for 30 months. The OIG concurred because the monetary penalty remained the same. The other three youth counselors each filed appeals with the State Personnel Board. Prior to the State Personnel Board hearing, the second and third youth counselors presented new evidence that they have implemented new procedures for tracking wards and trained others regarding these procedures. Based on this new information, the hiring authority entered into settlement agreements with them reducing their penalties to 10 percent salary reductions for 21 months and agreeing to remove the disciplinary actions from their official personnel files after 21 months. The OIG did not concur but did not seek a higher level of review because the penalty reductions were not significant. The department entered into a settlement agreement with the fourth youth counselor reducing the penalty to a 10 percent reduction for 13 months and removing dishonesty from the disciplinary action because newly discovered evidence did not support the allegation. The OIG concurred because of the evidentiary issue and the penalty reduction was not significant.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department did not serve the disciplinary actions in accordance with policy, the hiring authority did not timely conduct the disciplinary findings conference and did not timely respond to the department attorney, and the department attorney did not prepare the disciplinary actions in accordance with policy or timely provide the case settlement report to the OIG. In the OIG's opinion, the hiring authority inappropriately modified two penalties.

Procedural Rating Insufficient	Substantive Rating Sufficient
Assessment Questions	
<ul style="list-style-type: none"> <p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 23, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 13, 2017, 51 days thereafter.</i></p> <p>◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary actions did not advise the youth counselors of their right to respond to an uninvolved manager.</i></p> <p>◦ Did the department's advocate who appeared at the pre-hearing settlement conference have full settlement authority or the ability to obtain authority immediately by telephone? <i>At the pre-hearing settlement conference, the hiring authority failed to respond to the department attorney's telephone calls regarding settlement discussions for 45 minutes, during which time the administrative law judge requested numerous updates.</i></p> <p>◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlements with the second and third counselors because of the seriousness of the misconduct.</i></p> <p>◦ In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The department attorney did not provide the case settlement report to the OIG until 38 days after approval of the settlement.</i></p> <p>◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>One delay is addressed in a prior question. Also, the department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on December 14, 2017. However, the department did not serve one disciplinary action until March 1, 2018, 77 days later, and the other three disciplinary actions until March 2, 2018, 78 days after the decision.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-01	18-0026778-IR	1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity	1. Sustained 2. Sustained 3. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					

Incident Summary

Between April 1, 2017, and June 25, 2017, a case records analyst allegedly engaged in sexual misconduct with an inmate and on June 25, 2017, allegedly lied to two officers and a lieutenant regarding her relationship with the inmate.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the department attorney did not correctly assess the deadline to take disciplinary action and provided incorrect legal advice to the hiring authority regarding the deadline to take disciplinary action.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

In the OIG's opinion, the department attorney incorrectly determined the misconduct date was June 25, 2017, when the alleged misconduct occurred on April 1, 2017, and incorrectly applied an exception to the deadline based on tolling during the pendency of a criminal prosecution when this exception only applies to peace officers.

- **In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?**

In the OIG's opinion, the department attorney incorrectly applied an exception to the deadline that only applies to peace officers.

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

The Office of Internal Affairs returned the matter to the hiring authority on July 18, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation until August 13, 2018, 26 days later.

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**

In the OIG's opinion, the department attorney incorrectly advised the hiring authority that the deadline to take disciplinary action was tolled by the criminal prosecution when this exception only applies to peace officers.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations and dismissed the case records analyst. The OIG concurred. The case records analyst filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the department entered into a settlement in which the case records analyst agreed to resign. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the settlement ensured the case records analyst would not be able to work for the department or enter any institution.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney was not timely prepared to discuss the disciplinary determinations and did not draft the disciplinary action in compliance with policy. In the OIG's opinion, the hiring authority should not have allowed the case records analyst to resign in lieu of dismissal.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs returned the matter to the hiring authority on July 18, 2018, and the consultation was scheduled for August 3, 2018. However, the department attorney was not prepared, and the consultation was rescheduled for August 13, 2018, 26 days after the matter was returned.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the case records analyst of the right to respond to an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction and the misconduct was so serious that modifying the dismissal to a resignation was not warranted.
- **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 the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction and the misconduct was so serious that modifying the dismissal to a resignation was not warranted.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-30	18-0025303-IR	1. Neglect of Duty 2. Confidential Information	1. Sustained 2. Not Sustained	Suspension	Salary Reduction

Case Type:

Administrative Investigation

Incident Summary

On May 30, 2017, an officer allegedly revealed confidential information about an inmate to a second inmate resulting in the first inmate being stabbed. On June 7, 2017, the officer allegedly revealed confidential information about a third inmate to a fourth inmate, thereby endangering the safety of the third inmate, and made a rude comment to the fourth inmate about the third inmate's criminal history.

<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority delayed referring the matter to the Office of Internal Affairs and did not conduct the investigative findings conference in a timely manner and the Office of Internal Affairs did not timely address the hiring authority's request for investigation.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 7, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs July 31, 2017, 54 days after the date of discovery.</i> ◦ Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on July 31, 2017, but did not take action until September 27, 2017, 58 days after receipt of the request.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on September 27, 2017, but did not complete the investigation until June 15, 2017, more than eight months thereafter.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 15, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 26, 2018, 41 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations regarding the third and fourth inmates, but not the other allegations, and imposed a 30-working-day suspension. 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 reducing the penalty to a 5 percent salary reduction for 20 months. The OIG concurred because the officer took responsibility for his misconduct and expressed remorse.</p>	
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with polices governing the disciplinary phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>

Assessment Questions

- **Did the hiring authority 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 15, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 26, 2018, 41 days thereafter.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-01	17-0024599-IR	1. Dishonesty 2. Failure to Report 3. Insubordination 4. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between June 1, 2017, and August 7, 2017, a sergeant allegedly failed to initiate security protocols after being informed an inmate committed an act of indecent exposure, and allegedly directed an officer to not report the indecent exposure. On August 8, 2017, the sergeant allegedly lied to a lieutenant. On September 16, 2017, the sergeant allegedly discussed details of a discrimination complaint after being directed not to discuss it. On October 3, 2017, the sergeant allegedly lied to an associate warden.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not timely provide the hiring authority and the OIG with recommendations regarding the investigative findings. In the OIG's opinion, the department attorney provided inappropriate legal advice to the special agent.					
Procedural Rating Insufficient			Substantive Rating Insufficient		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The hiring authority learned of the alleged misconduct on August 7, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 8, 2017, 93 days after the date of discovery.
- **In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation?**
In the OIG's opinion, the department attorney inappropriately assessed the validity of the allegations without any interviews and advised the special agent interviews were unnecessary because the sergeant was going to be dismissed in another case. The OIG elevated the issue and convinced the assistant chief counsel an investigation was necessary to determine the validity of the serious allegations and limit the department's liability.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on December 6, 2017, but did not complete the investigation until June 28, 2018, more than six months thereafter.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
The department attorney did not provide the hiring authority written recommendations until the day of the investigative findings conference, which did not provide a reasonable time for review.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**
The department attorney did not provide the OIG written recommendations until the day of the investigative findings conference, which did not provide a reasonable time for review.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the hiring authority dismissed the sergeant in another case before a disciplinary action could be imposed.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?**

The department attorney did not provide the hiring authority written recommendations regarding the disciplinary determinations until the day of the disciplinary findings conference, which did not provide a reasonable time for review.

- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**

The department attorney did not provide the OIG written recommendations regarding the disciplinary determinations until the day of the disciplinary findings conference, which did not provide a reasonable time for review.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-16	17-0023795-IR	1. Dishonesty 2. Weapons 3. Other Failure of Good Behavior 4. Dishonesty 5. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On June 16, 2017, an officer allegedly used pepper spray on a two-year-old child and the child's father, brandished a handgun at the father, conspired with his girlfriend to offer the father money to not pursue criminal charges, and lied to outside law enforcement. On September 20, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations, except that the officer used pepper sprayed on a child and a poorly-worded allegation, and dismissed the officer. The OIG concurred. The Officer filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board upheld the dismissal.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the department did not prepare or serve the disciplinary action in accordance with policy. However, the department attorney performed exceptionally well during the subsequent State Personnel Board hearing.					

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></p> <p>In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on January 4, 2018. However, the department did not serve the disciplinary action until February 5, 2018, 32 days later.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-01	18-0024846-IR	1. Dishonesty 2. Sexual Misconduct 3. Neglect of Duty	1. Sustained 2. Sustained 3. Unfounded	Dismissal	Dismissal

<p>Case Type: Administrative Investigation</p>

<p>Incident Summary Between July 1, 2017, and December 1, 2017, a lieutenant allegedly engaged in outside employment without notifying the department. On October 25, 2017, the lieutenant allegedly sexually assaulted a woman who did not work for the department and on March 23, 2018, and May 25, 2018, allegedly lied during his interview with the Office of Internal Affairs.</p>

<p>Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not correctly assess the deadline for taking disciplinary action.</p>

Procedural Rating Insufficient	Substantive Rating Sufficient
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Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

The department attorney incorrectly assessed the discovery date as November 22, 2017, when the correct date was November 2, 2017, and did not correct the assessment until February 22, 2018, 45 days after being assigned to the case on January 8, 2018. The department attorney also neglected to confirm an exception to the deadline for taking disciplinary action based on tolling during a criminal investigation.

- **In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?**

The department attorney did not note an exception to the deadline for taking disciplinary action based on tolling during a criminal investigation.

Case Disposition

The hiring authority sustained allegations the lieutenant sexually assaulted a woman and lied during an interview with the Office of Internal Affairs, but found the investigation conclusively proved the lieutenant did not fail to notify the department of outside employment, and determined dismissal was the appropriate penalty. The OIG concurred. However, the lieutenant retired before discipline could be imposed. The hiring authority placed a letter in the lieutenant's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-18	17-0023797-IR	1. Other Failure of Good Behavior 2. Battery	1. Sustained 2. No Finding	Salary Reduction	Modified Salary Reduction

Case Type:

Direct Action (No Subject Interview)

Incident Summary

On July 18, 2017, outside law enforcement arrested an officer after the officer allegedly argued with his daughter's ex-boyfriend, took him to the ground while the ex-boyfriend held his own son, and put his arm around the ex-boyfriend's neck. On December 15, 2017, the officer was convicted of battery, a misdemeanor.

<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference and the department attorney did not modify the deadline to take disciplinary action. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have opened a full investigation to interview the officer and witnesses to clarify inconsistencies in their statements.</i> ◦ In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG? <i>The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The criminal case resolved on December 15, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until January 25, 2018, 41 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 20 months and agreeing to remove the disciplinary action from the officer's official personnel file after two years. The OIG concurred because the officer expressed remorse for his misconduct and accepted responsibility.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority delayed conducting the disciplinary findings conference and the department attorney did not prepare an adequate disciplinary action or timely provide a draft pre-hearing settlement conference statement to the OIG.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The criminal case was resolved on December 15, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 25, 2018, 41 days thereafter.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action cited the incorrect peace officer confidentiality statute and did not advise the officer of his right to respond to an uninvolved manager.
- **Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed?**
The department attorney did not provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-19	18-0027014-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary From July 19, 2017, through January 9, 2018, an officer allegedly cultivated, harvested, and sold marijuana.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not timely or thoroughly assess the deadline to take disciplinary action. In the OIG's opinion, the department attorney did not correctly identify the deadline to take disciplinary action and provided incorrect legal advice to the hiring authority.					
Procedural Rating Insufficient			Substantive Rating Insufficient		

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

The department attorney was assigned on August 10, 2018, but did not make an entry into the case management system regarding the deadline to take disciplinary action until October 24, 2018, 75 days later, and neglected to note an exception to the deadline. In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action as January 9, 2019, when the deadline was actually July 13, 2019.

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**

In the OIG's opinion, the department attorney incorrectly advised the hiring authority there was insufficient evidence to sustain the allegation the officer was selling marijuana although a witness informed the Office of Internal Affairs that the officer sold marijuana and the witness personally observed the officer's marijuana plants, provided photographs of the plants, saw the officer package and mail marijuana, and provided text messages to and from the officer that were consistent with drug sales.

Case Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the department previously dismissed the officer in another case before disciplinary action could be imposed.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-30	17-0024542-IR	1. Dishonesty 2. Dishonesty	1. Sustained 2. Unfounded	Demotion	Modified Salary Reduction

Case Type:

Administrative Investigation

Incident Summary

On July 30, 2017, a sergeant allegedly falsified two medical reports and a lieutenant allegedly signed a nurse's name on the medical reports after a use-of-force incident.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on August 17, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 31, 2017, 75 days after the date of discovery.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have added the nurse as a subject of the investigation for not reporting the sergeant's misconduct because the nurse learned of the sergeant's actions on July 30, 2017, but did not inform a supervisor until questioned about the incident on October 9, 2017.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the lieutenant and demoted the lieutenant to sergeant and imposed a 10 percent salary reduction for 24 months. The hiring authority identified a penalty less than dismissal based on the length of the lieutenant's employment with the department, he was forthright and truthful during his interview, and the likelihood of recurrence was low. The hiring authority determined that the investigation conclusively proved the sergeant was not involved. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the lieutenant revoking the demotion and reducing the salary reduction to a 5 percent salary reduction for six months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines and the lieutenant planned to retire.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary action in accordance with policy and in the OIG's opinion, the hiring authority settled the matter without sufficient justification or consideration of the severity of the misconduct.</p>	
Procedural Rating Insufficient	Substantive Rating Sufficient

Assessment Questions

- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the lieutenant of the right to respond to an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority did not identify any new evidence, flaws, or risks to justify the settlement.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with reducing the lieutenant's penalty because the hiring authority did not identify any new evidence, flaws, or risks to justify the reduction. Further, the modified penalty did not reflect the gravity of the misconduct because in the OIG's opinion, the hiring authority should have demoted the lieutenant based on the sustained dishonesty allegations.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-27	17-0024206-IR	1. Insubordination 2. Neglect of Duty 3. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained	Salary Reduction	Salary Reduction

Case Type:

Direct Action (No Subject Interview)

Incident Summary

On August 27, 2017, an officer allegedly left her post without authorization, refused to follow a sergeant's order to return to her post, confronted another officer by referring to the officer as a “snitch” and claiming the officer “ratted her out,” and made disparaging and vulgar comments about the sergeant's and a lieutenant's physical appearance.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs returned the case to the hiring authority on October 18, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until December 20, 2017, 63 days thereafter.
- **In the OIG’s opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

<p>Case Disposition</p> <p>The hiring authority sustained 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 failed to appear for a pre-hearing settlement conference, and the State Personnel Board dismissed the appeal.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner, the department attorney did not prepare the disciplinary action in accordance with policy, and the department did not serve the disciplinary action in accordance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on October 17, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 20, 2017, 63 days thereafter.</i> ◦ In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on December 20, 2017. However, the department did not serve the disciplinary action until May 9, 2018, 140 days later.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-29	17-0024267-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination

<p>Case Type:</p> <p>Administrative Investigation</p>
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<p>Incident Summary</p> <p>On August 29, 2017, two certified nursing assistants and two nurses allegedly saw an inmate tying a noose to a vent and failed to activate their alarms or notify a supervisor. The first certified nursing assistant also allegedly failed to notify officers, six officers allegedly failed to activate an alarm when they saw the inmate with a noose, one of the officers allegedly left the area after seeing the inmate with a noose, and a sergeant allegedly failed to initiate an emergency cell extraction. On November 9, 2017, the first certified nursing assistant allegedly lied during her interview with the Office of Internal Affairs.</p>

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the Office of Internal Affairs did not make a timely determination regarding the request for investigation, the department attorney did not enter relevant dates, and the hiring authority did not conduct the investigative findings conference in a timely manner.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days?**
The Office of Internal Affairs received the request for investigation on September 22, 2017, but did not take action until October 25, 2017, 33 days after receipt of the request.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney assigned to the cases for the nurses and certified nursing assistants did not make any entry into the case management system confirming relevant dates.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on October 25, 2017, but did not complete the investigation until June 11, 2018, more than seven months thereafter.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on June 11, 2018. However, the hiring authority for the nurses and certified nursing assistants did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 20, 2018, 39 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority for the nurses sustained the allegations against the first certified nursing assistant and determined dismissal was the appropriate penalty. However, the certified nursing assistant was on probationary status, and the hiring authority previously ended her employment with the department. The certified nursing assistant appealed the separation to the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement in which the certified nursing assistant agreed to resign. The OIG did not concur but did not seek a higher level of review. The hiring authorities found insufficient evidence to sustain the allegations against the other certified nursing assistant, the nurses, officers, and sergeant. The OIG concurred.

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and entered into a settlement agreement that did not comply with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on June 11, 2018. However, the hiring authority for the nurses and certified nursing assistants did not consult with the OIG and department attorney regarding the disciplinary determinations until July 20, 2018, 39 days thereafter.</i> ◦ If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy? <i>The settlement did not comply with policy because it did not contain a stipulation the certified nursing assistant would not seek further employment with the department.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement because it did not contain a stipulation the certified nursing assistant would not seek further employment with the department.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-30	17-0024562-IR	1. Neglect of Duty 2. Use of Force 3. Neglect of Duty 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Exonerated	Letter of Reprimand	Letter of Reprimand

Case Type:
Administrative Investigation

Incident Summary
On August 30, 2017, an officer allegedly deployed pepper spray on an inmate when there was no imminent threat and from less than six feet from the inmate, and failed to thoroughly report his use of force. A second officer and a sergeant allegedly failed to thoroughly document the use of force they observed, and the sergeant and a lieutenant allegedly failed to conduct a thorough review of the incident reports. On February 15, 2018, the sergeant allegedly disobeyed a special agent’s order not to discuss the investigation with anyone.

Investigative Phase Assessment
Overall, the department sufficiently complied with policies governing the investigative phase.

Procedural Rating Sufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?</p> <p><i>The department attorney was assigned on November 9, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 18, 2017, 39 days after assignment.</i></p> <p>Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?</p> <p><i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 8, 2017, but did not complete the investigation until August 2, 2018, almost nine months thereafter.</i></p> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegation that the sergeant disobeyed an order, but not the remaining allegations against him, and issued a letter of reprimand. The hiring authority determined that although the first officer was less than six feet from the inmate when he deployed pepper spray, the officer's actions were justified, lawful, and proper. The hiring authority found insufficient evidence to sustain the allegations against the other officers and the lieutenant. The OIG concurred with the hiring authority's determinations. The sergeant did not file an appeal with the State Personnel Board.</p>	
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>	
Procedural Rating Sufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary action did not advise the sergeant of the right to respond to an uninvolved manager.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-04	17-0024278-IR	1. Dishonesty 2. Use of Force 3. Use of Force	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination
<p>Case Type: Administrative Investigation</p>					

<p>Incident Summary</p> <p>On September 4, 2017, an officer allegedly hit an inmate multiple times in the face without cause and failed to report it. A second officer allegedly held the inmate's legs and saw the first officer hit the inmate and failed to report the uses of force. A third officer allegedly used force and failed to report it. On September 5, 2017, the first officer allegedly lied in a memorandum regarding the incident and on November 16, 2017, allegedly lied during his interview with the Office of Internal Affairs. On November 15, 2018, the second officer allegedly lied during his interview with the Office of Internal Affairs.</p>	
<p>Investigative Phase Assessment</p> <p>Overall, the department complied with policies governing the investigative phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <p><i>In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney used September 7, 2017, as the date of discovery when the evidence showed the hiring authority learned of the alleged misconduct on September 5, 2017.</i></p>	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the first and second officers, but not the third, and served notices of dismissal. The OIG concurred with the hiring authority's determinations. Each officer filed an appeal with the State Personnel Board. During the State Personnel Board hearing, the department entered into settlement agreements wherein the officers resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary actions in accordance with policy, timely provide a draft of the pre-hearing settlement conference statement to the OIG or prepare the case settlement reports, and the department did not serve the disciplinary actions in accordance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>

Assessment Questions

- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the officers of the right to respond to an uninvolved manager.
- **Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed?**
The department attorney did not provide a draft of the pre-hearing settlement conference statements until the day they were due, which did not provide adequate time for a thorough review.
- **Did the department provide the case settlement report to the OIG and if so, was the form complete and accurate?**
The department attorney did not complete the case settlement reports.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on January 23, 2018. However, the department did not serve the disciplinary actions until April 17, 2018, 84 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-11	17-0024207-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type:

Direct Action with Subject-Only Interview

Incident Summary

On September 11, 2017, and September 12, 2017, an officer allegedly documented seeing an inmate in his cell when the inmate was at an outside hospital.

Investigative Phase Assessment

Overall, the department sufficiently complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney was assigned October 20, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 13, 2017, 24 days after assignment.

<p>Case Disposition</p> <p>The hiring authority sustained an allegation the officer documented seeing an inmate in a cell when the inmate was at an outside hospital, but not that he was dishonest, and imposed a 10 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement reducing the penalty to a 10 percent salary reduction for four months followed by a 5 percent salary reduction for 12 months and allowing the disciplinary action to be removed from the officer's official personnel file upon written request after the penalties were served, provided the officer did not sustain any further discipline. The OIG concurred because the officer submitted a letter wherein he admitted his misconduct, took responsibility, expressed remorse, and explained how he would avoid repeating the misconduct.</p>					
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-15	17-0024774-IR	1. Use of Force 2. Discrimination/Harassment 3. Failure to Report 4. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	No Penalty Imposed	No Penalty Imposed
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary</p> <p>On September 15, 2017, an officer allegedly pulled an inmate's arm through a food port, kicked the inmate's arm, and called the inmate a racially derogatory name. A second officer allegedly failed to report observing the first officer's use of force. The two officers and three other officers allegedly inappropriately issued sack lunches to inmates. On October 3, 2017, a sergeant allegedly dissuaded the inmate from pursuing his complaint about the unreasonable force.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference. In the OIG's opinion, the department attorney did not provide adequate advice to the special agent and the special agent did not prepare a thorough investigative report.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>			<p>Substantive Rating</p> <p>Insufficient</p>		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on September 16, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 27, 2017, 72 days after the date of discovery.
- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**
In the OIG's opinion, the department attorney did not identify that the special agent failed to include in the investigative report summaries of critical inmate and officer interviews the investigative services unit conducted and neglected to recommend the special agent summarize those interviews.
- **In the OIG's opinion, did the Office of Internal Affairs special agent prepare a thorough and accurate final investigative report containing all relevant information?**
In the OIG's opinion, the special agent should have summarized officer and inmate interviews the investigative services unit conducted because the interviews were critical and conducted soon after the incident.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 23, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 18, 2018, 26 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-19	18-0024980-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Administrative Investigation

Incident Summary

On September 19, 2017, two officers allegedly failed to timely respond to a fight. The first officer allegedly submitted a false report and the second officer allegedly lied during an inquiry regarding the incident.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conference and the department attorney did not timely provide a legal advice memorandum to the hiring authority or the OIG.

Procedural Rating Insufficient	Substantive Rating Sufficient
Assessment Questions	
<ul style="list-style-type: none"> <p>◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on October 5, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 20, 2017, 76 days after the date of discovery.</i></p> <p>◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and returned the case to the hiring authority on May 30, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 10, 2018, 41 days thereafter. The hiring authority determined he needed to review additional policy and the first officer's Office of Internal Affairs interview obtained in another investigation. The hiring authority consulted with the OIG and department attorney on July 23, 2018, 54 days after the Office of Internal Affairs initially returned the matter.</i></p> <p>◦ In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings? <i>The department attorney did not provide the memorandum regarding his legal advice to the hiring authority until two hours before the investigative findings conference, which did not provide the hiring authority a reasonable amount of time to review the recommendations, causing the hiring authority to request additional time for review.</i></p> <p>◦ In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase? <i>The department attorney did not provide the memorandum regarding his legal advice to the OIG until two hours before the investigative findings conference, which did not provide a reasonable amount of time to review the recommendations.</i></p> <p>◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delays are addressed in prior questions.</i></p> 	
Case Disposition	
The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-21	18-0026230-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

<p>Case Type: Administrative Investigation</p>

Incident Summary

On September 21, 2017, an officer allegedly filed a false police report with an outside law enforcement agency stating he was assaulted by another person and on September 28, 2017, and November 8, 2017, was allegedly dishonest when he reported the incident to a lieutenant. On July 12, 2018, the officer allegedly lied during his interview with the Office of Internal Affairs.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. In the OIG's opinion, the department attorney did not assess the deadline for taking disciplinary action correctly or modify the date once criminal tolling no longer applied.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on September 28, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 24, 2018, almost seven months after the date of discovery.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney used November 13, 2017, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on September 28, 2017.
- **In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?**
The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

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

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-23	17-0024448-IR	1. Misuse of Authority 2. Intoxication 3. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 23, 2017, outside law enforcement arrested an officer for allegedly being drunk in public. The officer also allegedly argued with a security officer and attempted to use his position in the department to gain favor with an outside law enforcement officer.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not make a correct initial determination until the OIG elevated the matter.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions					
◦ Would the Office of Internal Affairs have made an appropriate initial or appeal determination without OIG intervention?					
<i>The Office of Internal Affairs added an allegation the officer misused his authority only after the OIG elevated the initial decision to Office of Internal Affairs management.</i>					
Case Disposition The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. At a <i>Skelly</i> hearing, the officer expressed remorse, took responsibility, and apologized for the embarrassment he caused, and the hiring authority entered into a settlement reducing the penalty to a 5 percent salary reduction for 13 months. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the department did not serve the disciplinary action in accordance with policy.					

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on May 4, 2018. However, the department did not serve the disciplinary action until June 25, 2018, 52 days later.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-29	17-0024601-IR	1. Controlled Substances	1. Sustained	Dismissal	Resignation in Lieu of Termination

<p>Case Type: Direct Action (No Subject Interview)</p>

<p>Incident Summary On September 29, 2017, an officer allegedly tested positive for marijuana.</p>

<p>Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.</p>
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Procedural Rating Sufficient	Substantive Rating Sufficient
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<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the case to the hiring authority on December 6, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until January 9, 2018, 34 days thereafter.</i></p> <p>In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i></p>

<p>Case Disposition The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceeding, the department reached a settlement agreement with the officer wherein the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred.</p>
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<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action in accordance with policy. The disciplinary action did not include language required by departmental policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs returned the case to the hiring authority on December 6, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 9, 2018, 34 days thereafter.</i></p> <p>◦ In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></p> <p>◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?</p> <p><i>One delay is addressed in a prior question. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on January 9, 2018. However, the department did not serve the disciplinary action until March 19, 2018, 69 days later.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-01	17-0024258-IR	1. Contraband 2. Insubordination 3. Dishonesty 4. Failure to Report	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction
<p>Case Type:</p> <p>Administrative Investigation</p>					
<p>Incident Summary</p> <p>On October 1, 2017, a sergeant allegedly brought his personal mobile phone into the institution. On October 2, 2018, the sergeant allegedly tried to dissuade an officer from reporting information about a search of an employee, failed to comply with a lieutenant’s order to not discuss that incident, and intentionally omitted information from a memorandum submitted to the lieutenant. On April 9, 2018, the sergeant allegedly lied during his interview with the Office of Internal Affairs.</p>					
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on October 25, 2017, but did not complete the investigation until May 11, 2018, seven months later.

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**

The department attorney did not provide the hiring authority a memorandum regarding his legal advice, analysis, and recommendations until 90 minutes before the investigative findings conference, which did not provide the hiring authority a reasonable amount of time to prepare.

- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**

The department attorney did not provide the OIG a memorandum regarding his legal advice, analysis, and recommendations regarding the investigative findings until 90 minutes before the investigative findings conference, which did not provide the OIG a reasonable amount of time to prepare.

Case Disposition

The hiring authority sustained allegations the sergeant brought his personal mobile phone into the institution and failed to comply with an order, but not the remaining allegations, and imposed a 10 percent salary reduction for 12 months. The OIG concurred. At the *Skelly* hearing, the sergeant showed remorse and accepted responsibility for his actions. The hiring authority entered into a settlement reducing the penalty to a 5 percent salary reduction for 16 months. The OIG concurred with the settlement based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Overall, the department complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?**

The department attorney did not provide the hiring authority a memorandum regarding his legal advice, analysis, and recommendations until 90 minutes before the disciplinary findings conference, which did not provide the hiring authority a reasonable amount of time to prepare.

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not advise the sergeant of the right to respond to an uninvolved manager.

- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**

The department attorney did not provide the OIG a memorandum regarding his legal advice, analysis, and recommendations until 90 minutes before the disciplinary findings conference, which did not provide the OIG a reasonable amount of time to prepare.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-10	18-0025900-IR	1. Dishonesty 2. Over-Familiarity 3. Contraband 4. Sexual Misconduct	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Dismissal
Case Type:					
Direct Action with Subject-Only Interview					
Incident Summary					
Between October 10, 2017, and March 1, 2018, a teaching assistant allegedly introduced vitamins, medicine, greeting cards, and nude pictures of herself into an institution and provided the items to an inmate, and communicated with the inmate by telephone and in writing. On January 30, 2018, the teaching assistant allegedly lied on her timesheet and on May 23, 2018, allegedly lied during her interview with the Office of Internal Affairs.					
Investigative Phase Assessment					
The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
Case Disposition					
The hiring authority sustained the allegations, except that the teaching assistant provided nude pictures to the inmate, and served a notice of dismissal. The OIG concurred. However, the teaching assistant resigned before the dismissal took effect. The hiring authority placed a letter in the teaching assistant's official personal file indicating she resigned pending disciplinary action.					

<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <p><i>The disciplinary action did not advise the teaching assistant of the right to respond to an uninvolved manager.</i></p>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-20	17-0024716-IR	1. Dishonesty 2. Use of Force 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

<p>Case Type:</p> <p>Administrative Investigation</p>
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<p>Incident Summary</p> <p>On October 20, 2017, an officer allegedly failed to respond to an inmate fight during which officers used physical force, failed to document witnessing the incident, and lied to a sergeant when she denied seeing the use of force.</p>

<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>

<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
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<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except that the officer failed to respond to the incident, and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement reducing the officer's penalty to a 10 percent salary reduction for 18 months, removing a dishonesty allegation from the disciplinary action, and agreeing to remove the disciplinary action from the officer's official personnel file after two years. The OIG did not concur with the settlement based on the seriousness of the sustained allegations. However, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines.</p>

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare and the department did not serve the disciplinary action in accordance with policy. In the OIG's opinion, the hiring authority entered into a settlement agreement without sufficient justification.</p>
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<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
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Assessment Questions
<ul style="list-style-type: none"> ◦ In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy? <i>The hiring authority did not identify any new evidence, flaws, or risks to justify a settlement.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks to justify a settlement.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on May 29, 2018. However, the department did not serve the disciplinary action until August 16, 2018, 79 days later.</i>

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-01	18-0027037-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On November 1, 2017, an officer allegedly failed to conduct a thorough security check and ensure an unobstructed view into an inmate’s cell, which may have delayed discovering the inmate after he lost consciousness due to a suspected synthetic opioid overdose.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and in the OIG’s opinion, did not timely provide the OIG a critical document.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on November 1, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 25, 2018, more than seven months after the date of discovery.

- **In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**
In the OIG's opinion, the hiring authority did not timely provide the OIG a copy of the form documenting the investigative findings conference. The hiring authority conducted the investigative findings conference on October 29, 2018, but did not provide the OIG the requested document until on December 3, 2018, 35 days later.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-08	18-0024984-IR	1. Neglect of Duty 2. Use of Force	1. Sustained 2. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type:

Administrative Investigation

Incident Summary

On November 8, 2017, an officer allegedly failed to carry his personal alarm device and sprayed two inmates with pepper spray through broken windows.

Investigative Phase Assessment

In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination or conduct a thorough investigation, the department attorney provided improper legal advice to the hiring authority, and the form documenting the investigative findings contained an incorrect deadline to take disciplinary action.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have added a dishonesty allegation because there was evidence that contradicted the officer's report.</i> ◦ In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation? <i>In the OIG's opinion, the department attorney should have ensured the special agent confirmed the date the hiring authority discovered the alleged misconduct.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs conduct a thorough investigation that addressed all relevant information? <i>In the OIG's opinion, the special agent did not adequately obtain information to determine the date the hiring authority discovered the alleged misconduct.</i> ◦ In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings? <i>In the OIG's opinion, the department attorney improperly advised the hiring authority that the officer activated his personal alarm and the alleged misconduct was not provable although the officer admitted during his interview with the Office of Internal Affairs that he did fail to carry his personal alarm.</i> ◦ In the OIG's opinion, did the department completely and correctly complete the form documenting the investigative findings? <i>The form documenting the investigative findings noted an incorrect deadline to take disciplinary action.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegation the officer failed to carry his personal alarm device, but not the use-of-force allegation, and issued a letter of instruction. The OIG concurred.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the employee relations officer did not provide a draft of the letter of instruction to the OIG, the department did not serve the letter of instruction in accordance with policy, and the form documenting the disciplinary determinations contained an incorrect deadline to take disciplinary action.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Sufficient</p>

Assessment Questions

- **In the OIG's opinion, did the department completely and correctly complete the form documenting the disciplinary determinations?**
The form documenting the disciplinary determinations noted an incorrect deadline to take disciplinary action.
- **Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?**
The employee relations officer did not provide a draft letter of instruction to the OIG prior to serving it on the officer.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The hiring authority decided to issue a letter of instruction to the officer on June 18, 2018, but did not serve the letter of instruction until July 20, 2018, 32 days thereafter.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-08	18-0025361-IR	1. Discourteous Treatment 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 8, 2017, outside law enforcement responded after a counselor took his ex-girlfriend's mobile phone without her permission, following which a court issued a restraining order and firearms restriction against the counselor.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult regarding the investigative findings.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on November 15, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 16, 2018, 62 days after the date of discovery.

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have included an allegation of discourteous treatment the facts supported and should have agreed to open an investigation because statute prohibits the department from taking disciplinary action based solely on an arrest report. However, the Office of Internal Affairs' failure to open an investigation did not affect the OIG's assessment.

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

The department returned the case to the hiring authority on February 14, 2018. However, the hiring authority did not conclude the consultation with the OIG and department attorney until July 3, 2018, more than four months after the case was returned.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. At the counselor's *Skelly* hearing, the counselor apologized and accepted responsibility for his actions. Based on this new information, the hiring authority entered into a settlement agreement with the counselor reducing the penalty to a 5 percent salary reduction for four months and agreeing to remove the disciplinary action from the counselor's official personal file after 18 months. The OIG concurred based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference or serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The department returned the case to the hiring authority on February 14, 2018. However, the hiring authority did not conclude the consultation with the OIG and department attorney until July 3, 2018, more than four months after the case was returned.

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the counselor the right to respond to an uninvolved manager.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 3, 2018. However, the department did not serve the disciplinary action until August 16, 2018, 44 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-10	17-0024782-IR	1. Theft 2. Other Failure of Good Behavior	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On November 10, 2017, and November 14, 2017, a lieutenant allegedly attempted to leave a store without paying for items in his possession.					
Investigative Phase Assessment In the OIG's opinion, the department attorney provided inappropriate legal advice to the hiring authority and the hiring authority made an inappropriate determination.					
Procedural Rating Sufficient			Substantive Rating Insufficient		

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
In the OIG's opinion, the department attorney should have recommended the hiring authority sustain the allegation of attempted theft because there was a visual recording of the incident and witnesses who reportedly saw the incident.
- **In the OIG's opinion, did the hiring authority correctly identify the subjects and factual allegations for each subject based on the evidence?**
In the OIG's opinion, the hiring authority should have sustained an allegation that the lieutenant tried to take items without paying based on the visual recording and witnesses to the incident.

Case Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's decision regarding the first incident but not with decision regarding the second incident. The OIG did not seek a higher level of review.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-13	18-0025643-IR	1. Failure to Report 2. Neglect of Duty 3. Use of Force	1. Sustained 2. Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type:
 Administrative Investigation

Incident Summary

On November 13, 2017, a sergeant allegedly grabbed an inmate's arms and pulled him forcefully out of a chair, failed to report his use of force, failed to preserve a video recording of his interview with the inmate, and failed to report the inmate's allegation that he was sexually assaulted in a previous incident. A second sergeant allegedly saw the first sergeant use force and failed to report it.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the department attorney did not attend a critical interview and sent an incomplete memorandum to the hiring authority, the special agent did not add an allegation into the case management system, and the department attorney and hiring authority were not adequately prepared to discuss all allegations. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination and the department attorney did not correctly assess the deadline to take disciplinary action or provide adequate legal advice to the hiring authority.

Procedural Rating Insufficient	Substantive Rating Insufficient
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Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on November 13, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 16, 2018, 95 days after the date of discovery.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion the Office of Internal Affairs should have added an allegation for destruction of evidence based on the sergeant's failure to maintain a copy of the video recording.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
In the OIG's opinion, the department attorney incorrectly used January 3, 2018, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on November 13, 2017.
- **Did the department attorney attend key witness interviews to assess witness demeanor and credibility?**
The department attorney did not attend the first sergeant's second interview.
- **In the OIG's opinion, did the special agent make timely, complete, and accurate entries into the case management system?**
The special agent added in his investigative report an allegation the first sergeant failed to report the alleged sexual assault but did not add the allegation into the case management system.
- **In the OIG's opinion, if the hiring authority consulted with the OIG regarding the sufficiency of the evidence, investigation, and the findings, was the hiring authority prepared?**
The hiring authority did not address the added allegation that the sergeant failed to report the alleged sexual assault until after the OIG raised it at the investigative findings conference.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
Prior to the investigative findings conference, the department attorney sent a memorandum to the hiring authority that did not address all of the allegations. At the investigative findings conference, the department attorney was not prepared to discuss the added allegation the sergeant failed to report an alleged sexual assault and recommended the hiring authority not sustain the allegation even though the sergeant admitted to the misconduct in his second interview.
- **In the OIG's opinion, did the hiring authority correctly identify the subjects and factual allegations for each subject based on the evidence?**
The hiring authority did not identify the added allegation that the sergeant failed to report the alleged sexual assault until after the OIG raised it at the investigative findings conference.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

<p>Case Disposition</p> <p>The hiring authority sustained the allegations the first sergeant failed to preserve the video recording and failed to report the sexual assault allegation, but not the remaining allegations or the allegation against the second sergeant. The hiring authority issued the first sergeant a letter of instruction. The OIG concurred except for the decision to issue a letter of instruction. The OIG did not seek a higher level of review.</p>	
<p>Disciplinary Assessment</p> <p>Overall, the department complied with polices governing the disciplinary phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty? <i>In the OIG's opinion, the hiring authority should have imposed a letter of reprimand on the first sergeant based on the severity of the misconduct.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-17	18-0027093-IR	1. Dishonesty 2. Over-Familiarity 3. Contraband	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal

<p>Case Type:</p> <p>Direct Action (No Subject Interview)</p>
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<p>Incident Summary</p> <p>Between November 17, 2017, and May 4, 2018, a teacher allegedly exchanged personal letters and cards and engaged in sexual misconduct with an inmate. On March 19, 2018, the teacher allegedly lied to a sergeant regarding the relationship and possessed screw drivers and other sharp metal objects inside the secured perimeter for personal use.</p>

<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase.</p>
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<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
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<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i>
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<p>Case Disposition</p> <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the teacher resigned before disciplinary action could be imposed. The hiring authority placed a letter in the teacher's official personal file indicating she resigned pending disciplinary action.</p>	
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-30	18-0025746-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<p>Case Type:</p> <p>Administrative Investigation</p>					
<p>Incident Summary</p> <p>On November 30, 2017, a lieutenant allegedly falsified results of an inmate's disciplinary hearing and on February 7, 2018, allegedly lied to a captain regarding the hearing results.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney incorrectly entered the deadline for taking disciplinary action into the case management system.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on November 30, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 7, 2018, 97 days after the date of discovery.

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

In the OIG's opinion, although the department attorney correctly identified the date of discovery as November 30, 2017, and used the correct legal analysis, she incorrectly entered the deadline for taking disciplinary action as November 30, 2019.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-04	18-0024850-IR	1. Dishonesty 2. Controlled Substances	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On December 4, 2017, a counselor allegedly tested positive for marijuana and on December 8, 2017, allegedly lied to the hiring authority about the reason for the positive result. On April 12, 2018, the counselor allegedly lied during his interview with the Office of Internal Affairs.					
Investigative Phase Assessment Overall, the department sufficiently complied with polices governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney incorrectly assessed the deadline for taking disciplinary action as December 10, 2018, when the deadline was actually December 7, 2018.

Case Disposition
 The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. However, the counselor resigned before the disciplinary action took effect. The hiring authority placed a letter in the counselor's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment
 The department did not comply with policies governing the disciplinary phase because the department did not prepare or serve the disciplinary action in accordance with policy.

Procedural Rating Insufficient	Substantive Rating Sufficient
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Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the counselor of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 23, 2018. However, the department did not serve the disciplinary action until August 27, 2018, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-04	18-0026026-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:
 Administrative Investigation

Incident Summary
 On December 4, 2017, an officer allegedly failed to thoroughly search and find contraband on an inmate that the inmate later used to assault a second inmate, and took the first inmate's television and gave it to the second inmate. Two other officers allegedly failed to sound an alarm and report the second inmate breaking away from their escort and damaging the first inmate's television.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not timely consult with the special agent. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination, the department attorney did not adequately assess the deadline to take disciplinary action or provide thorough feedback to the special agent, and the special agent did not complete a thorough investigation until after the hiring authority found the investigation insufficient.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on December 19, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 16, 2018, 59 days after the date of discovery.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have initially approved an investigation to interview the officer and witnesses to determine how the inmate obtained the contraband.
- **Would the Office of Internal Affairs have made an appropriate initial or appeal determination without OIG intervention?**
The Office of Internal Affairs did not approve an investigation until after the OIG elevated the matter to Office of Internal Affairs management.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney was assigned May 4, 2018, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until June 22, 2018, 49 days after assignment.
- **No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct?**
The Office of Internal Affairs opened an investigation on June 20, 2018, and assigned a special agent on June 27, 2018. A department attorney was assigned on May 4, 2018, but a special agent and a department attorney did not meet to discuss the elements of a thorough investigation until August 22, 2018, 56 days after a special agent was assigned.
- **In the OIG's opinion, did the Office of Internal Affairs special agent complete all necessary and relevant interviews?**
In the OIG's opinion, the special agent should have tried to interview the first inmate to determine whether the first officer or any other officers searched him and when he obtained the contraband. Instead, the special agent waited until after the hiring authority found the investigation incomplete.
- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**
In the OIG's opinion, the department attorney should have found the investigation incomplete because the special agent did not interview the first inmate or confirm when the hiring authority first learned of the allegations.
- **In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation?**
In the OIG's opinion, the department attorney should have provided the special agent a definitive deadline to take disciplinary action after it was determined the hiring authority reasonably could have learned of the allegations sooner than identified at the initial consultation.
- **In the OIG's opinion, did the Office of Internal Affairs conduct a thorough investigation that addressed all relevant information?**
In the OIG's opinion, the special agent should have interviewed the first inmate and confirmed when the hiring authority first learned of the allegations before the hiring authority determined the investigation was insufficient.

◦ **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-09	18-0025301-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Salary Reduction

Case Type:
 Direct Action with Subject-Only Interview

Incident Summary
 On December 9, 2017, two officers allegedly failed to perform required welfare checks on an inmate who was found hanging from a noose in a mental health crisis bed.

Investigative Phase Assessment
 The department sufficiently complied with policies governing the investigative phase.

Procedural Rating Sufficient	Substantive Rating Sufficient
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Case Disposition
 The hiring authority sustained the allegations and imposed a 5 percent salary reduction for six months on one officer and a 5 percent salary reduction for three months on the other officer. The hiring authority imposed a lower penalty because that officer was new to the job, less experienced, and following the more senior officer's lead. The OIG concurred with the hiring authority's determinations. Neither officer filed an appeal with the State Personnel Board.

Disciplinary Assessment
 Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating Sufficient	Substantive Rating Sufficient
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Assessment Questions

◦ **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the officers of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-19	18-0025585-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

<p>Case Type: Administrative Investigation</p>	
<p>Incident Summary On December 19, 2017, during an unclothed body search, an officer allegedly pushed an inmate in the chest causing the inmate to fall backwards into a water heater and burn his back, and failed to report it. A second officer allegedly saw the force and failed to report it.</p>	
<p>Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.</p>	
<p>Procedural Rating Sufficient</p>	<p>Substantive Rating Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on January 2, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 20, 2018, 49 days after the date of discovery.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 18, 2018, but did not complete the investigation until October 31, 2018, more than six months thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-20	18-0025250-IR	1. Discourteous Treatment	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary On December 20, 2017, a sergeant allegedly made offensive and discriminatory statements regarding gender identity and sexual orientation while providing training to departmental employees regarding the Prison Rape Elimination Act.</p>					
<p>Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.</p>					

Procedural Rating Sufficient		Substantive Rating Sufficient			
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on January 31, 2018, but did not complete the investigation until August 13, 2018, six and one-half months thereafter.</i> 					
Case Disposition					
The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-22	18-0025644-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Letter of Reprimand
Case Type:					
Direct Action (No Subject Interview)					
Incident Summary					
On December 22, 2017, a sergeant allegedly failed to enter into an inmate's confidential records that the inmate was transferred, and an officer allegedly counted the inmate as being in a cell after the department had transferred him out of the institution.					
Investigative Phase Assessment					
The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the employee relations officer did not make an entry into the case management system confirming relevant dates, and the hiring authority did not timely conduct the investigative findings conference.					
Procedural Rating Insufficient		Substantive Rating Sufficient			

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on December 22, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 23, 2018, 63 days after the date of discovery.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The employee relations officer did not make any entry into the case management system confirming relevant dates.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs returned the case to the hiring authority on March 21, 2018. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until May 7, 2018, 47 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegation against the officer and imposed a 5 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the allegation against the sergeant. The OIG concurred with the hiring authority's determinations. After the officer's *Skelly* hearing, the hiring authority reduced the penalty to a letter of reprimand. The OIG did not concur but did not seek a higher level of review because the letter of reprimand can be used for progressive discipline. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

In the OIG's opinion, the hiring authority did not make an appropriate determination regarding the final penalty.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on March 21, 2018. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until May 7, 2018, 47 days thereafter.

- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**

Based on the severity of the misconduct, the OIG did not concur with the hiring authority's decision to reduce the penalty to a letter of reprimand.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-28	18-0027251-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On December 28, 2017, a chief deputy warden allegedly failed to notify outside law enforcement that a case records manager was illegally using a mobile phone to record other employees' conversations without their knowledge and failed to secure the mobile phone as evidence.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <p><i>The department learned of the alleged misconduct on December 28, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 27, 2018, almost seven months thereafter.</i></p>					
<ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <p><i>The delay is addressed in a prior question.</i></p>					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-29	18-0025359-IR	1. Sexual Misconduct	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On December 29, 2017, a sergeant allegedly inappropriately touched a female under the age of 14 years, which resulted in the sergeant's arrest.					
Investigative Phase Assessment In the OIG's opinion, the department did not comply with policies governing the investigative phase because the department attorney delayed filing a petition to unseal critical juvenile records and did not adequately consult with the OIG.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation? <i>In the OIG's opinion, the department attorney unnecessarily delayed filing a petition to unseal the child welfare services records and video recording of the minor's interview. The special agent recommended filing the petition on May 2, 2018, but the department attorney did not file the petition until September 4, 2018, four months later.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on February 14, 2018, but did not complete the investigation until December 7, 2018, almost ten months later.</i> ◦ In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase? <i>In the OIG's opinion, the department attorney neglected to keep the OIG informed about the status of the petition to obtain child welfare services records and video recording of the minor's interview.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-01	18-0025241-IR	1. Intoxication 2. Other Failure of Good Behavior 3. Neglect of Duty 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type:					
Administrative Investigation					
Incident Summary					
On January 1, 2018, outside law enforcement arrested a sergeant after he allegedly argued with and pushed his wife to the ground. The sergeant also allegedly punched a civilian in the stomach and was drunk in public. A second sergeant allegedly failed to cooperate with outside law enforcement investigating the incident.					
Investigative Phase Assessment					
The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
Case Disposition					
The hiring authority sustained the allegations against the first sergeant, except that he punched a civilian, and imposed a 5 percent salary reduction for 18 months. The hiring authority found insufficient evidence to sustain the allegations against the second sergeant. The OIG concurred. The first sergeant filed an appeal with the State Personnel Board. After the <i>Skelly</i> hearing, the hiring authority entered into a settlement with the first sergeant reducing the penalty to a 5 percent salary reduction for 13 months. The OIG concurred because the sergeant accepted responsibility for his actions and changed his behavior to limit his alcohol use, and the penalty was within the appropriate range for the misconduct.					
Disciplinary Assessment					
The department did not comply with policies governing the disciplinary phase because the department attorney did not provide a draft disciplinary action to the OIG for review or include language required by policy and the department did not serve the disciplinary action in accordance with policy.					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		

Assessment Questions

- **Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?**
The department attorney did not provide the OIG with a copy of the draft disciplinary action prior to service.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the sergeant of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on June 26, 2018. However, the department did not serve the disciplinary action until July 31, 2018, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-08	18-0025831-IR	1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between January 8, 2018, and March 5, 2018, a nurse was allegedly involved in sexual misconduct with an inmate and exchanged text messages with the inmate, including sending a naked photograph of herself to the inmate. On June 7, 2018, the nurse allegedly lied in her interview with the Office of Internal Affairs.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the Office of Internal Affairs improperly used the nurse's compelled statement. Despite the failure to maintain confidentiality of the compelled statement, the special agent conducted a very thorough and highly effective interview with the nurse.					
Procedural Rating Insufficient			Substantive Rating Insufficient		

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation?**

The special agent recommended the Office of Internal Affairs open a criminal case without consulting the OIG or the appropriate prosecuting agency and made the recommendation after he obtained the nurse's compelled statement and used the statement as the basis for the recommendation.

- **Did the Office of Internal Affairs comply with legal authority and policy that prevents compelled statements obtained in an administrative case from being used in a criminal case?**

After learning of the nurse's admissions of misconduct, the Office of Internal Affairs opened a criminal case and entered the nurse's compelled statement into the criminal case in the case management system.

Case Disposition

The hiring authority sustained the allegations and identified dismissal as the appropriate penalty. The OIG concurred. However, the nurse resigned before disciplinary action could be imposed. The hiring authority placed a letter in the nurse's official personnel file indicating she resigned pending disciplinary action.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-09	18-0025572-IR	1. Sexual Misconduct	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Administrative Investigation

Incident Summary

On January 9, 2018, outside law enforcement arrested an officer after he allegedly engaged in non-consensual sexual activity with an intoxicated woman.

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on March 14, 2018, but did not complete the investigation until October 25, 2018, more than seven months thereafter.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-11	18-0025832-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Administrative Investigation

Incident Summary

On January 11, 2018, an officer allegedly banged an inmate's head on several cell doors during an escort.

Investigative Phase Assessment

Overall, the department complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on January 11, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 14, 2018, 62 days after the date of discovery.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-11	18-0025972-IR	1. Discrimination/Harassment	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

<p>Case Type: Administrative Investigation</p>	
<p>Incident Summary On January 11, 2018, an officer allegedly asked a youth counselor questions of a sexual nature and on February 10, 2018, allegedly grabbed the youth counselor's arm and pulled her on top of him, and made inappropriate comments and gestures toward the youth counselor.</p>	
<p>Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.</p>	
<p>Procedural Rating Sufficient</p>	<p>Substantive Rating Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 10, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 2, 2018, 51 days after the date of discovery.</i> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-12	18-0025476-IR	1. Dishonesty 2. Use of Force	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

<p>Case Type: Administrative Investigation</p>
<p>Incident Summary On January 12, 2018, a sergeant and two officers allegedly failed to write reports before the end of their shift regarding force they used on an inmate, and the sergeant allegedly failed to report the use of force when he reported the incident to a lieutenant.</p>

<p>Investigative Phase Assessment</p> <p>Overall, the department complied with polices governing the investigative phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?</p> <p><i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on March 1, 2018, but did not complete the investigation until October 23, 2018, more than seven months thereafter.</i></p> <p>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</p> <p><i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 23, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until December 5, 2018, 43 days thereafter.</i></p> <p>In the OIG's opinion, did the department conduct the investigative phase with due diligence?</p> <p><i>The delay is addressed in a prior question.</i></p> 	
<p>Case Disposition</p> <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-13	18-0025641-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

<p>Case Type:</p> <p>Administrative Investigation</p>
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<p>Incident Summary</p> <p>On January 13, 2018, an officer allegedly forcefully pulled an inmate's hands through a handcuff port and failed to accurately report the use of force. Two other officers allegedly witnessed the unreasonable force and failed to report it.</p>
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<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not attend a key interview. In the OIG's opinion, the special agent highlighted irrelevant evidence in the investigative report that demonstrated a bias against the inmate.</p>

<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Insufficient</p>
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Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on January 13, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 1, 2018, 47 days after the date of discovery.

- **Did the department attorney attend key witness interviews to assess witness demeanor and credibility?**

The department attorney did not attend an interview of one of the officers.

- **In the OIG's opinion, did the Office of Internal Affairs special agent prepare a thorough and accurate final investigative report containing all relevant information?**

The special agent included a reference to the inmate's previous disciplinary actions that were irrelevant to the investigation.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-18	18-0026627-IR	1. Sexual Misconduct	1. Sustained	Dismissal	Dismissal

Case Type:

Direct Action (No Subject Interview)

Incident Summary

On January 18, 2018, an officer allegedly engaged in sexual misconduct with an inmate.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference. In the OIG's opinion, the department attorney did not accurately identify the deadline to take disciplinary action and provided incorrect legal advice to the hiring authority.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney used March 5, 2018, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on February 25, 2018.

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

The Office of Internal Affairs returned the case to the hiring authority on July 3, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until August 23, 2018, 51 days thereafter.

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**

In the OIG's opinion, the department attorney incorrectly advised the hiring authority there was insufficient evidence to make a determination.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

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

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not prepare the disciplinary action in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on July 3, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 23, 2018, 51 days thereafter.

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-20	18-0025744-IR	1. Dishonesty 2. Intoxication	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction
Case Type:					
Direct Action with Subject-Only Interview					
Incident Summary					
On January 20, 2018, outside law enforcement arrested an officer for allegedly driving under the influence of alcohol. The officer also allegedly lied to outside law enforcement.					
Investigative Phase Assessment					
The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
Case Disposition					
The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 18 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment					
The department did not comply with policies governing the disciplinary phase because department attorney did not attend the <i>Skelly</i> hearing or prepare the disciplinary action in accordance with policy and the department did not serve the disciplinary action in accordance with policy.					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		

Assessment Questions

- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.
- **Did a department attorney attend the Skelly hearing?**
The department attorney did not attend the Skelly hearing.
- **In the OIG’s opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 12, 2018. However, the department did not serve the disciplinary action until September 12, 2018, two months later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-30	18-0025537-IR	1. Weapons	1. Sustained	Salary Reduction	Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					
Incident Summary On January 30, 2018, a sergeant allegedly negligently discharged a handgun under a desk in the administration building while trying to clear the handgun.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegation and imposed a 5 percent salary reduction for three months. The OIG concurred. After the <i>Skelly</i> hearing, the department entered into a settlement agreement with the sergeant reducing the penalty to a letter of reprimand. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty was within the specified range for the misconduct.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the department did not serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in accordance with policy. In the OIG’s opinion, the department attorney did not provide appropriate legal advice and the hiring authority should not have reduced the penalty to a letter of reprimand.					
Procedural Rating Insufficient			Substantive Rating Insufficient		

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?**

In the OIG's opinion, the department attorney should have recommended the hiring authority impose a salary reduction instead of a letter of instruction based on the severity of the misconduct and potential for serious harm.

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not advise the sergeant of the right to respond to an uninvolved manager.

- **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 hiring authority's decision to reduce the penalty to a letter of reprimand because a salary reduction was more appropriate based on the severity of the misconduct and potential for serious harm.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on April 6, 2018. However, the department did not serve the disciplinary action until May 16, 2018, 40 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-30	18-0025742-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
Incident Summary On January 30, 2018, an officer allegedly allowed an inmate to enter a second inmate's cell, resulting in the first inmate attacking the second inmate. A second officer allegedly failed to notice that the first inmate was in the wrong cell and properly secure the cell door, violated a written order, and submitted a false report regarding the incident. On February 27, 2018, the second officer allegedly submitted a false clarification report and on June 12, 2018, allegedly lied during his interview with the Office of Internal Affairs.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the second officer, except that he violated a written order, and served a notice of dismissal. However, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement ensured a dishonest officer no longer worked for the department. The hiring authority found insufficient evidence to sustain the allegations against the first officer, and the OIG concurred.</p>	
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-31	18-0025538-IR	1. Controlled Substances	1. Sustained	Dismissal	Resignation in Lieu of Termination

<p>Case Type:</p> <p>Direct Action (No Subject Interview)</p>
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<p>Incident Summary</p> <p>On January 31, 2018, an officer allegedly tested positive for marijuana.</p>
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<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>

<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
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<p>Case Disposition</p> <p>The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceeding, the hiring authority reached a settlement agreement with the officer wherein the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred.</p>

<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>
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Procedural Rating Sufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-02	18-0026028-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary On February 2, 2018, two officers allegedly punched an inmate, failed to report their own use of force, and failed to report the use of force they saw each other use.</p>					
<p>Investigative Phase Assessment Overall, the department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating Sufficient	Substantive Rating Sufficient				
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 2, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 5, 2018, 62 days after the date of discovery.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
<p>Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-02	18-0027351-IR	1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)	
Incident Summary Between February 2, 2018, and April 6, 2018, a teacher's assistant allegedly communicated with inmates via social media and engaged in sexual misconduct with an inmate. On April 6, 2018, and May 23, 2018, the teacher's assistant allegedly lied during her interviews with the Office of Internal Affairs.	
Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient
Assessment Questions <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i> 	
Case Disposition The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. However, the teacher's assistant resigned before the disciplinary action took effect. The hiring authority placed a letter in the teacher's assistant's official personnel file indicating she resigned pending disciplinary action.	
Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient
Assessment Questions <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the teacher's assistant of the right to respond to an uninvolved manager.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-11	18-0025579-IR	1. Dishonesty 2. Threat/Intimidation 3. Failure to Report 4. Insubordination 5. Neglect of Duty 6. Discourteous Treatment 7. Failure to Report 8. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Not Sustained 8. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On February 11, 2018, an officer allegedly removed his duty belt, challenged an inmate to fight, entered the inmate's cell, and vandalized the inmate's property. A second officer allegedly removed his duty belt, failed to intervene when he saw the first officer challenge the inmate to a fight, and failed to report the incident. A third officer allegedly opened the inmate's cell door as the first officer challenged the inmate to a fight, failed to report the incident, and failed to report the first and second officer removed their duty belts. Between April 24, 2018, and April 30, 2018, the second officer allegedly violated a special agent's order to not discuss the investigation. On April 30, 2018, the second officer allegedly lied during his interview with the Office of Internal Affairs, and on May 3, 2018, the first officer allegedly lied during his interview with the Office of Internal Affairs.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority sustained the allegations against the first two officers and served a notice of dismissal on each. The hiring authority sustained the allegation that the third officer failed to report the incident, but not the remaining allegation, and imposed a 10 percent salary reduction for six months. The OIG concurred. The first two officers resigned before the disciplinary action took effect. The hiring authority placed letters in the officers' official personnel files indicating they resigned pending disciplinary action. After the third officer's <i>Skelly</i> hearing, the hiring authority discovered that he was remorseful and accepted responsibility for his actions and reduced the penalty to a 10 percent salary reduction for three months. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment The department did not comply with the disciplinary process because the department did not prepare and serve the disciplinary action in compliance with policy.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the officers of their right to respond to an uninvolved manager.
- **In the OIG’s opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 20, 2017, but did not serve two of the disciplinary actions until August 20, 2018, 31 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-16	18-0026157-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Case Type:

Administrative Investigation

Incident Summary

On February 16, 2018, a parole agent allegedly lied to outside law enforcement claiming a neighbor ran into him with a vehicle.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 24, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 16, 2018, 84 days thereafter.
- **In the OIG’s opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. However, the parole agent died before discipline could be imposed.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating		Substantive Rating			
Sufficient		Sufficient			
Assessment Questions					
<ul style="list-style-type: none"> Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on August 24, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 16, 2018, 84 days thereafter.</i> In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-17	18-0025830-IR	1. Neglect of Duty 2. Discourteous Treatment 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type:					
Direct Action (No Subject Interview)					
Incident Summary					
On February 17, 2018, an officer allegedly refused to leave his home when outside law enforcement ordered him to do so, yelled obscenities at the outside law enforcement officers, kicked a patrol vehicle, and refused to exit the patrol vehicle, necessitating the use of a taser. The officer also failed to timely notify the hiring authority of his arrest.					
Investigative Phase Assessment					
The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating		Substantive Rating			
Sufficient		Sufficient			
Case Disposition					
The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the department separated the officer from employment for being absent without leave before discipline could be imposed.					
Disciplinary Assessment					
The department sufficiently complied with policies governing the disciplinary phase.					
Procedural Rating		Substantive Rating			
Sufficient		Sufficient			

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-10	18-0025901-IR	1. Other Failure of Good Behavior 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On March 10, 2018, outside law enforcement arrested an officer for false imprisonment and domestic violence after the officer allegedly argued with his wife, grabbed her ankles and tried to pull her off of the bed, and prevented her from leaving their home. The officer also allegedly refused to cooperate with outside law enforcement.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney incorrectly determined an exception to the deadline to take disciplinary action did not apply and failed to modify the deadline after the exception no longer applied. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate determination regarding the hiring authority's appeal and the hiring authority incorrectly withdrew the appeal.					
Procedural Rating Insufficient			Substantive Rating Insufficient		

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have authorized an interview of the officer because statute prohibits the department from taking disciplinary action based solely on an arrest report. However, the Office of Internal Affairs' failure to authorize the interview did not affect the OIG's assessment.

- **In the OIG's opinion, if the hiring authority submitted an appeal, did the Office of Internal Affairs make an appropriate decision regarding the appeal?**

In the OIG's opinion, the Office of Internal Affairs should have approved the hiring authority's appeal requesting an investigation.

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

Although the department attorney entered the correct incident date and discovery date, she incorrectly stated an exception to the deadline to take disciplinary action based on a pending criminal investigation did not apply.

- **In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?**

The department attorney did not modify the deadline for taking disciplinary action after the exception based on criminal tolling no longer applied.

- **In the OIG's opinion, did the hiring authority correctly decide whether additional investigation was necessary?**

Based on the department attorney's and the OIG's recommendation, the hiring authority submitted a request for additional investigation but after conferring with the Office of Internal Affairs, incorrectly decided further investigation was unnecessary.

Case Disposition

The hiring authority sustained the allegations, except that the officer refused to cooperate with outside law enforcement, and imposed a 5 percent salary reduction for 24 months. The OIG concurred. After the *Skelly* hearing, the hiring authority determined the officer accepted responsibility for his actions, was remorseful, and had begun counseling for his anger and alcohol issues and entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for 18 months. The OIG concurred because of the new mitigating factors discovered during the *Skelly* hearing and the modified penalty was within the department's guidelines.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department did not prepare or serve the disciplinary action in accordance with policy and the hiring authority did not adequately cooperate with the OIG.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.
- **Did the department conduct the Skelly hearing pursuant to policy?**
The hiring authority failed to notify the OIG of the Skelly hearing, thereby preventing the OIG from attending.
- **In the OIG’s opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The insufficiency is addressed in a prior question.
- **In the OIG’s opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on September 21, 2018. However, the department did not serve the disciplinary action until October 25, 2018, 34 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-13	18-0025898-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Suspension

Case Type:

Direct Action with Subject-Only Interview

Incident Summary

On March 13, 2018, an officer allegedly sat in a chair in an office with his feet on a table and his eyes closed for four hours and failed to adequately monitor nurses, during which time two unsupervised inmates took items from the nurses’ and officers’ stations. The officer also allegedly failed to complete an institutional count, entered a false inmate count into the confidential records system, and lied to a lieutenant regarding the institutional count and how long he worked for the department.

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Case Disposition

The hiring authority sustained the allegations, except for lying to a lieutenant regarding how long he worked for the department, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer modifying the penalty to a one-year suspension and the officer agreed to not file any appeal with the State Personnel Board if he sustains future disciplinary actions involving similar dishonest acts. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines.

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department did not draft or serve the disciplinary action in accordance with policy. In the OIG's opinion, the hiring authority settled the case without sufficient justification.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy? <i>The hiring authority did not identify any new evidence, flaws, or risks to justify a settlement.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks to justify a settlement. In the OIG's opinion, the severity of the misconduct, which compromised the safety and security of the institution, and the officer's dishonesty warranted dismissal.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 13, 2018. However, the department did not serve the disciplinary action until August 16, 2018, 34 days later.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-14	18-0026033-IR	1. Weapons	1. Sustained	Letter of Reprimand	Letter of Reprimand
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary On March 14, 2018, an officer allegedly possessed a concealed weapon in his vehicle without a permit and was arrested for that offense.</p>					
<p>Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		

Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs returned the matter to the hiring authority on April 19, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until June 19, 2018, 61 days thereafter. During that time the hiring authority postponed the investigative findings conference because the department attorney was not prepared.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation and issued a letter of reprimand. The OIG did not concur but did not seek a higher level of review due to the low likelihood of reoccurrence and because the letter of reprimand can be used for progressive discipline. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not include required language in the disciplinary action. In the OIG's opinion, the hiring authority did not impose the proper penalty.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs returned the matter to the hiring authority on April 19, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 19, 2018, 61 days thereafter.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, the hiring authority should have imposed a salary reduction instead of a letter of reprimand based on the severity of the misconduct.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-15	18-0026159-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On March 15, 2018, an officer allegedly failed to conduct an inventory of the emergency response equipment, lied about conducting the inventory, and could not locate the emergency response equipment during an emergency.					
Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney used April 18, 2018, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on April 11, 2018.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 14, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 15, 2018, 31 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations, except for dishonesty, and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
Disciplinary Assessment Overall, the department complied with policies governing the disciplinary phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 14, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 15, 2018, 31 days thereafter.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on October 15, 2018, but the department did not serve the disciplinary action until November 16, 2018, 32 days thereafter.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-29	18-0026281-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On March 29, 2018, an officer allegedly failed to properly search an inmate during an unclothed body search and failed to conduct a search prior to leaving the institution with the inmate. On March 30, 2018, the officer allegedly lied in a report regarding the unclothed body search.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination. The hiring authority did not conduct the investigative findings conference in a timely manner.					
Procedural Rating Sufficient			Substantive Rating Insufficient		

<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?</p> <p><i>In the OIG's opinion, the Office of Internal Affairs should have added an allegation that the officer was dishonest by stating he conducted an unclothed body search of the inmate when officers later discovered two large inmate-manufactured weapons concealed in the inmate's groin area and under a knee brace.</i></p> <p>Would the Office of Internal Affairs have made an appropriate initial or appeal determination without OIG intervention?</p> <p><i>The Office of Internal Affairs only added the dishonesty allegation after the OIG elevated the matter to Office of Internal Affairs management.</i></p> <p>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</p> <p><i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 2, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until August 29, 2018, 27 days thereafter.</i></p> <p>In the OIG's opinion, did the department conduct the investigative phase with due diligence?</p> <p><i>The delay is addressed in a prior question.</i></p> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired prior to completion of the investigation. Therefore, disciplinary action could not be taken. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.</p>	
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 2, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 29, 2018, 27 days thereafter.</i></p> <p>In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?</p> <p><i>The delay is addressed in a prior question.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-02	18-0026226-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary Between April 2, 2018, and April 5, 2018, an officer allegedly failed to issue inmates mental health appointment cards, falsely documented the inmates refused their mental health appointments, and then failed to return the appointment cards and report the refusals to the health care scheduling sergeant.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-03	18-0027015-IR	1. Sexual Misconduct 2. Over-Familiarity 3. Contraband	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On April 3, 2018, a teacher allegedly engaged in sexual misconduct with two inmates, provided one of the inmates nude pictures of herself, and conspired with inmates to introduce mobile phones into the institution.					
Investigative Phase Assessment Overall, the department sufficiently complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except that the teacher conspired to introduce mobile phones, and determined dismissal was the appropriate penalty. The OIG concurred. However, the teacher resigned prior to completion of the investigation. Therefore, disciplinary action could not be taken. The hiring authority placed a letter in the teacher's official personnel file indicating she resigned pending disciplinary action.</p>					
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-05	18-0026227-IR	1. Weapons	1. Sustained	Letter of Reprimand	Letter of Reprimand
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary</p> <p>On April 5, 2018, an officer allegedly negligently discharged a handgun while attempting to remove the weapon from its holster during firearms training, grazing her leg with the bullet.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and issued a letter or reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department did not prepare or serve the disciplinary action in accordance with policy.</p>					

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on June 12, 2018. However, the department did not serve the disciplinary action until August 3, 2018, 52 days later.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-09	18-0026406-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

<p>Case Type: Administrative Investigation</p>

<p>Incident Summary On April 9, 2018, an officer allegedly failed to properly conduct an inmate count.</p>

<p>Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>
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Procedural Rating Sufficient	Substantive Rating Insufficient
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<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have added dishonesty allegations for the officer documenting inmate counts he did not conduct.</i>

<p>Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.</p>

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-12	18-0027897-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)	
Incident Summary On April 12, 2018, an officer requested a duplicate paycheck allegedly intending to defraud the department.	
Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient
Assessment Questions <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i> 	
Case Disposition The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the department previously dismissed the officer in another case before disciplinary action could be imposed.	
Disciplinary Assessment The department sufficiently complied with policies governing the disciplinary phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-15	18-0026339-IR	1. Dishonesty 2. Threat/Intimidation 3. Sexual Misconduct 4. Battery	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On April 15, 2018, an officer allegedly repeatedly punched his girlfriend in the head, threatened to kill her, and raped her. On July 3, 2018, the officer allegedly lied during his interview with the Office of Internal Affairs.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					

Procedural Rating Sufficient	Substantive Rating Sufficient
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the hiring authority already dismissed the officer in a separate case.	
Disciplinary Assessment The department sufficiently complied with policies governing the disciplinary phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-05-08	18-0026408-IR	1. Threat/Intimidation 2. Battery	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On May 8, 2018, outside law enforcement arrested a parole agent for allegedly choking his wife until she lost consciousness, pushing her face into the floor, and threatening to kill her. The district attorney's office subsequently filed charges against the parole agent for domestic battery and criminal threats.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner.					
Procedural Rating Insufficient	Substantive Rating Sufficient				
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 8, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 16, 2018, 39 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. However, the parole agent died before discipline could be imposed.					

<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 8, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 16, 2018, 39 days thereafter.</i></p> <p>◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?</p> <p><i>The delay is addressed in a prior question.</i></p> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-05-17	18-0026944-IR	1. Failure to Report 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary</p> <p>On May 17, 2018, an officer allegedly sat in a locked dark room to take a rest and when a senior psychologist confronted the officer about why he was in the room, he asked the senior psychologist not to report him.</p>					
<p>Investigative Phase Assessment</p> <p>Overall, the department complied with polices governing the investigative phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on May 17, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 2, 2018, 46 days after the date of discovery.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The employee relations officer was assigned August 1, 2018, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 19, 2018, 49 days after assignment.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred. At the *Skelly* hearing, the officer showed remorse and accepted responsibility for his actions, and the hiring authority entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for seven months. The OIG concurred with the settlement based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-06-08	18-0026922-IR	1. Insubordination	1. Sustained	Dismissal	Dismissal
		2. Intoxication	2. Sustained		
		3. Other Failure of Good Behavior	3. Sustained		
		4. Dishonesty	4. Not Sustained		
		5. Discourteous Treatment	5. Not Sustained		

Case Type: Direct Action with Subject-Only Interview	
Incident Summary On June 8, 2018, an off-duty sergeant allegedly drove his personal vehicle onto institutional grounds while under the influence of alcohol and struck a gate and a light pole, causing the electrified fence to fail. The sergeant was also allegedly evasive and uncooperative when outside law enforcement questioned him and lied to an associate warden regarding the incident. On September 4, 2018, the sergeant allegedly failed to appear at his interview with the Office of Internal Affairs.	
Investigative Phase Assessment The department sufficiently complied with polices governing the investigative phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient
Case Disposition The hiring authority sustained the allegations, except dishonesty and discourteous treatment, and determined dismissal was the appropriate penalty. The OIG concurred. However, the sergeant retired before completion of the investigation. Therefore, disciplinary action could not be taken. The department placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action.	
Disciplinary Assessment The department sufficiently complied with policies governing the disciplinary phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-06-19	18-0026862-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action with Subject-Only Interview	
Incident Summary On June 19, 2018, a sergeant allegedly failed to update an inmate’s confidential records to document he was released on parole. Two officers allegedly falsely documented the inmate was present although he had been released, and the first officer allegedly failed to conduct an accurate inmate count.	
Investigative Phase Assessment Overall, the department sufficiently complied with policies governing the investigative phase.	
Procedural Rating Sufficient	Substantive Rating Sufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

The employee relations officer did not make any entry into the case management system confirming relevant dates.

Case Disposition

The hiring authority sustained the allegations, except that the first officer was dishonest, and issued 5 percent salary reductions for 12 months to the sergeant and second officer and a 5 percent salary reduction for nine months to the first officer. The hiring authority did not dismiss the second officer because he was a new officer, he was forthright in his investigative interview, he did not have a partner and was overwhelmed in his position at the time of the misconduct, and accepted responsibility. The OIG concurred with the hiring authority's determinations. The department entered into a settlement with the sergeant in which the penalty remained unchanged but the department agreed to remove the disciplinary action from the sergeant's official personnel file after 18 months. The OIG concurred because the sergeant contacted the employee relations officer and accepted responsibility for the misconduct and displayed remorse. After the second officer's *Skelly* hearing, the department entered into a settlement reducing the penalty to a letter of reprimand and removing references to dishonesty from the disciplinary action. The OIG did not concur with the settlement but did not seek a higher level of review because the officer was forthright during his investigative interview, was a new officer at the time of the misconduct, accepted responsibility, and based on his presentation at the *Skelly* hearing, demonstrated that a likelihood of recurrence was low. The first officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

In the OIG's opinion, the hiring authority entered into a settlement agreement the misconduct did not justify.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Assessment Questions

- **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 the hiring authority removed a dishonesty allegation against the second officer despite clear evidence the officer knew he was entering an inaccurate count into confidential records and reduced the penalty from a 5 percent salary reduction for 12 months to a letter of reprimand, which was not appropriate for the misconduct.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-07-26	18-0027495-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal

Case Type:

Direct Action (No Subject Interview)

<p>Incident Summary</p> <p>On July 26, 2018, an officer allegedly tested positive for cocaine.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</p>					
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-08-27	18-0027769-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal
<p>Case Type:</p> <p>Direct Action (No Subject Interview)</p>					
<p>Incident Summary</p> <p>On August 27, 2018, an officer allegedly tested positive for opioids.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not timely assess the deadline to take disciplinary action and the hiring authority did not conduct the disciplinary findings conference in a timely manner.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

The department attorney was assigned November 1, 2018, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 30, 2018, 29 days after assignment.

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

The Office of Internal Affairs returned the matter to the hiring authority on October 31, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until December 4, 2018, 34 days thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

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

The Office of Internal Affairs returned the matter to the hiring authority on October 31, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 4, 2018, 34 days thereafter.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-10-05	18-0027895-IR	1. Dishonesty 2. Failure to Report 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 5, 2018, outside law enforcement arrested an officer after he allegedly kicked and placed his hands around the neck of a juvenile employee at an amusement park, lied to outside law enforcement, and failed to notify the hiring authority of his arrest.					
Investigative Phase Assessment Overall, the department complied with polices governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the department previously dismissed the officer in another case before disciplinary action could be imposed.					
Disciplinary Assessment The department sufficiently complied with policies governing the disciplinary phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-12-03	17-0022781-IR	1. Dishonesty 2. Threat/Intimidation 3. Over-Familiarity 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Resignation in Lieu of Termination
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary Between December 3, 2014, and February 13, 2016, an officer allegedly conspired with a private citizen and inmates to accept money to introduce mobile phones, drugs, and tobacco into the institution. Between December 3, 2014, and April 9, 2015, the officer allegedly conspired with his wife to accept money to introduce mobile phones, drugs, and tobacco into the institution and arranged to have money from inmates' friends or family members deposited into his wife's account. Between December 29, 2014, and July 24, 2015, the officer allegedly received money from the wives or friends of seven inmates and between May 1, 2015, and July 31, 2015, allegedly threatened a private citizen to give him money. On March 22, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs.</p>					
<p>Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner. In the OIG's opinion, the department attorney did not provide appropriate feedback to the special agent.</p>					
<p>Procedural Rating Insufficient</p>			<p>Substantive Rating Sufficient</p>		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on April 15, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 16, 2016, 62 days after the date of discovery.

- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**

In the OIG's opinion, the department attorney failed to recognize the draft investigative report included improperly worded allegations and the exhibits attached to the report contained handwritten investigator notes.

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 18, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 5, 2017, 17 days thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the officer resigned in lieu of dismissal. The OIG concurred.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in accordance with policy or adequately consult with the OIG.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 18, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 5, 2017, 17 days thereafter.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of his right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney failed to tell the OIG the officer filed a motion to strike portions of the disciplinary action and failed to provide the OIG with an opportunity to review the department's draft response to the motion.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on October 5, 2017. However, the department did not serve the disciplinary action until November 8, 2017, 34 days thereafter.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-06-17	18-0025299-IR	1. Confidential Information 2. Misuse of Authority 3. Confidential Information	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary Between June 17, 2015, and July 24, 2015, and on November 12, 2016, and February 16, 2017, a parole agent with the Office of Correctional Safety allegedly obtained confidential criminal history information regarding a fugitive and provided the information to a bail bondsman without cause.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.					
Procedural Rating Insufficient			Substantive Rating Insufficient		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on July 27, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 12, 2018, more than five months after the date of discovery.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have opened a criminal investigation because the alleged misconduct was potentially criminal in nature.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 8, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until May 23, 2018, 15 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained allegations the parole agent transmitted confidential information on November 12, 2016, and February 16, 2017, but not the remaining allegations, and imposed a 5 percent salary reduction for three months. The OIG concurred. The parole agent did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority 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 8, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until May 23, 2018, 15 days thereafter.
- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the parole agent of his right to respond to an uninvolved manager.
- **In the OIG’s opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on May 23, 2018. However, the department did not serve the disciplinary action until July 24, 2018, 62 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-06	16-0001166-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On September 6, 2015, a parole agent allegedly punched his domestic partner and pushed him to the ground, resulting in an outside law enforcement response. On September 10, 2015, the parole agent allegedly falsely told his supervisor he was not present during the incident and on May 20, 2016, allegedly lied to outside law enforcement. On March 27, 2017, the parole agent allegedly punched and hit his domestic partner with a ceramic object, resulting in an outside law enforcement response and on April 18, 2017, allegedly failed to notify the department of a restraining order against him.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney failed to timely make an entry into the case management system and did not attend a key witness interview.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney was assigned April 28, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until June 8, 2016, 41 days after assignment.</i> ◦ Did the department attorney attend key witness interviews to assess witness demeanor and credibility? <i>The department attorney did not attend the interview of a supervising parole agent to whom the parole agent reported facts that contradicted what the parole agent told outside law enforcement.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 13, 2016, but did not complete the investigation until June 1, 2017, almost one year and two months thereafter. However, a criminal investigation and the parole agent's unavailability due to disability was tolling this investigation.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and dismissed the parole agent. The hiring authority also non-punitively separated the parole agent from employment because he was unable meet the minimum qualifications for his position after a court prohibited him from possessing a firearm. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal and separation.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with the policies governing the disciplinary phase because the department attorney did not prepare the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney did not accurately address legal issues during the State Personnel Board hearing.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the parole agent of the right to respond to an uninvolved manager, cited inapplicable federal statutes, and failed to cite relevant state statutes regarding the possession of firearms.</i> ◦ In the OIG's opinion, did the department's advocate thoroughly and accurately address legal issues prior to and during the State Personnel Board hearing? <i>In the OIG's opinion, the department attorney incorrectly argued that federal law applied and failed to argue state law applied to prohibit the parole agent from possessing firearms.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-01	18-0026031-IR	1. Over-Familiarity	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary Between October 1, 2015, and March 6, 2017, an officer allegedly called and sent text messages to an inmate's girlfriend and provided contraband to the inmate in return for confidential information regarding drug activity at the institution.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on May 18, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 18, 2017, three months thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-06	16-0001746-IR	1. Neglect of Duty 2. Dishonesty 3. Failure to Report	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On March 6, 2016, an officer allegedly failed to stop an inmate he was escorting from fighting with another inmate, resulting in officers using force, and failed to report the incident. On March 9, 2016, the officer allegedly lied to a lieutenant about the incident.					

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference and the department attorney did not timely assess the deadline to take disciplinary action, provide adequate documentation regarding review of the draft investigative reports, or timely prepare an appeal to the Office of Internal Affairs. In the OIG's opinion, the special agent did not adequately prepare for all aspects of the investigation.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on March 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 17, 2016, 72 days after the date of discovery.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney was assigned June 30, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until July 28, 2016, 28 days after assignment.
- **In the OIG's opinion, was the special agent prepared to conduct all aspects of the investigation?**
In the OIG's opinion, the special agent should have listened to the officer's recorded interview before interviewing a key witness.
- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**
The special agent provided the draft report to the department attorney on August 31, 2016, but the department attorney did not provide any feedback regarding the report.
- **Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?**
The department attorney did not provide written confirmation about the initial draft report to either the special agent or the OIG and did not provide written confirmation to the OIG regarding a supplemental draft report.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on June 15, 2016, but did not complete the investigation until February 17, 2017, eight months thereafter.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its initial investigation and referred the matter to the hiring authority on September 23, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 28, 2016, 35 days thereafter.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**
The department attorney did not respond to the OIG's email messages of November 21, 2016, and December 5, 2016, regarding a delay in preparing an appeal for additional investigation until December 13, 2016, 22 days after the initial message.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

<p>Case Disposition</p> <p>The hiring authority sustained the allegation the officer failed to prevent the inmate from fighting with another inmate, but not the other allegations, and issued a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board upheld the findings and penalty. The officer filed a petition for writ of mandate, which the court denied.</p>						
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>						
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its initial investigation and referred the matter to the hiring authority on September 23, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determination until October 28, 2016, 35 days thereafter.</i> ◦ Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG? <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i> ◦ Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG? <i>The department attorney did not provide a final memorandum to the OIG.</i> 						
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty	
2016-05-15	16-0001890-IR	1. Failure to Report 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction	
<p>Case Type:</p> <p>Administrative Investigation</p>						
<p>Incident Summary</p> <p>On May 15, 2016, an officer allegedly failed to activate an alarm after an inmate reported her cellmate attacked her. The officer also allegedly failed to notify a sergeant of the incident, thoroughly search the cell, timely submit a written report, and falsely reported contacting the sergeant.</p>						
<p>Investigative Phase Assessment</p> <p>Overall, the department complied with policies governing the investigative phase.</p>						
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>			

Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 28, 2017, 45 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations, except for dishonesty, and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner, the department attorney did not prepare the disciplinary action in accordance with policy, and the department did not serve the disciplinary action in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 28, 2017, 45 days thereafter.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the officer of her right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on April 28, 2017. However, the department did not serve the disciplinary action until June 7, 2017, 40 days thereafter.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-19	16-0001818-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Over-Familiarity 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Suspension
Case Type:					
Direct Action with Subject-Only Interview					
Incident Summary					
<p>On May 19, 2016, and June 1, 2016, a parole agent allegedly entered false information in a parolee's record of supervision. On May 20, 2016, the parole agent allegedly failed to timely consult with a supervisor and document the parolee's possession of a mobile phone and camera, use of a computer, and viewing nude pictures. On May 25, 2016, the parole agent allegedly allowed a second parolee an unauthorized visit with a child and shared personal information with parolees and on May 31, 2016, allegedly removed and replaced a third parolee's global positioning system device without authorization. On January 10, 2017, the parole agent allegedly lied during her interview with the Office of Internal Affairs.</p>					
Investigative Phase Assessment					
<p>The department did not comply with policies governing the investigative phase because the Office of Internal Affairs did not make appropriate determinations and the hiring authority did not conduct the investigative findings conferences in a timely manner. In the OIG's opinion, the hiring authority did not request an investigation when warranted and the department attorney did not properly advise the hiring authority.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have agreed to interview the parole agent to investigate discrepancies and omissions in documents the parole agent prepared.
- **In the OIG's opinion, if the hiring authority submitted an appeal, did the Office of Internal Affairs make an appropriate decision regarding the appeal?**
In the OIG's opinion, the Office of Internal Affairs should have approved the hiring authority's request to investigate an allegation the parole agent shared personal information with parolees.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs initially returned the matter to the hiring authority on July 13, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until August 19, 2016, 37 days thereafter. Thereafter, the Office of Internal Affairs conducted an investigation and referred the matter back to the hiring authority on February 13, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 12, 2017, 58 days thereafter.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
In the OIG's opinion, the department attorney should have advised the hiring authority to request an investigation because information revealed during the Skelly hearing disclosed the parole agent may have falsified information.
- **Did the OIG request the executive review?**
The OIG sought a higher level of review because the hiring authority did not follow the OIG's recommendation to investigate newly discovered information related to potential dishonesty.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations the parole agent failed to properly document her actions, but not that she shared personal information with parolees, and imposed a 10 percent salary reduction for 24 months. The OIG concurred. During the *Skelly* hearing, the hiring authority learned of new information that the parole agent may have falsified documentation, which warranted further investigation. The OIG recommended the hiring authority request further investigation, but the hiring authority disagreed. The OIG did not concur and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor agreed with the OIG and requested further investigation. After the investigation, the hiring authority added and sustained allegations the parole agent lied during her interview with the Office of Internal Affairs interview, failed to obtain authorization before removing a global positioning system from a parolee and allowed a parolee child visitation, and failed to document a parolee viewed nude pictures on a mobile phone, but not the remaining allegations, and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board modified the penalty to a one-year-suspension. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the parole agent's credible denials.

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not prepare the disciplinary action in accordance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs returned the matter to the hiring authority on July 13, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 19, 2016, 37 days thereafter. Thereafter, the Office of Internal Affairs conducted an investigation and referred the matter back to the hiring authority on February 13, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 12, 2017, 58 days thereafter.</i></p> <p>◦ In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary action did not advise the parole agent of the right to respond to an uninvolved manager.</i></p> <p>◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?</p> <p><i>The delays are addressed in a prior question.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-19	16-0001926-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
		2. Failure to Report	2. Sustained		
		3. Neglect of Duty	3. Sustained		
		4. Dishonesty	4. Not Sustained		
		5. Failure to Report	5. Not Sustained		
		6. Neglect of Duty	6. Not Sustained		

<p>Case Type:</p> <p>Administrative Investigation</p>
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Incident Summary

On July 19, 2016, a lead groundskeeper allegedly failed to return state vehicle keys, an officer allegedly returned the lead groundskeeper's key voucher without receiving the corresponding keys, a sergeant allegedly failed to notify the watch commander the keys were missing, and the sergeant and a second sergeant allegedly falsely accounted for the missing keys. On July 20, 2016, the lead groundskeeper allegedly falsely reported returning the keys, the officer allegedly falsely reported he was unaware of the missing keys, that officer and a second officer allegedly colluded with the first sergeant to conceal that they knew the keys were missing, the first sergeant allegedly completed false documentation regarding the keys and lied to a lieutenant, and the second sergeant allegedly failed to inform a lieutenant regarding the status of the keys. On December 8, 2016, and January 17, 2017, the second officer allegedly lied during interviews with the Office of Internal Affairs, and on January 11, 2017, the first officer and lead groundskeeper allegedly lied during their interviews with the Office of Internal Affairs.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner. In the OIG's opinion, the department attorney did not provide adequate legal advice to the special agent.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**
The department attorney failed to identify that code-of-silence allegations should have been included in the investigative report.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 8, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 7, 2017, 30 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations, except for a neglect of duty allegation against the first officer and improperly worded allegations, and dismissed the lead groundskeeper, the first sergeant, and both officers, and imposed a three-working-day suspension on the second sergeant. The OIG concurred with the hiring authority's determinations. All but the second sergeant filed appeals with the State Personnel Board. Prior to the State Personnel Board hearing, the first sergeant retired. Following two separate hearings, the State Personnel Board revoked the dismissals of the lead groundskeeper and the first officer and upheld the second officer's dismissal. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the lead groundskeeper and officer's credible denials.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not provide written confirmation of penalty discussions or prepare the disciplinary actions in accordance with policy. In the OIG's opinion, the department attorney did not adequately represent the department during State Personnel Board proceedings.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 8, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 7, 2017, 30 days thereafter.
- **Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG?**
The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the sergeants, officer, and lead groundskeeper of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department's advocate timely subpoena necessary witnesses and thoroughly prepare the witnesses for the hearing?**
In the OIG's opinion, for the lead groundskeeper's hearing, the department attorney did not subpoena key witnesses, preventing him from introducing important evidence, and did not adequately prepare the special agent as a witness for the hearing.
- **In the OIG's opinion, did the department's advocate thoroughly and accurately address legal issues prior to and during the State Personnel Board hearing?**
In the OIG's opinion, the department attorney should have asked to consolidate all of the cases because they arose out of the same incident and neglected to address issues regarding alleged disparate treatment by the department.
- **In the OIG's opinion, did the department's advocate present the necessary available evidence regarding the allegations at the hearing?**
In the OIG's opinion, at the lead groundskeeper's hearing, the department attorney could not present necessary evidence regarding the voucher exchange because he failed to subpoena critical witnesses. At the officers' hearing, the department attorney neglected to call several subpoenaed and available witnesses who could have refuted the officers' claims other employees committed misconduct.
- **In the OIG's opinion, did the department's advocate move necessary evidence into evidence?**
In the OIG's opinion, at the lead groundskeeper's hearing, the department attorney was unable to refute the lead groundskeeper's claim regarding the common practice of exchanging a voucher for equipment.
- **Did the State Personnel Board impose any sanction or penalty on the department for failure to comply with the State Personnel Board regulations or deem any of the department's filings untimely?**
The State Personnel Board denied the department attorney's untimely request to consolidate the hearings.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-01	18-0024993-IR	1. Neglect of Duty 2. Failure to Report 3. Over-Familiarity 4. Other Failure of Good Behavior	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary Between September 1, 2016, and October 12, 2016, an officer allegedly accepted money from an inmate to buy a mobile phone for the inmate, failed to tell his supervisor the inmate asked him to buy a mobile phone, and planned to arrest the inmate in an unauthorized sting operation.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner. In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action, causing the disciplinary action to be served after expiration of the deadline to take disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney used November 9, 2016, as the date the Office of Internal Affairs opened the criminal investigation when it was actually opened on November 30, 2016, and used June 28, 2017, as the date the Office of Internal Affairs closed the criminal case when it was actually closed on June 26, 2017. Therefore, the deadline to take disciplinary action was May 8, 2018, instead of May 31, 2018, because there were 208 days of criminal tolling instead of 231 days.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 13, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 13, 2018, 31 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					

Case Disposition

The hiring authority sustained an allegation the officer planned an unauthorized arrest and sting operation, but not the remaining allegations, and imposed a 10 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 department entered into a settlement agreement with the officer reducing the penalty to a 10 percent pay reduction for seven months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained within the appropriate range for the misconduct.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action before the deadline to take disciplinary action and modified the penalty without sufficient justification, and the department attorney did not prepare the disciplinary action in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 13, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 13, 2018, 31 days thereafter.
- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of his right to respond to an uninvolved manager.
- **Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?**
The deadline to take disciplinary action was May 8, 2018, but the hiring authority did not serve the disciplinary action until May 21, 2018, 13 days after the deadline.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority did not identify any new evidence, flaws, or risks to justify the modification.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks to justify the modification.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action and served the disciplinary action after the deadline to take disciplinary action. The hiring authority decided to take disciplinary action on April 13, 2018, and the deadline to take disciplinary action was May 8, 2018. However, the department did not serve the disciplinary action until May 21, 2018, 38 days after the decision to take disciplinary action and 13 days after the deadline to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-16	16-0002170-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
		2. Failure to Report	2. Sustained		
		3. Battery	3. Sustained		
		4. Other Failure of Good Behavior	4. Sustained		
		5. Other Failure of Good Behavior	5. Not Sustained		
		6. Dishonesty	6. No Finding		

Case Type:
Administrative Investigation

Incident Summary

On September 16, 2016, while off-duty, an officer allegedly punched and struck a second officer with a bottle, injuring the second officer and resulting in outside law enforcement response, and lied to outside law enforcement and on September 16 and September 17, 2016, tried to dissuade a third officer from reporting the first officer's actions. The second officer allegedly punched the third officer and was armed with a firearm while intoxicated, and the third officer was allegedly involved in the incident, failed to report the incident to the department, and lied to outside law enforcement. Also on September 16, 2016, a fourth officer allegedly participated in a code of silence with the first and third officers and failed to report the first officer's actions and on October 3, 2017, allegedly lied during his interview with the Office of Internal Affairs. On April 24, 2017, and October 18, 2017, the first and third officers allegedly lied during their interviews with the Office of Internal Affairs.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not timely make an entry into the case management system or timely contact the special agent and the OIG.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on September 16, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 28, 2016, 73 days after the date of discovery.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney was assigned January 3, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until February 10, 2017, 38 days after assignment.
- **No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct?**
The department attorney was assigned January 3, 2017, but did not contact the special agent and the OIG to discuss the case until February 2, 2017, 30 days after assignment.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on December 28, 2016, but the department did not complete its investigation until November 1, 2017, more than ten months thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegations against the first, third, and fourth officers, except that the third officer was involved in the physical altercation, and dismissed the three officers. The hiring authority found insufficient evidence to sustain the allegations against the second officer. The OIG concurred with the hiring authority's determinations. The three officers filed appeals with the State Personnel Board. However, pursuant to settlement agreements, the first and fourth officers resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred. Following a hearing, the State Personnel Board upheld the third officer's dismissal.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department did not prepare or serve the disciplinary actions in accordance with policy.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary actions did not advise the officers of their right to respond to an uninvolved manager.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The department did not serve the disciplinary actions within 30 days of the decisions to take action. The hiring authority for the first and third officers decided to take disciplinary action on December 6, 2017. However the department did not serve the first officer until January 25, 2018, 50 days thereafter, and the third officer until January 29, 2018, 54 days thereafter. The hiring authority for the fourth officer decided to take disciplinary action on November 29, 2017. However the department did not serve the fourth officer until January 12, 2018, 44 days thereafter.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-19	18-0026624-IR	1. Sexual Misconduct 2. Discrimination/Harassment 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Administrative Investigation

Incident Summary

Between September 19, 2016, and May 8, 2018, a counselor allegedly made comments to a program director regarding the director's weight, clothing, appearance, and marital status and between January 16, 2018, and May 8, 2018, allegedly made sexually offensive comments to the program director.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs, timely conduct the investigative findings conference, or provide a form to the OIG, and the department attorney did not timely assess the deadline to take disciplinary action.

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on January 27, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 6, 2018, one year and four months after the date of discovery.</i> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney was assigned on July 9, 2018, but did not make an entry into the case management system regarding the deadline to take disciplinary action until August 2, 2018, 24 days after assignment.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 25, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 15, 2018, 21 days thereafter.</i> ◦ In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase? <i>The employee relations officer did not provide the OIG with the form documenting the investigative findings.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 	
<p>Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-05	18-0025431-IR	1. Sexual Misconduct	1. Sustained	Dismissal	Dismissal
		2. Over-Familiarity	2. Sustained		
		3. Controlled Substances	3. Sustained		
		4. Contraband	4. Sustained		
		5. Sexual Misconduct	5. Not Sustained		
		6. Contraband	6. Not Sustained		

<p>Case Type: Administrative Investigation</p>

Incident Summary

Between February 5, 2017, and June 12, 2017, a carpenter allegedly shared his home address with an inmate and communicated inappropriately and engaged in sexual misconduct with inmates. Between March 24, 2017, and June 12, 2017, the carpenter allegedly introduced mobile phones, wireless ear devices, tobacco, tattoo ink, a lighter, shelf liner, designer bag, methamphetamine, and heroin into the institution for inmates. On April 12, 2017, the carpenter allegedly sent a nude photograph of himself to an inmate's mobile phone and on April 17, 2017, allegedly sent a photograph of a professional football symbol to the same inmate's mobile phone. On May 19, 2017, the carpenter allegedly introduced tobacco and a mobile phone into the institution.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner and the department attorney did not provide sufficient confirmation about the investigative report to the special agent or the OIG.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **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?**
Although the department attorney provided written feedback to the special agent, the feedback did not address all critical concerns about the report, and the department attorney did not provide a copy to the OIG.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 12, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigation findings until July 9, 2018, 27 days thereafter.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**
The department attorney did not provide the OIG written confirmation of substantive feedback given to the special agent regarding the investigative report.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations, except for alleged sexual misconduct between February 5, 2017, and June 12, 2017, and introducing tobacco and a mobile phone into the institution on May 19, 2017, and determined that dismissal was the appropriate penalty. The OIG concurred. However, the carpenter retired before disciplinary action could be imposed. The hiring authority placed a letter in the carpenter's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating		Substantive Rating			
Sufficient		Sufficient			
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 12, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 9, 2018, 27 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-28	17-0022714-IR	1. Dishonesty 2. Dishonesty	1. Sustained 2. Not Sustained	Demotion	Demotion
Case Type: Administrative Investigation					
Incident Summary On February 28, 2017, a parole agent allegedly falsely documented performing a criminal history check of a parolee and on March 20, 2017, allegedly falsely stated on two warrant requests and declarations he performed the criminal history checks. On March 21, 2017, the parole agent allegedly lied to a supervising parole agent regarding performing the criminal history checks.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase.					
Procedural Rating		Substantive Rating			
Sufficient		Sufficient			
Case Disposition The hiring authority sustained allegations the parole agent falsely documented performing a criminal history check and making a false statement to a supervisor, but not the other allegations, and demoted the parole agent to officer. The OIG concurred with the hiring authority determinations. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the demotion.					
Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.					
Procedural Rating		Substantive Rating			
Sufficient		Sufficient			

Assessment Questions

- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the parole agent of his right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-22	17-0022869-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Suspension	Modified Suspension

Case Type:

Administrative Investigation

Incident Summary

On April 22, 2017, two officers allegedly failed to properly conduct counts of an inmate who was dead, falsely reported conducting the counts, and failed to follow up when the inmate did not appear for his medications, and a psychiatric technician was allegedly dishonest when documenting having notified custody staff the inmate missed his medications. On April 23, 2017, the second officer and a third officer allegedly failed to properly conduct counts, were dishonest in reporting counts, and failed to follow up when the inmate did not appear for his medications, a fourth officer allegedly failed to properly conduct three counts, a fifth and six officer allegedly failed to follow up when the inmate did not appear for his medications, a second psychiatric technician allegedly falsely documented providing the inmate his medications, and a third psychiatric technician allegedly falsely documented notifying custody staff the inmate missed his medications and failed to follow up when the inmate did not appear for his medications. On April 24, 2017, a seventh officer allegedly failed to properly conduct three counts, the sixth officer, and an eighth and ninth officer allegedly failed to follow up when the inmate did not appear for his medications, the third psychiatric technician allegedly falsely documented providing the inmate his medications and notifying and following up with custody staff when the inmate missed his medications, and a teacher allegedly failed to account for the inmate when he did not appear for class.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authorities did not timely conduct the investigative findings conference and in the OIG’s opinion, the Office of Internal Affairs did not make an appropriate initial determination.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should not have removed four additional officers and three additional psychiatric technicians as subjects of the investigation because there was evidence the inmate had been dead for as long as three days and the additional officers and psychiatric technicians should have discovered the dead inmate.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The department forwarded the case to the regional office on May 31, 2017, but the Office of Internal Affairs did not complete the investigation until March 23, 2018, almost ten months thereafter.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on March 23, 2018. However, the hiring authority for the officers did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 11, 2018, 19 days thereafter. The hiring authority for the psychiatric technicians did not consult with the OIG and department attorney until May 9, 2018, 47 days after the Office of Internal Affairs referred the matter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in a prior question.

Case Disposition

The hiring authority sustained allegations the first, second, fourth, and seventh officers failed to properly conduct counts, but not the remaining allegations against them, including improperly worded allegations, and imposed a 5 percent salary reduction for 12 months against each of the four officers. The hiring authority sustained allegations the first psychiatric technician failed to provide accurate documentation and imposed a 48-working-day suspension, sustained allegations the second psychiatric technician failed to provide accurate documentation and imposed a 26-working-day suspension, and sustained allegations the third psychiatric technician provided false documentation and imposed a 48-working-day suspension, but not the remaining allegations against them, including improperly worded allegations. The hiring authority found insufficient evidence to sustain allegations against the five remaining officers and the teacher. The OIG concurred with the hiring authorities' determinations. The first and fourth officers, and the first and third psychiatric technicians filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into settlement agreements reducing the penalty to a 28-day-working suspension for the first psychiatric technician, a 6-working-day suspension for the second psychiatric technician, and a 22-working-day suspension for the third psychiatric technician. The OIG concurred because of a dispute in the evidence. At a pre-hearing settlement conference, the department entered into settlement agreements with the first and fourth officers agreeing to remove the disciplinary actions from the officers' official personnel files after twelve months. The OIG concurred because the penalties remained the same and the disciplinary actions could be used for progressive discipline. The second and seventh officers did not file appeals with the State Personnel Board.

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely conduct the disciplinary findings conference, the department attorney did not prepare the disciplinary actions in accordance with policy and neglected to include critical language in settlement agreements, and the department did not serve the disciplinary actions in compliance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on March 23, 2018. However, the hiring authority for the officers did not consult with the OIG and department attorney regarding disciplinary determinations until April 11, 2018, 19 days thereafter. The hiring authority for the psychiatric technicians did not consult with the OIG and department attorney regarding the disciplinary determinations until May 9, 2018, 47 days after the Office of Internal Affairs returned the matter.</i></p> <p>In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary actions did not cite the correct peace officer confidentiality statutes or advise of the right to respond to an uninvolved manager.</i></p> <p>If there was a settlement agreement, did the settlement agreement include the key clauses policy requires?</p> <p><i>Two settlement agreements failed to set forth language requiring dismissal of the appeals the two psychiatric technicians filed.</i></p> <p>In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?</p> <p><i>Two delays are addressed in a prior question. In addition, the hiring authority for the officers did not serve disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on April 11, 2018. However, the department did not serve the disciplinary action on one of the officers until May 14, 2018, 33 days later, and did not serve the disciplinary action on three officers until May 18, 2018, 37 days later.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-03	17-0023019-IR	1. Other Failure of Good Behavior	1. Sustained	Letter of Reprimand	Letter of Reprimand

Case Type:
Direct Action (No Subject Interview)

Incident Summary
On May 3, 2017, outside law enforcement responded to an incident after an officer allegedly argued with his wife, physically threatened his wife's friend, and punched the windows and mirror of the friend's vehicle.

<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not enter relevant dates and the hiring authority did not conduct the investigative findings conference in a timely manner.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The department attorney did not make any entry into the case management confirming relevant dates.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the case to the hiring authority on June 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until August 28, 2017, 75 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and imposed a letter of reprimand. The OIG did not concur with the penalty but did not seek a higher level of review because the hiring authority considered the officer's agreement to pay restitution as a mitigating factor. The officer did not file an appeal with the State Personnel Board.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not prepare the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney did not provide appropriate legal advice regarding the disciplinary determinations.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</p>

Assessment Questions

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

The Office of Internal Affairs returned the matter to the hiring authority on June 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 28, 2017, 75 days thereafter.

- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the disciplinary determinations?**

In the OIG's opinion, the department attorney should have advised the hiring authority to impose a salary reduction or suspension instead of a letter of reprimand because the misconduct was more severe than discourteous treatment.

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of his right to respond to an uninvolved manager.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-18	17-0023721-IR	1. Use of Force	1. Sustained	Salary Reduction	Salary Reduction
		2. Insubordination	2. Sustained		
		3. Neglect of Duty	3. Sustained		
		4. Dishonesty	4. Not Sustained		
		5. Insubordination	5. Not Sustained		
		6. Neglect of Duty	6. Not Sustained		
		7. Medical	7. Not Sustained		

Case Type:

Administrative Investigation

Incident Summary

On May 18, 2017, a psychologist allegedly failed to follow-up with an inmate after the inmate stated he wanted to commit suicide, an officer allegedly failed to maintain constant visual supervision of the inmate and did not initiate a holding cell log, a second officer allegedly deployed pepper spray on the inmate attempting to hang himself, a third officer allegedly left the inmate in the cell after the inmate informed him he was suicidal, failed to activate an alarm to summon assistance, and failed to assist the first two officers in removing the inmate from the cell and provide life-saving measures, and a sergeant allegedly failed to ensure that an officer maintained constant visual observation of the inmate. On November 6, 2017, the sergeant and psychologist allegedly violated an order to not discuss the investigation. On November 8, 2017, the psychologist and sergeant allegedly lied during their Office of Internal Affairs interviews.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because 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 initial determination, the hiring authority for the psychologist did not timely conduct the investigative findings conference or adequately cooperate with the OIG, and the department attorney did not adequately cooperate with the OIG.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on May 23, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 11, 2017, 49 days after the date of discovery.
- **Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days?**
The Office of Internal Affairs received the request for investigation on July 11, 2017, but did not take action until August 16, 2017, 36 days after receipt of the request.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs forwarded the case to a regional office for investigation on August 16, 2017, but did not complete its investigation until March 28, 2018, more than seven months thereafter.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority for the psychologist on March 28, 2018. However, the hiring authority for the psychologist did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 13, 2018, 77 days thereafter.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**
The department attorney failed to provide the OIG with notice that the investigative findings conference for the psychologist had been scheduled.
- **In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?**
The hiring authority for the psychologist failed to provide the OIG with notice that the investigative findings conference for the psychologist had been scheduled.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained allegations the first officer failed to initiate a holding cell log, the second officer inappropriately used pepper spray, the third officer failed to activate an alarm device, and the sergeant failed to ensure an officer maintained constant visual supervision of the inmate and was insubordinate, but not the remaining allegations against them or the psychologist. The hiring authority imposed a 5 percent salary reduction for 12 months on the first officer and the sergeant and a 5 percent salary reduction for three months on the second and third officers. The OIG concurred except for the decision to not sustain an allegation the psychologist failed to contact the inmate. The OIG did not seek a higher level of review because of a dispute in the evidence. After a *Skelly* hearing, the hiring authority learned that the third officer's alarm device was not working. Due to this mitigating information, the hiring authority withdrew the disciplinary action and issued a letter of instruction requiring the third officer to use his whistle in the future. The OIG concurred due to the mitigating information learned at the *Skelly* hearing. The first and second officers filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into settlement agreements with both officers reducing the first officer's penalty to a 5 percent salary reduction for 11 months and agreeing to remove the second officer's disciplinary action from his official personnel file four months after the penalty is completed. The OIG did not concur with the first officer's modification because there were no changed circumstances but did not seek a higher level of review because the penalty remained within the department's guidelines. The OIG concurred with the agreement to remove the disciplinary action early from the second officer's official personnel file because the disciplinary action could be used for progressive discipline. The sergeant did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority for the psychologist did not timely conduct the disciplinary findings conference or adequately cooperate with the OIG, the department attorney did not properly draft the disciplinary actions or adequately cooperate with the OIG, the department did not serve the disciplinary actions in accordance with policy, and the hiring authority entered into a settlement agreement that did not comply with policy.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority 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 for the psychologist on March 28, 2018. However, the hiring authority for the psychologist did not consult with the OIG and department attorney regarding the disciplinary determinations until June 13, 2018, 77 days thereafter.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not cite the correct peace officer confidentiality statutes and did not advise the officers and sergeant of their rights to respond to an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority reduced the first officer's penalty without identifying any new evidence, flaws, or risks to justify the reduction.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with reducing the first officer's penalty because the hiring authority did not identify any new evidence, flaws, or risks to justify a reduction.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney failed to provide the OIG with notice that the disciplinary findings conference for the psychologist had been scheduled.
- **In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The hiring authority for the psychologist failed to provide the OIG with notice that the disciplinary findings conference for the psychologist had been scheduled.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. In addition, the department did not serve the disciplinary actions within 30 days of the disciplinary findings conference. The hiring authority for the officers and sergeant decided to take disciplinary action on April 26, 2018. However, the department did not serve the sergeant's disciplinary action until May 31, 2018, the first officer's disciplinary action until June 1, 2018, and the second officer's disciplinary action until June 4, 2018, 35, 36 and 39 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-05	17-0024262-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Suspension	Modified Suspension

Case Type:

Direct Action with Subject-Only Interview

<p>Incident Summary</p> <p>Between June 5, 2017, and September 12, 2017, an officer allegedly failed to visually inspect an emergency response kit on a daily basis and between July 2017, and August 2017, allegedly failed to inventory and falsified records regarding his daily inspection of the kit. On September 12, 2017, the officer allegedly falsely documented inspecting the kit.</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the employee relations officer did not assess the deadline for taking disciplinary action and the hiring authority did not conduct the investigative findings conferences in a timely manner. In the OIG's opinion, the department attorney did not provide appropriate feedback regarding the investigative report.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> ◦ In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report? <i>In the OIG's opinion, the department attorney should have recommended the special agent add a dishonesty allegation based on strong evidence the officer falsified documents.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs initially returned the matter to the hiring authority on October 25, 2017. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence until December 6, 2017, 42 days thereafter. After completing its investigation, the Office of Internal Affairs referred the matter to the hiring authority a second time on April 10, 2018, but the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until May 9, 2018, 29 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delays are addressed in a prior question.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except one that was incorrectly worded, and imposed a 60-working-day suspension. The hiring authority imposed a suspension rather than dismissal due to concerns regarding a lack of proper training and unclear post orders. 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 reducing the penalty to a 55-working-day suspension. The OIG concurred because of evidentiary problems and the penalty reduction was not significant.</p>	

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in compliance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 10, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 9, 2018, 29 days thereafter.</i></p> <p>In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the officer of the right to respond to an uninvolved manager.</i></p> <p>In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?</p> <p><i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on May 9, 2018. However, the department did not serve the disciplinary action until July 3, 2018, 55 days later.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-16	17-0023635-IR	1. Use of Force 2. Neglect of Duty 3. Dishonesty 4. Use of Force	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Salary Reduction

<p>Case Type:</p> <p>Administrative Investigation</p>
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<p>Incident Summary</p> <p>On June 16, 2017, an officer allegedly struck an inmate in the head repeatedly with a pepper spray container and lied in a report and to a sergeant regarding the incident. A second officer allegedly failed to report the use of force he witnessed, and both officers allegedly opened the inmate's cell door without activating their alarms and without having the tool used to cut a noose during the inmate's attempted suicide.</p>

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination regarding the hiring authority's request and the hiring authority's supervisor did not make a correct decision.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**

In the OIG's opinion, the Office of Internal Affairs should have added another officer as a subject of the investigation because the officer was present during the incident but failed to report the misconduct.

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 8, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until February 8, 2018, 31 days thereafter.

- **In the OIG's opinion, if any party requested executive review, did the final decision-maker make the correct decision?**

In the OIG's opinion, the hiring authority's supervisor incorrectly decided the unreasonable use-of-force allegation should not be sustained after the hiring authority sustained the allegation.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained allegations that both officers failed to activate their alarms and the first officer used unreasonable force and imposed a 5 percent salary reduction for eight months on each officer. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred. The department attorney did not agree with sustaining the use-of-force allegation and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the allegation would not be sustained. The OIG did not concur but did not seek a higher level of review due to a dispute in the evidence. Both officers filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the second officer reducing the penalty to a 5 percent salary reduction for five months. The OIG did not concur but did not seek a higher level of review because the penalty remained within departmental guidelines. At the pre-hearing settlement conference, the department entered into a settlement agreement with the first officer whereby the penalty remained the same but the disciplinary action would be removed from the officer's official personnel file. The OIG concurred because the monetary penalty remained the same.

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority failed to conduct the disciplinary findings conference in a timely manner and agreed to a settlement without sufficient justification and the department attorney did not prepare the disciplinary actions in accordance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 8, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until February 8, 2018, 31 days thereafter.</i></p> <p>In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary actions did not cite the correct peace officer confidentiality statutes and did not advise the officers of the right to respond to an uninvolved manager.</i></p> <p>If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?</p> <p><i>The hiring authority did not identify any new evidence, flaws, or risks to justify the settlement with the second officer.</i></p> <p>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</p> <p><i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlement with the second officer.</i></p> <p>In the OIG’s opinion, did the department conduct the disciplinary phase with due diligence?</p> <p><i>The delay is addressed in a prior question.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-13	17-0024342-IR	1. Use of Force 2. Use of Force	1. Not Sustained 2. Unfounded	No Penalty Imposed	No Penalty Imposed

<p>Case Type:</p> <p>Administrative Investigation</p>
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<p>Incident Summary</p> <p>On July 13, 2017, three officers allegedly punched and kicked an inmate and failed to report the use of force, and a fourth officer allegedly failed to complete his report before the end of his shift and failed to report witnessing the use of force.</p>

<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.</p>

Procedural Rating Insufficient	Substantive Rating Sufficient				
<p style="text-align: center;">Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 14, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 6, 2017, 84 days after the date of discovery.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have added dishonesty allegations for a sergeant and an officer because neither reported an unreasonable use of force.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs forwarded the case to a regional office on November 1, 2017, but did not complete the investigation until July 5, 2018, eight months thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 					
<p style="text-align: center;">Case Disposition</p> <p>The hiring authority determined the investigation conclusively proved that two officers were not involved and the fourth officer did not fail to complete his report before the end of his shift. The hiring authority found insufficient evidence to sustain any of the remaining allegations. The OIG concurred with the hiring authority's determinations.</p>					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-10	17-0024111-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Salary Reduction
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary</p> <p>On August 10, 2017, a sergeant allegedly failed to secure the door to the visiting area, two officers allegedly failed to supervise inmates in the area enabling two inmates to break into a vending machine, and a recreational therapist allegedly failed to report seeing the inmates pry open the vending machine.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the employee relations officers did not adequately assess the deadline to take disciplinary action and the hiring authority for the recreational therapist did not conduct the investigative findings conference in a timely manner.</p>					

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?</p> <p><i>The employee relations officer for the sergeant and officers was assigned on October 4, 2017, but did not make an entry into the case management system until October 31, 2017, 27 days after assignment. The employee relations officer for the recreational therapist did not make any entry into the case management system confirming relevant dates.</i></p> <p>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</p> <p><i>The Office of Internal Affairs returned the matter to the hiring authorities on October 4, 2017. However, the hiring authority for the recreational therapist did not consult with the OIG regarding the sufficiency of the evidence and the findings until December 20, 2017, 77 days thereafter.</i></p> <p>In the OIG's opinion, did the department conduct the investigative phase with due diligence?</p> <p><i>The delay is addressed in a prior question.</i></p> 	
<p>Case Disposition</p> <p>The hiring authorities sustained the allegations and imposed 10 percent salary reductions for six months against the sergeant and one officer and 5 percent salary reductions for six months against the second officer and the recreational therapist. The hiring authority imposed a higher penalty against the first officer because he had a prior disciplinary action. The OIG concurred with the hiring authority's determinations. After the sergeant's <i>Skelly</i> hearing, the hiring authority discovered mitigating information and reached a settlement reducing the sergeant's penalty to a 5 percent salary reduction for three months. The OIG concurred because the sergeant showed remorse and accepted responsibility. The recreational therapist filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the hiring authority for the recreational therapist reached a settlement agreement reducing his penalty to a 5 percent salary reduction for three months and agreeing to remove the disciplinary action from his official personnel file after 12 months. The OIG did not concur but did not seek a higher level of review because the penalty was within departmental guidelines. The officers did not file appeals with the State Personnel Board.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority for the recreational therapist did not conduct the disciplinary findings conference in a timely manner and entered into a settlement agreement without sufficient justification, the hiring authority for the sergeant and officers did not serve a disciplinary action in accordance with policy, and the employee relations officers did not prepare the disciplinary actions in accordance with policy or provide a required form to the OIG.</p>	
Procedural Rating Insufficient	Substantive Rating Insufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs returned the matter to the hiring authorities on October 4, 2017. However, the hiring authority for the recreational therapist did not consult with the OIG regarding the disciplinary determinations until December 20, 2017, 77 days thereafter.
- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the sergeant, officers, and recreational therapist of the right to respond to an uninvolved manager and the disciplinary actions for the sergeant and officers did not cite the correct peace officer confidentiality statutes.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority for the recreational therapist did not identify any new evidence, flaws, or risks justifying the reduction.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the settlement for the recreational therapist because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The employee relations officer for the recreational therapist did not provide the case settlement report to the OIG.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. Also, the department did not serve one of the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority for the sergeant and officers decided to take disciplinary action on October 30, 2017. However, the department did not serve one of the officers with the disciplinary action until November 30, 2017, 31 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-10	17-0024274-IR	1. Neglect of Duty 2. Dishonesty 3. Use of Force	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type:

Administrative Investigation

Incident Summary

On August 10, 2017, six officers allegedly dragged an inmate across the exercise yard, physically assaulted him, and failed to report their uses of force. One of the officers allegedly falsified a holding cell log regarding when the inmate was in the holding cell.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority delayed referring the matter to the Office of Internal Affairs, the special agent and department attorney did not timely consult with the OIG, the department attorney did not timely confirm relevant dates, and the hiring authority did not timely conduct the investigative findings conference. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination and the hiring authority did not correctly determine all findings.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on August 11, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 28, 2017, 48 days after the date of discovery.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have added allegations the officers engaged in a code of silence based on their failure to report their uses of force and an allegation that one officer was dishonest for falsely documenting when the inmate was in the holding cell.
- **In the OIG's opinion, did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?**
The Office of Internal Affairs assigned a special agent on October 27, 2017, but the special agent did not confer with the OIG until December 5, 2017, 39 days after assignment.
- **In the OIG's opinion, did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan?**
The Office of Internal Affairs assigned a special agent on October 27, 2017, but the special agent did not confer with the department attorney until December 5, 2017, 39 days after assignment.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney was assigned October 27, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 20, 2017, 24 days after assignment.
- **No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct?**
The department attorney was assigned October 27, 2017, but did not contact the assigned special agent or the OIG to discuss the investigation until November 20, 2017, 24 days after assignment.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on October 25, 2017, but did not complete the investigation until June 26, 2018, eight months thereafter.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and returned the matter to the hiring authority on June 26, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 19, 2018, 23 days thereafter.
- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**
In the OIG's opinion, the hiring authority should have sustained an allegation an officer was dishonest for falsely documenting when the inmate was in the holding cell.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained an allegation the one officer improperly documented a holding cell log, but not that he was dishonest or the other allegations against him, and imposed a 5 percent salary reduction for nine months. The hiring authority did not sustain the allegations against the other officers. The OIG concurred except for the decision to not sustain the allegation that the one officer was dishonest. The OIG did not seek a higher level of review because the deadline to take disciplinary action was approaching. After the discipline was imposed, the officer accepted responsibility and expressed remorse. The hiring authority entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for five months and the officer agreed to no longer complete documents ahead of time. The OIG did not concur with the settlement but did not seek a higher level of review because the penalty was within departmental guidelines.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner. In the OIG's opinion, the hiring authority did not make appropriate determinations and entered into a settlement agreement without sufficient justification.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority 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 returned the matter to the hiring authority on June 26, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 19, 2018, 23 days thereafter.

- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline?**

In the OIG's opinion, the hiring authority should have sustained an allegation the officer was dishonest for falsely documenting when the inmate was in the holding cell.

- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**

In the OIG's opinion, the hiring authority should have dismissed the officer for falsely documenting when the inmate was in the holding cell.

- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**

The settlement did not comply with policy because the hiring authority did not identify any new evidence, flaws, or risks justifying the penalty reduction.

- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**

The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the penalty reduction.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-20	17-0024739-IR	1. Neglect of Duty	1. Sustained	Letter of Instruction	Letter of Instruction
		2. Discourteous Treatment	2. Sustained		
		3. Dishonesty	3. Not Sustained		
		4. Retaliation	4. Not Sustained		
		5. Discrimination/Harassment	5. Not Sustained		
		6. Neglect of Duty	6. Not Sustained		
		7. Discourteous Treatment	7. Not Sustained		
		8. Failure to Report	8. Unfounded		
		9. Misuse of Authority	9. Unfounded		
		10. Other Failure of Good Behavior	10. Unfounded		

Case Type:

Administrative Investigation

Incident Summary

Between September 20, 2017, and October 12, 2017, an associate warden and a counselor allegedly engaged in a personal relationship that violated the department's nepotism policy. On October 9, 2017, the counselor allegedly left her assigned post without authorization and made rude and racist comments to her supervisor. On October 10, 2017, a supervising counselor, a second supervising counselor, and a captain allegedly failed to notify a supervisor and the equal employment opportunity coordinator of the alleged racist comment. Between October 9, 2017, and October 12, 2017, the associate warden allegedly failed to notify a supervisor and the equal employment opportunity coordinator of the alleged racist comment and impeded the reporting of the comment. On January 10, 2018, the two supervising counselors allegedly gave a negative performance evaluation to another supervising counselor in retaliation for reporting the rude and racist comments. On March 8, 2018, the second supervising counselor allegedly lied during an interview with the Office of Internal affairs.

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Case Disposition

The hiring authority sustained allegations the captain and two supervising counselors failed to timely report an alleged racist comment, but not the remaining allegations against them, and issued written counseling to each. The hiring authority sustained an allegation the counselor made discourteous statements to her supervisor, but not the remaining allegations against her, determined the investigation conclusively proved the counselor's personal relationship with the associate warden did not violate policy, and imposed a letter of instruction. The hiring authority found insufficient evidence to sustain the allegation the associate warden failed to timely report an alleged racist comment and determined the investigation conclusively proved the associate warden did not engage in the remaining alleged behavior. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-05	17-0024630-IR	1. Intoxication 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type:

Direct Action (No Subject Interview)

Incident Summary

On October 5, 2017, outside law enforcement arrested an officer for allegedly driving under the influence of alcohol, colliding with two other vehicles, and causing injuries to other motorists. On April 23, 2018, the officer pled guilty to felony drunk driving.

<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <p><i>The employee relations officer did not make an entry into the case management system confirming relevant dates.</i></p>	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the hiring authority non-punitively separated the officer from employment before disciplinary action was imposed. The hiring authority placed a letter in the officer's personnel file indicating disciplinary action was pending.</p>	
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-20	18-0026424-IR	1. Neglect of Duty 2. Neglect of Duty	1. Not Sustained 2. Unfounded	No Penalty Imposed	No Penalty Imposed

<p>Case Type:</p> <p>Administrative Investigation</p>	
<p>Incident Summary</p> <p>On October 20, 2017, an officer allegedly failed to handcuff an inmate before entering the inmate's cell in the administrative segregation unit and on October 23, 2017, allegedly submitted an inaccurate report stating he did not know the inmate was on administrative segregation unit status.</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference and the department attorney did not timely assess the deadline to take disciplinary action or contact the special agent and the OIG to discuss the investigative plan. Also, in the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination and the department attorney did not correctly assess the deadline to take disciplinary action.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on October 20, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 15, 2018, almost seven months after the date of discovery.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have added a dishonesty allegation because the officer lied in his report when he stated he did not hear the reason he was taking the inmate for a medical evaluation.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney was assigned June 14, 2018, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until July 10, 2018, 26 days after assignment. Also, in the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney used October 27, 2017, as the date of discovery when the evidence showed the hiring authority learned of the alleged misconduct on October 20, 2017.
- **No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct?**
The department attorney did not contact the OIG to discuss an investigative plan within 21 days after assignment. The department attorney was assigned June 14, 2017, and met with the special agent July 10, 2017, 26 days after assignment and without contacting the OIG. The department attorney met with the special agent and the OIG on July 12, 2017, 28 days after assignment.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the to the hiring authority on September 24, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until October 9, 2018, 15 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority determined that the investigation conclusively proved the officer was not required to handcuff the inmate and found insufficient evidence to sustain an allegation the officer provided an inaccurate report. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-23	18-0025636-IR	1. Dishonesty 2. Battery 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On October 23, 2017, a parole agent allegedly tried to choke and smother his daughter with a pillow and pushed his wife against a wall. On November 8, 2017, the parole agent allegedly lied to outside law enforcement about the incident.					
Investigative Phase Assessment In the OIG's opinion, the department attorney did not correctly assess the deadline for taking disciplinary action or provide appropriate advice to the special agent and the Office of Internal Affairs did not conduct a thorough investigation.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney used February 21, 2018, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on February 8, 2018.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs special agent complete all necessary and relevant interviews? <i>In the OIG's opinion, the Office of Internal Affairs should have interviewed the parole agent's wife to obtain her statement and thoroughly address the allegations.</i> ◦ In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation? <i>In the OIG's opinion, the department attorney should have advised the special agent to interview the parole agent's wife to obtain her statement and thoroughly address the allegations.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs forwarded the case to a regional office on March 21, 2018, but the special agent did not complete the investigation until September 27, 2018, six months and six days thereafter.</i> ◦ In the OIG's opinion, did the hiring authority correctly decide whether the investigation was sufficient? <i>In the OIG's opinion, the hiring authority should have requested the Office of Internal Affairs to interview the parole agent's wife to thoroughly address the allegations.</i> 					

Case Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the parole agent retired before the penalty could be imposed. The hiring authority placed a letter in the parole agent's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-01	17-0024737-IR	1. Intoxication 2. Intoxication 3. Other Failure of Good Behavior	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

Case Type:

Direct Action (No Subject Interview)

Incident Summary

On November 1, 2017, outside law enforcement arrested a sergeant for allegedly driving his personal vehicle while under the influence of alcohol and for allegedly being in possession of a firearm while under the influence of alcohol.

Investigative Phase Assessment

Overall, the department complied with policies governing the investigative phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs returned the matter to the hiring authority on December 20, 2017. However, the hiring authority did not consult the OIG and department attorney regarding the sufficiency of the evidence and the findings until January 9, 2018, 20 days thereafter.
- In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

<p>Case Disposition</p> <p>The hiring authority sustained the allegation the sergeant drove while under the influence of alcohol, but not that he possessed a firearm while under the influence, and imposed a 5 percent salary reduction for two months. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant agreeing to remove the disciplinary action from his official personnel file six months from the effective date of the discipline. The OIG concurred because the penalty remained the same and the disciplinary action could be used for progressive discipline.</p>					
<p>Disciplinary Assessment</p> <p>Overall, the department complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</p> <p><i>The Office of Internal Affairs returned the matter to the hiring authority on December 20, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 9, 2018, 20 days thereafter.</i></p> <p>◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?</p> <p><i>The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of his right to respond to an uninvolved manager.</i></p> <p>◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?</p> <p><i>The delay is addressed in a prior question.</i></p> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-03	18-0025244-IR	1. Use of Force 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
<p>Case Type:</p> <p>Administrative Investigation</p>					
<p>Incident Summary</p> <p>On November 3, 2017, an officer allegedly deployed pepper spray toward an inmate from less than six feet and when there was no imminent threat, and two other officers allegedly witnessed the use of force but failed to write reports before the end of their shifts.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner.</p>					

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs forwarded the case to a regional office on January 31, 2018, but did not complete the investigation until September 13, 2018, more than seven months thereafter.</i></p> <p>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 13, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 16, 2018, 33 days thereafter.</i></p> <p>In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i></p> 	
<p>Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-05	18-0025000-IR	1. Neglect of Duty 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Exonerated	Salary Reduction	Salary Reduction

Case Type:
 Administrative Investigation

Incident Summary
 On November 5, 2017, two officers allegedly failed to observe living, breathing flesh when they counted a dead inmate. On November 6, 2017, four other officers allegedly failed to observe living, breathing flesh when they counted the same dead inmate.

Investigative Phase Assessment
 The department did not comply with policies governing the investigative phase because the Office of Internal Affairs did not make a timely or appropriate initial determination and the hiring authority did not conduct the investigative findings conference in a timely manner.

Procedural Rating Insufficient	Substantive Rating Sufficient
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Assessment Questions

- **Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days?**
The Office of Internal Affairs received the request for investigation on December 6, 2017, but did not take action until January 17, 2018, 42 days after receipt of the request.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have added allegations the six officers were dishonest because there was evidence the officers failed to confirm living, breathing flesh but they documented conducting security checks and inmate counts.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 6, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until August 28, 2018, 22 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained an allegation that one of the officers failed to conduct a proper inmate count, but not an improperly worded allegation or allegations against two other officers, and imposed a 5 percent salary reduction for seven months on the first officer. The hiring authority determined that although the conduct of three other officers occurred, the investigation revealed the officers' actions were justified, lawful, and proper. The OIG concurred with the hiring authority's determinations. Prior to the first officer's *Skelly* hearing, the hiring authority entered into a settlement agreement with the officer whereby the penalty remained but the disciplinary action would be removed from the officer's official personnel file upon execution of the settlement agreement and the agreement would be removed from the officer's official personnel file after 18 months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained the same and the disciplinary action could still be used for progressive discipline.

Disciplinary Assessment

Overall, the department complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 6, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 28, 2018, 22 days thereafter.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-07	18-0027077-IR	1. Use of Force 2. Medical	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Administrative Investigation

Incident Summary

On November 7, 2017, an officer allegedly kicked and punched an inmate, and two nurses allegedly failed to accurately document the inmate's injuries.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority for the nurses did not conduct the investigative findings conference in a timely manner.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority for the nurses on October 24, 2018. However, the hiring authority for the nurses did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 30, 2018, 37 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

<p>Case Disposition</p> <p>The hiring authorities found insufficient evidence to sustain the allegations. The OIG concurred.</p>					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-18	18-0024998-IR	1. Neglect of Duty 2. Misuse of State Equipment or Property 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
<p>Case Type:</p> <p>Administrative Investigation</p>					
<p>Incident Summary</p> <p>On November 18, 2017, an officer allegedly left his assigned post to go to a restaurant off grounds, lied to a sergeant about having permission to go to the restaurant, and left his assigned radio in the vehicle while in the restaurant.</p>					
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination and the hiring authority did not make an appropriate finding.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Insufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?</p> <p><i>In the OIG's opinion, the Office of Internal Affairs inappropriately removed a sergeant as a subject of the investigation despite evidence the sergeant failed to follow a lawful order and inappropriately removed an allegation the officer was insubordinate despite evidence the officer also failed to follow a lawful order.</i></p> <p>In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?</p> <p><i>In the OIG's opinion, the hiring authority should have sustained a dishonesty allegation.</i></p> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except for dishonesty, and imposed a 5 percent salary reduction for 36 months. The OIG concurred except for the decision to not sustain dishonesty. The OIG did not seek a higher level of review due to an evidentiary dispute. The officer filed an appeal with the State Personnel Board, which he later withdrew.</p>					
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**

The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of his right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-20	18-0025242-IR	1. Use of Force 2. Use of Force	1. Sustained 2. Not Sustained	Salary Reduction	Letter of Instruction

Case Type:

Direct Action (No Subject Interview)

Incident Summary

On November 20, 2017, three officers and two psychiatric technicians allegedly failed to report a use of force they observed.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authorities did not conduct the investigative findings conference in a timely manner and the hiring authority for the officers did not request additional investigation.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

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

The Office of Internal Affairs returned the matter to the hiring authorities on January 31, 2018. However, the hiring authority for the officers did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until March 6, 2018, 34 days thereafter. The hiring authority for the psychiatric technicians did not consult with the OIG and department attorney until April 3, 2018, 62 days after the matter was returned.

- **In the OIG's opinion, did the hiring authority correctly decide whether additional investigation was necessary?**

In the OIG's opinion, the hiring authority should have submitted an appeal to the Office of Internal Affairs requesting interviews of the officers because during their Skelly hearings, the officers claimed they could not see what was happening in the cell, visual recordings are not always demonstrative, and the third officer arrived after the incident was over. Interviews would have provided the department the opportunity to thoroughly question and confront the officers about their statements.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Case Disposition
 The hiring authority for the officers sustained the allegations against the officers and imposed a 10 percent salary reduction for three months on each officer. The OIG concurred. After the *Skelly* hearing, the hiring authority determined that although the officers did not witness the actual use of force, a visual recording of the incident showed the officers were in the area and aware an incident occurred. Therefore, the hiring authority issued letters of instruction to the officers. The OIG concurred based on the information learned at the *Skelly* hearing. The hiring authority for the psychiatric technicians found insufficient evidence to sustain the allegations against them but issued counseling memoranda to each because the visual recording also showed they were in the area when the incident occurred. The OIG concurred.

Disciplinary Assessment
 The department did not comply with policies governing the disciplinary phase because the hiring authorities did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary actions for the officers in accordance with policy and the department attorney did not prepare the disciplinary actions for the officers in accordance with policy.

Procedural Rating Insufficient	Substantive Rating Sufficient
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Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs returned the matter to the hiring authorities on January 31, 2018. However, the hiring authority for the officers did not consult with the OIG and department attorney regarding the disciplinary determinations until March 6, 2018, 34 days thereafter. The hiring authority for the psychiatric technicians did not consult with the OIG and department attorney until April 3, 2018, 62 days after the matter was returned.
- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not cite the correct peace officer confidentiality statutes and did not advise the officers of their right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. Also, the department did not serve the disciplinary actions on the officers within 30 days of the decision to take disciplinary action. The hiring authority for the officers decided to take disciplinary action on April 3, 2018. However, the department did not serve the disciplinary actions until May 9, 2018, 36 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-28	18-0025740-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

Case Type:
 Administrative Investigation

Incident Summary

On November 28, 2017, a counselor allegedly held a unit classification committee meeting without sufficient members present, acted as the unit classification committee recorder in violation of policy, falsified committee documents for four inmates, and restored lost credits to three of the inmates although they were ineligible for the credits. On January 17, 2018, the counselor allegedly falsified committee documents regarding the restoration of lost credits for a fifth inmate.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner and was not adequately prepared. In the OIG's opinion, the hiring authority did not make appropriate findings.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 25, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 23, 2018, 28 days thereafter.
- **In the OIG's opinion, if the hiring authority consulted with the OIG regarding the sufficiency of the evidence, investigation, and the findings, was the hiring authority prepared?**
At the consultation on July 23, 2018, the hiring authority admitted failing to listen to investigative interview recordings to prepare for the consultation, resulting in the consultation being postponed until August 2, 2018.
- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**
In the OIG's opinion, the hiring authority incorrectly found that the counselor falsified department records when the evidence established she did not understand the credit restoration process.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

The hiring authority sustained the allegations, except that the counselor acted as the unit classification committee recorder in violation of policy, and imposed a 10 percent salary reduction for 13 months. The OIG concurred except for the decision to sustain dishonesty and the penalty but did not seek a higher level of review because the counselor retired before the disciplinary action took effect. The hiring authority placed a letter in the counselor's official personnel file indicating she retired pending disciplinary action.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority failed to conduct the disciplinary findings conference in a timely manner and was not prepared. And, in the OIG's opinion, the hiring authority did not make appropriate determinations regarding causes for discipline or the penalty.

Procedural Rating Insufficient	Substantive Rating Insufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 25, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 23, 2018, 28 days thereafter.</i></p> <p>In the OIG's opinion, if the hiring authority consulted with the OIG regarding the disciplinary determinations, was the hiring authority prepared? <i>At the consultation on July 23, 2018, the hiring authority admitted failing to listen to investigative interview recordings to prepare for the consultation, resulting in the consultation being postponed until August 2, 2018.</i></p> <p>In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline? <i>In the OIG's opinion, the hiring authority selected dishonesty causes for discipline the evidence did not support.</i></p> <p>In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty? <i>In the OIG's opinion, the hiring authority inappropriately imposed a 10 percent salary reduction for 13 months when a one-working-day suspension was more appropriate based on the evidence.</i></p> <p>In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delays are addressed in prior questions.</i></p> 	

Procedural Rating Insufficient	Substantive Rating Insufficient												
<table border="1"> <thead> <tr> <th>Incident Date</th> <th>OIG Case Number</th> <th>Allegations</th> <th>Findings</th> <th>Initial Penalty</th> <th>Final Penalty</th> </tr> </thead> <tbody> <tr> <td>2017-12-04</td> <td>18-0027499-IR</td> <td>1. Use of Force</td> <td>1. Not Sustained</td> <td>No Penalty Imposed</td> <td>No Penalty Imposed</td> </tr> </tbody> </table>		Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty	2017-12-04	18-0027499-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty								
2017-12-04	18-0027499-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed								
<p>Case Type: Administrative Investigation</p>													
<p>Incident Summary On December 4, 2017, two officers allegedly used physical force to subdue an inmate and failed to report the use of force.</p>													
<p>Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>													
<table border="1"> <thead> <tr> <th style="text-align: center;">Procedural Rating Insufficient</th> <th style="text-align: center;">Substantive Rating Insufficient</th> </tr> </thead> </table>		Procedural Rating Insufficient	Substantive Rating Insufficient										
Procedural Rating Insufficient	Substantive Rating Insufficient												

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on December 4, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 30, 2018, almost nine months after the date of discovery.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have added dishonesty allegations because the allegedly officers failed to report they used force.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 9, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 27, 2018, 18 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Case Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-09	18-0025887-IR	1. Discourteous Treatment 2. Failure to Report	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand

Case Type:

Administrative Investigation

Incident Summary

On February 9, 2018, an officer allegedly told a mentally ill female inmate she was being transferred to a male institution, and a second officer allegedly failed to report the statement. On February 13, 2018, a third officer allegedly intentionally failed to identify in a memorandum the officer who made the statement.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner. In the OIG's opinion, the department attorney did not provide appropriate feedback regarding the investigative report or appropriate legal advice to the hiring authority and the hiring authority did not make all appropriate investigative findings.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**
In the OIG's opinion, the department attorney should have recommended properly worded allegations in the investigative report.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 28, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 17, 2018, 19 days thereafter.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
In the OIG's opinion, the department attorney inappropriately recommended against sustaining allegations the first officer made an insensitive and inappropriate comment to a mentally ill inmate and the second officer failed to report the comment because there was evidence supporting the allegations.
- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**
In the OIG's opinion, the hiring authority should have sustained an allegation the second officer failed to report the first officer's inappropriate comment.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation against the first officer and issued a letter of reprimand. The OIG concurred with sustaining the allegation but not the penalty but did not seek a higher level of review because the penalty was within departmental guidelines. The hiring authority found insufficient evidence to sustain allegations against the second and third officers. The OIG concurred except for the determination for the second officer but did not seek a higher level of review due to evidentiary issues. The first 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 agreeing to remove the letter of reprimand from his official personnel file after one year. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the penalty was within the specified range for misconduct.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney did not appropriately advise the hiring authority regarding the disciplinary determinations and the hiring authority did not make appropriate disciplinary determinations and agreed to a penalty modification without sufficient justification.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the hiring authority 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 28, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 17, 2018, 19 days thereafter.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline?**
In the OIG's opinion, the hiring authority should have selected causes for discipline consistent with the second officer failing to report misconduct.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, the hiring authority should have issued a salary reduction to the first officer instead of a letter of reprimand and issued a salary reduction to the second officer.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of the right to respond to an uninvolved manager.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority did not identify any new evidence, flaws, or risks justifying a reduction.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the modification and the initial penalty was lower than it should have been.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
One delay is addressed in a prior question. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 17, 2018. However, the department did not serve the disciplinary action until August 17, 2018, 31 days thereafter.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-10	18-0025635-IR	1. Weapons	1. Sustained	Letter of Reprimand	Letter of Reprimand
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary On February 10, 2018, an officer allegedly negligently discharged a round from a handgun while trying to clear the weapon in the institution's armory.</p>					
<p>Investigative Phase Assessment Overall, the department sufficiently complied with policies governing the investigative phase.</p>					

Procedural Rating	Substantive Rating
Sufficient	Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the matter to the hiring authority on March 21, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until April 19, 2018, 29 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not prepare the disciplinary action in accordance with policy.</p>	
Procedural Rating	Substantive Rating
Insufficient	Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the matter to the hiring authority on March 21, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until April 19, 2018, 29 days thereafter</i> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action failed to cite the correct peace officer confidentiality statutes and did not advise the officer of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-22	18-0026618-IR	1. Dishonesty 2. Insubordination 3. Dishonesty 4. Insubordination 5. Discourteous Treatment	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On February 22, 2018, an officer allegedly failed to attend a fitness for duty examination and lied about his failure to attend. On March 26, 2018, the officer again allegedly failed to attend a fitness for duty examination, lied about his failure to attend, and cursed at the return to work coordinator. On April 16, 2018, the officer allegedly refused to provide a urine sample and then provided a sample of water instead of urine and on July 17, 2018, allegedly failed to attend his interview with the Office of Internal Affairs.					
Investigative Phase Assessment Overall, the department complied with policies governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on February 22, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 9, 2018, 46 days after the date of discovery.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 10, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the investigative findings until August 30, 2016, 20 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
Case Disposition The hiring authority sustained allegations the officer refused to provide a urine sample, provided a false sample, and failed to attend an interview with the Office of Internal Affairs, but not the remaining allegations, and decided dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before the hiring authority could serve the disciplinary action. The hiring authority placed a letter in the officer's official personal file indicating he resigned pending disciplinary action.					

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not prepare the disciplinary action in accordance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 10, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 30, 2016, 20 days thereafter.</i> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of his right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-04	18-0026361-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Penalty Imposed
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary On March 4, 2018, an officer allegedly chambered a round into a Mini-14 rifle when there was no imminent threat.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>			<p>Substantive Rating</p> <p>Sufficient</p>		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on March 7, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 7, 2018, 61 days after the date of discovery.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs returned the matter to the hiring authority on June 6, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until July 2, 2018, 26 days thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in the prior questions.

Case Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for nine months. The OIG concurred. After the *Skelly* hearing, the hiring authority determined the officer never received training on the policy and withdrew the disciplinary action. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

Overall, the department complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**
The Office of Internal Affairs returned the matter to the hiring authority on June 6, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 2, 2018, 26 days thereafter.
- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-10	18-0025971-IR	1. Misuse of Authority 2. Intoxication 3. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained	Suspension	Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On March 10, 2018, outside law enforcement arrested an officer after he was allegedly intoxicated in public, requested leniency based on his peace officer status, and used profane language toward outside law enforcement.					
Investigative Phase Assessment Overall, the department complied with polices governing the investigative phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have authorized an interview of the officer because statute prohibits the department from taking disciplinary action based solely on an arrest report. However, the Office of Internal Affairs' failure to authorize the interview did not affect the OIG's assessment.
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**
The Office of Internal Affairs returned the matter to the hiring authority on April 25, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until May 16, 2018, 21 days thereafter.
- **In the OIG's opinion, did the hiring authority correctly decide whether additional investigation was necessary?**
In the OIG's opinion, the hiring authority should have requested additional investigation because statute prohibits the department from taking action based solely on an arrest report. However, the failure to request additional investigation did not affect the OIG's assessment.
- **In the OIG's opinion, did the department attorney provide appropriate legal advice to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**
In the OIG's opinion, the department attorney should have advised the hiring authority that statute prohibits the department from taking action based solely on an arrest report. However, the failure to do so did not affect the OIG's assessment.
- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**
In the OIG's opinion, there was insufficient evidence the officer requested leniency based on his peace officer status.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegations and imposed a 30-working-day suspension. The OIG concurred except for the decisions to sustain the allegation the officer requested leniency and to impose a 30-working-day suspension but did not seek a higher level of review based on a conflict in the evidence. After a *Skelly* hearing, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 13 months. The OIG concurred because the officer showed remorse and was apologetic at the *Skelly* hearing.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in accordance with policy. In the OIG's opinion, the hiring authority did not impose a proper penalty.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions
<p>◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the matter to the hiring authority on April 25, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 16, 2016, 21 days thereafter.</i></p>
<p>◦ In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty? <i>In the OIG's opinion, the 30-working-day suspension was too severe because the hiring authority incorrectly sustained all allegations.</i></p>
<p>◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not cite the correct peace officer confidentiality statutes and did not advise the officer of his right to respond to an uninvolved manager.</i></p>
<p>◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on May 16, 2018. However, the department did not serve the disciplinary action until June 20, 2018, 35 days later.</i></p>

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-25	18-0026362-IR	1. Weapons 2. Weapons	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction
Case Type:					
Direct Action (No Subject Interview)					
Incident Summary					
On March 25, 2018, an officer allegedly negligently discharged a firearm while attempting to place the firearm in the glove compartment of his vehicle, shooting one of his legs.					
Investigative Phase Assessment					
The department did not comply with the policies governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Also, in the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on March 25, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 10, 2018, 46 days after the date of discovery.
- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer in order to obtain additional information regarding the circumstances prior to the negligent discharge.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation, except for a duplicate allegation, and imposed a 5 percent salary reduction for three months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct statutes governing peace officer confidentiality or advise the officer of his right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-03-31	18-0026156-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type:

Administrative Investigation

Incident Summary

On March 31, 2018, during a clothed body search, a sergeant allegedly removed an inmate's clothing and touched the inmate's buttocks.

<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the Office of Internal Affairs did not make a timely initial determination and the hiring authority did not conduct the investigative findings conference in a timely manner. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Insufficient</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on April 12, 2018, but did not take action until May 16, 2018, 34 days after receipt of the request.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have added two other officers as subjects of the investigation because they wrote reports regarding the incident that directly contradicted the inmate's allegation.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 21, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 25, 2018, 34 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delays are addressed in prior questions.</i> 					
<p>Case Disposition</p> <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-04-01	18-0026153-IR	1. Weapons	1. Sustained	Suspension	Suspension
<p>Case Type:</p> <p>Direct Action (No Subject Interview)</p>					
<p>Incident Summary</p> <p>On April 1, 2018, an officer allegedly negligently discharged a handgun in a sallyport while trying to place the handgun in a holster.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference.</p>					

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the matter to the hiring authority on May 16, 2018. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until June 19, 2018, 34 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and imposed a two-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board but failed to appear for the hearing, and the State Personnel Board dismissed the appeal.</p>	
<p>Disciplinary Assessment</p> <p>Overall, the department complied with polices governing the disciplinary phase.</p>	
Procedural Rating Sufficient	Substantive Rating Sufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the matter to the hiring authority on May 16, 2018. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until June 19, 2018, 34 days thereafter.</i> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-05-07	18-0026481-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Salary Reduction

<p>Case Type: Direct Action (No Subject Interview)</p>	
<p>Incident Summary On May 7, 2018, an officer allegedly failed to conduct a complete inmate count and entered an inmate count into confidential records before completing the count.</p>	
<p>Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination and the department attorney did not correctly assess the deadline for taking disciplinary action.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process? <i>In the OIG's opinion, the Office of Internal Affairs should have added dishonesty allegations for the officer documenting inmate counts were completed when another officer was still conducting counts in the housing unit.</i> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <i>In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney used May 21, 2018, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on May 16, 2018.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the matter to the hiring authority on June 20, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until July 17, 2018, 27 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	
<p>Case Disposition The hiring authority sustained the allegations and imposed a 5 percent salary reduction for three months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>	

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not draft the disciplinary action in compliance with policy.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on June 20, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 17, 2018, 27 days thereafter.</i> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the officer of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department conduct the disciplinary phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-05-15	18-0026621-IR	1. Weapons	1. Sustained	Suspension	Suspension
<p>Case Type:</p> <p>Direct Action (No Subject Interview)</p>					
<p>Incident Summary</p> <p>On May 15, 2018, an officer allegedly negligently discharged a handgun into a clearing barrel while attempting to remove the magazine.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>			
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and imposed one-working-day suspension. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>					
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					

Procedural Rating Sufficient		Substantive Rating Sufficient			
Assessment Questions					
<ul style="list-style-type: none"> ◦ In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not cite the correct statutes governing peace officer confidentiality or advise the officer of her right to respond to an uninvolved manager.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-05-23	18-0026853-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On May 23, 2018, outside law enforcement cited a counselor for allegedly removing the vehicle registration from her neighbor’s vehicle, and the counselor allegedly lied to outside law enforcement about the incident. On September 13, 2018, the counselor allegedly lied during her interview with the Office of Internal Affairs.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not provide timely complete feedback to the special agent regarding the investigative report. In the OIG’s opinion, the department attorney was not adequately prepared for the counselor’s interview.					
Procedural Rating Insufficient		Substantive Rating Insufficient			

Assessment Questions

- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**
Although the department attorney provided feedback to the special agent within 21 days, the feedback was not complete and thorough because the department attorney neglected to recommend including several exhibits in the report.

- **In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation?**
In the OIG's opinion, the department attorney was unprepared to provide meaningful advice to the special agent regarding the counselor's interview because she failed to review the evidence prior to the interview.

- **In the OIG's opinion, did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the investigative phase?**
In the OIG's opinion, the department attorney's failure to provide complete and thorough feedback to the special agent regarding the investigative report within 21 days caused a two-week delay in providing the final report to the hiring authority.

Case Disposition

The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. The counselor retired before the disciplinary action went into effect. The hiring authority placed a letter in the counselor's official personnel file indicating she retired pending disciplinary action.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary action did not cite the correct peace officer confidentiality statutes or advise the counselor of her right to respond to an uninvolved manager.

Appendix B: Disciplinary Phase Administrative Cases

Appendix B contains the assessments for seven disciplinary phase cases monitored and concluded during the reporting period, listed by geographical region.

Appendix B Disciplinary Phase Cases

7

North

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-01-08	16-0000477-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Dismissal
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary Between January 8, 2015, and December 7, 2015, a parole agent allegedly failed to properly supervise parolees and was dishonest on timesheets and parolee records. In February 2015, the parole agent was allegedly dishonest to a supervising parole agent regarding her work. In July 2015, the parole agent allegedly engaged in outside employment without written consent from the department and on March 16, 2016, was allegedly dishonest during her interview with the Office of Internal Affairs.</p>					
<p>Case Disposition The hiring authority sustained the allegations, except that the parole agent did not have permission for outside employment and was dishonest to a supervisor, and served a notice of dismissal. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The parole agent filed a petition for rehearing with the State Personnel Board, which denied the petition.</p>					
<p>Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy? <i>The disciplinary action did not advise the parole agent of the right to respond to an uninvolved manager and referenced the incorrect peace officer confidentiality statute.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-05-27	19-0020108-IR	1. Dishonesty 2. Failure to Report 3. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On May 27, 2015, an officer allegedly used profanity and racial slurs toward inmates. On September 30, 2015, the officer was allegedly dishonest during his interview with the Office of Internal Affairs. A second and third officer allegedly heard the statements but failed to report the first officer's misconduct. On September 14, 2015, the second officer was allegedly dishonest during his interview with the Office of Internal Affairs. On May 28, 2015, the third officer was allegedly dishonest in a memorandum to a captain regarding the incident. On May 5, 2016, the third officer was allegedly dishonest during his interview with the Office of Internal Affairs.					
Case Disposition The hiring authority sustained the allegations against the first officer and dismissed him. The OIG concurred. The hiring authority decided not to sustain the allegations against the second and third officers. The OIG did not concur and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor sustained the allegations and served notices of dismissal on the second and third officers. The first officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The officer filed a petition for writ of mandamus regarding the dismissal. Following proceedings in superior court, the court upheld the dismissal. The second officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action. The third officer also filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officer's credible denials.					
Disciplinary Assessment In the OIG's opinion, the hiring authority did not make appropriate determinations.					
Procedural Rating Sufficient			Substantive Rating Insufficient		

Assessment Questions

- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the employee disciplinary matrix charges and causes for discipline?**
In the OIG's opinion, the hiring authority should have sustained allegations against two of the officers because there was sufficient evidence the officers heard the racial slurs and profanity over the loud speaker and failed to report the misconduct, and that the officers lied during their interviews with the Office of Internal Affairs when they denied hearing the comments.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, because the hiring authority did not sustain allegations two officers were dishonest, the hiring authority did not impose the appropriate penalty of dismissal.
- **Did the OIG request the executive review?**
The OIG sought a higher level of review because the hiring authority decided that the allegations against two of the officers could not be sustained despite sufficient evidence supporting the allegations.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-14	15-0002736-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 14, 2015, a sergeant allegedly authorized an immediate cell extraction of an inmate without ensuring that staff members had the necessary equipment and inappropriately ordered a spit mask be placed on the inmate during an escort.					
Case Disposition The hiring authority sustained the allegations and imposed a 5 percent salary reduction for six months. The OIG concurred. Following a <i>Skelly</i> hearing, the hiring authority reduced the penalty to a 5 percent salary reduction for three months. The OIG did not concur but did not seek a higher level of review because the penalty was within departmental guidelines. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the discipline. The administrative law judge considered new evidence showing there was an accepted practice for custody staff to enter cells during medical emergencies without wearing helmets and found credible evidence to support the sergeant's decision to order placing a spit mask on the inmate.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the hiring authority did not conduct the disciplinary findings conference in a timely manner and reduced the penalty without sufficient justification.					
Procedural Rating Insufficient			Substantive Rating Sufficient		

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on December 9, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until February 1, 2016, 54 days thereafter.

- **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 hiring authority's decision to reduce the penalty after the Skelly hearing because the sergeant did not present any new evidence, flaws, or risks to justify a reduction.

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

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-01	16-0000992-IR	1. Disclosure of Confidential Information 2. Neglect of Duty 3. Disclosure of Confidential Information	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

Case Type:

Administrative Investigation

Incident Summary

Between November 1, 2015, and January 13, 2016, an officer and a cook allegedly accessed confidential information regarding an inmate's commitment offense without the need to do so and disclosed the information to other inmates. Between December 24, 2015, and January 13, 2016, the cook and a supervising cook allegedly failed to report that the inmate's commitment offense had been disclosed to other inmates.

Case Disposition

The hiring authority sustained the allegations against the cook and the supervising cook, except that the cook accessed confidential information, and determined a 5 percent salary reduction for two months was the appropriate penalty for each. The hiring authority found insufficient evidence to sustain the allegations against the officer. The OIG concurred with the hiring authority's determinations. The cook retired before disciplinary action could be imposed. The hiring authority placed a letter in the cook's official personnel file indicating she retired pending disciplinary action. The supervising cook did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-08	16-0001467-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary On April 8, 2016, an officer allegedly tested positive for cocaine.</p>					
<p>Case Disposition The hiring authority sustained the allegation and dismissed the officer. Since the officer was still on probationary status, the hiring authority also rejected the officer on probation. The OIG concurred. The officer filed an appeal of the dismissal and rejection on probation with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal and the rejection on probation. The officer filed a petition for writ of mandamus regarding the dismissal. Following proceedings in superior court, the court upheld the dismissal.</p>					
<p>Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, did the department's advocate file a written pre-hearing settlement conference statement with the State Personnel Board containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues? <i>In the OIG's opinion, the department attorney should have designated the medical review officer as an expert witness.</i></p> <p>In the OIG's opinion, did the department's advocate thoroughly and accurately address legal issues prior to and during the State Personnel Board hearing? <i>In the OIG's opinion, the department attorney's failure to designate the medical review officer as an expert witness resulted in the department attorney being unable to have critical evidence admitted until the officer asked the medical review officer questions that resulted in a waiver of the objection.</i></p> 					

South

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-07-11	14-0002165-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Suspension
<p>Case Type: Direct Action (No Subject Interview)</p>					
<p>Incident Summary On July 11, 2014, an officer allegedly left the institution before the end of his shift and lied on his timesheet regarding when he left the institution. On July 14, 2014, the officer also allegedly lied to a sergeant regarding when he left the institution.</p>					
<p>Case Disposition The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal. The administrative law judge found the officer was not dishonest but was negligent and willfully disobedient and demonstrated a failure of good behavior. The State Personnel Board reduced the penalty to a 30-working-day suspension. The department filed a petition for writ of mandate with superior court. Following the proceedings, the court denied the petition for writ of mandate.</p>					
<p>Disciplinary Assessment Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating Sufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> <p>In the OIG's opinion, did the department's advocate sufficiently represent the department throughout writ proceedings? <i>At the superior court hearing regarding the department's petition for a stay of the State Personnel Board's decision, the department attorney was not adequately aware of all prior proceedings and initially argued the merits of the case rather than why reinstating the officer would harm the public service. At the hearing on the merits, the department attorney did not understand the judge's questions regarding why the State Personnel Board's decision was not supported by substantial evidence and, therefore, did not adequately respond to the questioning.</i></p> <p>Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG? <i>The department attorney did not provide the final memorandum to the OIG.</i></p> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-08-26	15-0001613-IR	1. Dishonesty 2. Over-Familiarity 3. Insubordination/Willful Disobedience 4. Neglect of Duty 5. Failure to Report 6. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On August 26, 2014, an investigative services unit officer allegedly instructed an inmate to purchase narcotics and allowed the inmate's wife to communicate with him via text messages. On September 11, 2014, the officer allegedly submitted a false report regarding the discovery of narcotics. On November 13, 2014, the officer allegedly falsified a rules violation report regarding the inmate's possession of narcotics and on December 16, 2014, the officer was allegedly dishonest during the rules violation hearing. On August 29, 2014, a second investigative services unit officer allegedly failed to report that the first officer instructed an inmate to purchase narcotics. On December 16, 2014, a lieutenant allegedly failed to report that the first officer instructed an inmate to purchase narcotics and that the first officer was dishonest during the rules violation hearing. On December 23, 2015, the lieutenant allegedly discussed the Office of Internal Affairs investigation with a witness after being instructed not to do so. On June 8, 2015, an investigative services unit lieutenant allegedly failed to provide relevant information to supervisors regarding the first officer's alleged misconduct. On July 31, 2015, the investigative services unit lieutenant allegedly failed to provide requested information to the Office of Internal Affairs. On December 15, 2014, a warden allegedly failed to take appropriate action after being informed of the first officer's alleged misconduct.					

Case Disposition

The hiring authority sustained all allegations against the investigative services unit officer and dismissed him. The hiring authority sustained the allegations against the investigative services unit lieutenant that he failed to provide a memorandum to the Office of Internal Affairs and against the second lieutenant that he discussed the investigation after being instructed not to do so. The hiring authority issued a 5 percent salary reduction for six months against the investigative services unit lieutenant and a 5 percent salary reduction for three months against the second lieutenant. The OIG concurred. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG did not concur but not seek a higher level of review because, although evidence supported the allegations, there were sufficient evidentiary questions to support the hiring authority's determinations and the department held the primary officer responsible and imposed appropriate penalties on the officer and lieutenants. The investigative services unit officer and the two lieutenants filed appeals with the State Personnel Board. At the pre-hearing settlement conference for the investigative services unit lieutenant, the department reached a settlement agreement reducing the lieutenant's penalty to a 5 percent salary reduction for three months and agreeing to remove the disciplinary action from the lieutenant's official personnel file after written request after his retirement. The OIG did not concur but did not seek a higher level of review because the penalty was within the department's disciplinary guidelines for the allegation. After the second lieutenant's hearing, the department entered into a settlement agreement reducing the second lieutenant's penalty to a letter of instruction to be removed from the lieutenant's official personnel file. The OIG did not concur but did not seek a higher level of review because the lieutenant agreed to waive back pay and, therefore, had served the penalty. After the investigative services unit officer's hearing, the State Personnel Board found the department did not timely serve the disciplinary action on the officer, revoked the dismissal, and ordered the department to reinstate the officer with back pay. The department filed a petition for writ of mandate, which the court denied for the same reason.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the employee relations officer did not properly complete a form or provide a form to the OIG and the hiring authority reached settlement agreements without sufficient justification and did not serve a disciplinary action before the deadline to take disciplinary action.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did the department completely and correctly complete the form documenting the disciplinary determinations?**

The employee relations officer entered an incorrect deadline to take disciplinary action in the form documenting the disciplinary determinations for the investigative services unit officer.

- **Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?**

Based on the court of appeal's decision, the department did not serve the disciplinary action on the investigative services unit officer until after the deadline to take disciplinary action. The court found the deadline to take disciplinary action expired on December 18, 2015, but the hiring authority did not serve the letter of intent on the officer until March 3, 2016, more than two months after the deadline.

- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**

In the OIG's opinion, the settlement agreements for the lieutenants did not comply with policy because the department did not identify any new evidence, flaws, or risks justifying the settlements.

- **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 settlements for the lieutenants because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlements.

- **Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?**

The department attorney did not provide a final memorandum to the hiring authority or the OIG.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Appendix C: Criminal Investigations

Appendix C contains the assessment of 33 criminal investigations monitored and concluded during the reporting period.

Appendix C Criminal Investigation Cases

Central

Incident Date	OIG Case Number	Case Type	Allegations
2017-07-20	18-0025311-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between July 20, 2017, and January 18, 2018, an officer allegedly conspired with inmates and an inmate's wife and received bribes to bring mobile phones into an institution. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also decided to return the matter to the hiring authority to address the administrative allegations after an interview of the officer. The OIG accepted the case for monitoring.</p>			
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <p><i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on February 7, 2018, but did not complete the investigation until October 19, 2018, more than eight months thereafter.</i></p>			
Incident Date	OIG Case Number	Case Type	Allegations
2017-07-22	17-0024369-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On July 22, 2017, a supervising cook allegedly conspired with inmates to introduce mobile phones into the institution and provided them to inmates in exchange for sexual favors. On September 21, 2017, October 1, 2017, December 27, 2017, and December 28, 2017, the supervising cook allegedly received bribes from persons acquainted with inmates to introduce mobile phones into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the department ended the supervising cook's limited term status.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Insufficient</p>	

Investigative Phase Assessment

The department did not comply with policies governing the investigation because the Office of Internal Affairs did not complete the investigation in a timely manner. In the OIG's opinion, the Office of Internal Affairs made an inappropriate initial determination, the investigative services unit lost evidence in its control, and the special agent was not adequately prepared to conduct all aspects of the investigation, did not provide real-time consultation with the OIG, and did not conduct a thorough investigation.

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs make an appropriate initial determination regarding the hiring authority's request during the Central Intake process?**
In the OIG'S opinion, the Office of Internal Affairs should also have investigated whether the supervising cook engaged in sexual activity with inmates.
- **In the OIG's opinion, was the special agent prepared to conduct all aspects of the investigation?**
In the OIG's opinion, the special agent delayed applying for a search warrant to seize the supervising cook's mobile devices for three months, allowing the information to become stale, and failed to try updating the warrant affidavit after the supervising cook admitted to receiving bribes from acquaintances of inmates, and allowed the supervising cook to leave the institution with two mobile phones and a computer. The special agent also delayed analyzing inmate mobile phones for evidence, resulting in the loss of two phones, delayed interviewing suspects, inmates, and other employees, and did not complete the investigation until after the one-year deadline for filing misdemeanor charges expired for three of the alleged crimes.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 2, 2017, but did not complete the investigation until November 7, 2018, more than one year thereafter.
- **Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation?**
The deadline to file misdemeanor criminal charges for three of the alleged crimes expired on July 22, 2018, September 21, 2018, and October 1, 2018, but the Office of Internal Affairs did not complete its investigation until November 7, 2018, after the deadlines expired.
- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**
In the OIG's opinion, the special agent did not respond to two inquiries from the OIG regarding the status of the investigation.
- **In the OIG's opinion, did the Office of Internal Affairs conduct a thorough investigation that addressed all relevant information?**
In the OIG's opinion, the Office of Internal Affairs should have obtained a search warrant to search the supervising cook and her home and vehicle before the information became stale, updated the search warrant affidavit after the supervising cook admitted to receiving multiple inmate money transfers, timely processed inmate mobile phones, and completed the investigation before the one-year deadline for filing misdemeanor criminal charges expired.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
In the OIG's opinion, the special agent did not conduct suspect, inmate, and employee interviews until after the one-year deadline for filing misdemeanor charges expired for three of the alleged crimes. The other delays are addressed in prior questions.

Incident Date	OIG Case Number	Case Type	Allegations
2017-10-19	17-0024736-IR	Criminal Investigation	1. Other Criminal Act

<p>Incident Summary</p> <p>On October 19, 2017, an officer allegedly conspired with inmates and assaulted two other inmates under color of authority by opening cell doors, facilitating the inmates' attacks on the two other inmates. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>	
<p>Procedural Rating Sufficient</p>	<p>Substantive Rating Sufficient</p>
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>	
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on December 20, 2017, but did not complete the investigation until August 6, 2018, more than seven months later.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2018-01-05	18-0024897-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On January 5, 2018, an officer allegedly sexually assaulted a supervising cook. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating Sufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigation.</p>			

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on January 17, 2018, but did not complete the investigation until October 9, 2018, more than eight months thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The Office of Internal Affairs completed its investigative activity on February 23, 2018, but did not complete the nine-page investigative report until October 9, 2018, more than seven months thereafter.

North

Incident Date	OIG Case Number	Case Type	Allegations
2016-10-01	18-0026242-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between October 1, 2016, and January 31, 2018, a carpenter allegedly made multiple sexual comments and posed sexual questions to inmates, propositioned an inmate for sexual favors in exchange for a job, and provided food and cologne to inmates. Between January 1, 2018, and January 31, 2018, the carpenter allegedly exposed his genitals to 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 district attorney declined to file charges. The Office of Internal Affairs also returned the matter to the hiring authority to address administrative allegations without an investigation. The OIG accepted the matter for monitoring.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request or adequately address whether an administrative investigation could be conducted and delayed returning the matter to the hiring authority to address administrative allegations.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on April 19, 2018, but did not take action until May 23, 2018, 34 days after receipt of the request.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation? <i>During the investigation, the special agent did not consult with the district attorney's office to discuss whether an administrative investigation could be conducted.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The Office of Internal Affairs delayed opening an administrative case. The Office of Internal Affairs referred the case to the district attorney's office on October 19, 2018, but did not refer the matter to the hiring authority to address administrative allegations until November 28, 2018, 40 days later.</i> 			
Incident Date	OIG Case Number	Case Type	Allegations
2016-11-18	18-0025356-IR	Criminal Investigation	1. Other Criminal Act

Incident Summary

Between November 18, 2016, and December 26, 2017, an officer allegedly engaged in sexual acts with a female inmate and provided her with his personal mobile phone number. Between February 7, 2017, and October 13, 2017, the officer allegedly rubbed his hands across the breasts of a second female inmate. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Investigative Phase Assessment

In the OIG's opinion, the Office of Internal Affairs did not prepare a thorough report.

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs special agent prepare a thorough and accurate final investigative report containing all relevant information?**

In the OIG's opinion, the final investigative report omitted critical information regarding the special agent's efforts to obtain the officer's telephone number, which would have indicated a likelihood the officer provided his telephone number to the inmate, as well as photographs of the officer's car to corroborate the inmate's description of the car.

Incident Date

2017-02-27

OIG Case Number

17-0024089-IR

Case Type

Criminal Investigation

Allegations

1. Other Criminal Act

Incident Summary

Between February 27, 2017, and September 21, 2017, an office assistant allegedly engaged in sexual acts with an inmate, unlawfully communicated with the inmate, and conspired to introduce and introduced a mobile phone into the institution for the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigation.

Incident Date

2017-04-01

OIG Case Number

17-0023414-IR

Case Type

Criminal Investigation

Allegations

1. Other Criminal Act

<p>Incident Summary</p> <p>Between April 1, 2017, and June 25, 2017, a case records analyst allegedly engaged in sexual acts 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 district attorney filed criminal charges against the case records technician for sexual activity with an inmate. The Office of Internal Affairs also returned the matter to the hiring authority to address the administrative allegations without an investigation. The OIG accepted the matter for monitoring.</p>	
<p>Procedural Rating Sufficient</p>	<p>Substantive Rating Insufficient</p>
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the Office of Internal Affairs did not timely consult with the district attorney's office and the department attorney provided inappropriate legal advice, causing an unnecessary delay allowing the case records analyst to remain on paid administrative leave longer than necessary. However, the special agent conducted a thorough and complete criminal investigation.</p>	
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation? <p><i>In the OIG's opinion, the special agent did not timely and adequately consult with the district attorney's office to determine whether administrative action against the case records analyst would compromise the criminal case. When the special agent consulted the district attorney, the district attorney advised that the department could take administrative action provided the Office of Internal Affairs did not compel the case records analyst to provide a statement. Thereafter, although the district attorney already filed criminal charges and a sergeant and lieutenant provided detailed reports regarding their interactions with the case records analyst, the department attorney advised the Office of Internal Affairs it would be necessary to compel the case records analyst to provide a statement before taking disciplinary action, thereby unnecessarily delaying administrative action and allowing the case records analyst to stay on paid administrative leave longer than necessary.</i></p>	

Incident Date	OIG Case Number	Case Type	Allegations
2017-04-16	17-0023892-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between April 16, 2017, and April 23, 2017, 11 officers allegedly assaulted multiple inmates. On September 1, 2017, 4 of those officers and 12 other officers allegedly conspired to commit assaults on inmates. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating Sufficient</p>		<p>Substantive Rating Sufficient</p>	

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigation.

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on September 15, 2017, but did not complete the investigation until August 21, 2018, almost one year thereafter.

Incident Date

2017-05-30

OIG Case Number

17-0024154-IR

Case Type

Criminal Investigation

Allegations

1. Other Criminal Act

Incident Summary

Between May 30, 2017, and July 19, 2018, an officer allegedly conspired with inmates and received bribes to smuggle methamphetamine, tobacco, and mobile phones into the institution for inmates. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Investigative Phase Assessment

The department sufficiently complied with policies governing the investigation.

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on October 11, 2017, but did not complete the investigation until August 14, 2018, ten months later.

Incident Date

2017-07-19

OIG Case Number

18-0024961-IR

Case Type

Criminal Investigation

Allegations

1. Other Criminal Act

Incident Summary

Between July 19, 2017, and January 9, 2018, an officer allegedly grew and sold marijuana. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Procedural Rating Sufficient		Substantive Rating Sufficient	
Investigative Phase Assessment The department sufficiently complied with policies governing the investigation.			
Incident Date	OIG Case Number	Case Type	Allegations
2017-11-17	18-0026229-IR	Criminal Investigation	1. Other Criminal Act
Incident Summary Between November 17, 2017, and May 4, 2018, a teacher allegedly engaged in sexual acts with an inmate, unlawfully exchanged cards and letters with the inmate, and conspired with the inmate to bring mobile phones and chargers into the institution. During the same time, the teacher also allegedly introduced screw drivers and other sharp metal objects into the institution. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Procedural Rating Sufficient		Substantive Rating Sufficient	
Investigative Phase Assessment The department sufficiently complied with policies governing the investigation.			
Incident Date	OIG Case Number	Case Type	Allegations
2017-12-12	18-0026048-IR	Criminal Investigation	1. Other Criminal Act
Incident Summary Between December 12, 2017, and March 31, 2018, an officer allegedly engaged in sexual acts with an inmate. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs decided to interview the officer and return the matter to the hiring authority to address administrative allegations. The OIG accepted the matter for monitoring.			
Procedural Rating Sufficient		Substantive Rating Sufficient	
Investigative Phase Assessment The department sufficiently complied with policies governing the investigation.			

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 27, 2018, but did not complete the investigation until December 12, 2018, more than seven months thereafter.

Incident Date	OIG Case Number	Case Type	Allegations
2018-01-18	18-0025539-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between January 18, 2018, and March 6, 2018, an officer allegedly engaged in sexual acts 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 district attorney declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating Sufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation. In addition, the special agent quickly and appropriately intervened to stop an ill-advised operational plan and performed exceptionally well in identifying and handling information that the investigative services unit may have altered, destroyed, and concealed evidence. The special agent also consulted with the district attorney's office throughout the investigation regarding evidentiary issues.</p>			
Incident Date	OIG Case Number	Case Type	Allegations
2018-02-02	18-0025799-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between February 2, 2018, and April 6, 2018, a teacher's assistant allegedly engaged in sexual acts with an inmate and conspired to introduce food from home into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney's office declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Insufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the Office of Internal Affairs did not adequately cooperate with the OIG and in the OIG's opinion, delayed consulting the district attorney's office.</p>			

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation?**

In the OIG's opinion, the Office of Internal Affairs did not consult with the district attorney's office regarding the appropriateness of conducting a concurrent administrative investigation or the department taking administrative action without further investigation until after the district attorney declined to prosecute.

- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**

The special agent interviewed a critical inmate witness without notifying the OIG, thereby preventing the OIG from attending the interview.

Incident Date	OIG Case Number	Case Type	Allegations
2018-03-05	18-0026078-IR	Criminal Investigation	1. Other Criminal Act
<h3>Incident Summary</h3> <p>On March 5, 2018, a custodian supervisor allegedly engaged in sexual acts 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 district attorney declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<h3>Procedural Rating</h3> <p>Sufficient</p>		<h3>Substantive Rating</h3> <p>Insufficient</p>	
<h3>Investigative Phase Assessment</h3> <p>In the OIG's opinion, the Office of Internal Affairs did not timely consult with the district attorney's office, causing an unnecessary delay allowing the custodian supervisor to remain on paid administrative leave longer than necessary.</p>			
<h3>Assessment Questions</h3> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation? <p><i>In the OIG's opinion, the special agent did not timely and adequately consult with the district attorney's office to determine whether administrative action against the custodian supervisor would compromise the criminal case. The Office of Internal Affairs did not open an administrative case until after the district attorney declined to prosecute and the Office of Internal Affairs closed the criminal case, thereby unnecessarily delaying administrative action and allowing the custodian supervisor to stay on paid administrative leave longer than necessary.</i></p>			
Incident Date	OIG Case Number	Case Type	Allegations
2018-04-03	18-0025800-IR	Criminal Investigation	1. Other Criminal Act

<p>Incident Summary</p> <p>On April 3, 2018, a teacher allegedly engaged in sexual acts 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.</p>	
<p>Procedural Rating</p> <p>Sufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>	

Incident Date	OIG Case Number	Case Type	Allegations
2018-04-11	18-0026280-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On April 11, 2018, an officer allegedly wrote a personal check from a closed back account. On April 12, 2018, the officer allegedly requested a duplicate paycheck from the department with intent to defraud the department and on April 17, 2018, allegedly cashed the check. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed a felony complaint alleging forgery. The Office of Internal Affairs also returned the matter to the hiring authority to address the administrative allegations without an investigation. The OIG accepted the case for monitoring.</p>			
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Insufficient</p>	
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the Office of Internal Affairs did not consult with the prosecuting agency regarding opening an administrative case and delayed returning the matter to the hiring authority.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation? <i>In the OIG's opinion, the special agent should have consulted with the district attorney's office to determine whether administrative action against the officer would compromise the criminal case.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>In the OIG's opinion, the Office of Internal Affairs did not timely return the matter to the hiring authority to address administrative allegations until November 14, 2018, nearly three weeks after closing the criminal investigation on October 26, 2018.</i> 			

Incident Date 2018-07-06	OIG Case Number 18-0027233-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between July 6, 2018, and July 20, 2018, a volunteer allegedly communicated with an inmate without authorization and conspired with the inmate to introduce alcohol into the institution and on July 21, 2018, allegedly engaged in a sexual act with the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the volunteer was not subject to discipline.</p>			
<p>Procedural Rating Sufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>			

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Incident Date	OIG Case Number	Case Type	Allegations
2016-05-01	17-0023729-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between May 1, 2016, and May 31, 2017, a nurse allegedly engaged in sexual acts with a ward. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the hiring authority did not timely refer the matter to the Office of Internal Affairs.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on October 16, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 24, 2017, nine months after the date of discovery.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs forwarded the case to a regional office for investigation on August 16, 2017, but did not complete its investigation until July 5, 2018, more than ten months thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 			
Incident Date	OIG Case Number	Case Type	Allegations
2017-03-11	18-0026002-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between March 11, 2017, and November 27, 2017, a materials and stores supervisor allegedly conspired with and received bribes from inmates to smuggle narcotics, mobile phones, and tobacco into an institution in exchange for sexual favors. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			

Procedural Rating		Substantive Rating	
Insufficient		Insufficient	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the deadline for filing some criminal charges expired before the Office of Internal Affairs completed its investigation. In the OIG's opinion, the Office of Internal Affairs did not complete a thorough investigation or timely consult with the district attorney's office.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation? <i>The Office of Internal Affairs opened the criminal investigation on November 1, 2017, but the special agent did not consult with the district attorney's office until March 21, 2018. The district attorney's office did not object to the department opening an administrative case, but the Office of Internal Affairs did not open an administrative investigation until May 2, 2018, nearly six months after after opening the criminal investigation.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 1, 2017, but did not complete the investigation until October 31, 2018, one year thereafter.</i> ◦ Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation? <i>The Office of Internal Affairs did not complete its investigation until almost eight months after the deadline for filing misdemeanor charges expired on March 11, 2018.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs conduct a thorough investigation that addressed all relevant information? <i>In the OIG's opinion, the Office of Internal Affairs should have obtained a search warrant and failed to sufficiently verify all information regarding who shipped a package of contraband to the institution.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 			
Incident Date	OIG Case Number	Case Type	Allegations
2017-03-19	17-0024013-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On March 19, 2017, a youth counselor allegedly arranged for a ward to assault another ward and on April 21, 2017, allegedly brought electronic audio devices into the facility. On May 13, 2017, the youth counselor allegedly arranged for several wards to fight each other. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.</p>			

Procedural Rating Insufficient	Substantive Rating Sufficient
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the hiring authority did not timely refer the matter to the Office of Internal Affairs.</p>	
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on March 27, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 6, 2017, 163 days after the date of discovery.</i> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on September 20, 2017, but did not complete the investigation until July 23, 2018, ten months thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2017-05-01	17-0023540-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between May 1, 2017, and July 30, 2017, an officer allegedly engaged in sexual acts with an inmate, conspired with the inmate to introduce mobile phones into the institution, and communicated with the inmate on a social networking site. On July 22, 2017, the officer allegedly brought alcohol into the institution for the inmate and on July 29, 2017, allegedly introduced a mobile phone into the institution for inmates. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed a felony complaint for bribery, engaging in sexual acts with an inmate, and providing a mobile phone to an inmate. The Office of Internal Affairs did not open an administrative investigation because the officer resigned. The hiring authority placed a letter in the officer's official personnel file indicating she resigned under adverse circumstances.</p>			
Procedural Rating Insufficient	Substantive Rating Insufficient		
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not complete the investigation in a timely manner, which resulted in the expiration of the deadline for filing a misdemeanor charge. However, the district attorney filed felony charges.</p>			

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on May 16, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 24, 2017, 69 days after the date of discovery.

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded it to the regional office on July 30, 2017, but did not complete the investigation until July 13, 2018, almost one year thereafter.

- **Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation?**

The deadline for filing one of the misdemeanor charges expired on June 5, 2018, but the Office of Internal Affairs did not refer the matter to the district attorney's office until July 13, 2018, 38 days after the deadline. However, the district attorney filed a felony complaint for bribery, engaging in sexual acts with an inmate, and providing a mobile phone to an inmate.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The special agent failed to complete any substantive work for nine months, from October 4, 2017, to July 13, 2018.

Incident Date	OIG Case Number	Case Type	Allegations
2017-06-13	18-0025738-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between June 13, 2017, and September 17, 2017, an office technician allegedly exchanged letters with an inmate and on August 18, 2017, allegedly engaged in sexual activity with the inmate. On January 5, 2018, and January 23, 2018, a laboratory technician allegedly communicated with the inmate by telephone, and between October 8, 2017, and February 13, 2018, a second laboratory technician allegedly wrote letters to the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed felony charges against the office technician for unlawful sexual activity with an inmate and misdemeanor charges against both laboratory technicians for unlawful communication with an inmate. The office technician suffered two felony convictions. The district attorney dismissed the charges against the two laboratory technicians. The Office of Internal Affairs did not open an administrative investigation against the office technician because she resigned before opening the criminal investigation. The Office of Internal Affairs returned the matter against the two laboratory technicians to the hiring authority to address administrative allegations without an investigation. The OIG accepted the case for monitoring.</p>			
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase.</p>			

Assessment Questions

- **Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation?**

The deadline for filing one of the charges expired on June 13, 2018, but the Office of Internal Affairs did not refer the matter to the district attorney's office until August 16, 2018, 64 days thereafter. However, the district attorney filed a felony charge against the office technician for unlawful sexual activity with an inmate and misdemeanor charges against both laboratory technicians for unlawful communication with an inmate.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Case Type	Allegations
2017-06-19	17-0024631-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between June 19, 2017, and December 4, 2017, an officer allegedly sent text messages to his girlfriend encouraging her to commit suicide and threatening to harm her and her unborn child. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not make a timely determination regarding the referral.</p>			

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**

The department learned of the alleged misconduct on September 7, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 24, 2017, 47 days after the date of discovery.

- **Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days?**

The Office of Internal Affairs received the request for investigation on October 24, 2017, but did not take action until December 6, 2017, 43 days after receipt of the request.

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on December 6, 2017, but did not complete the investigation until August 22, 2018, more than eight months thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delays are addressed in prior questions.

Incident Date	OIG Case Number	Case Type	Allegations
2017-08-19	17-0024628-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between August 19, 2017, and October 27, 2017, an officer allegedly unlawfully gave notes to an inmate and used the inmate's parent's address to send mail to the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed one misdemeanor charge of unlawful communication with an inmate. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the special agent did not adequately consult with the OIG.</p>			

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on December 6, 2017, but did not complete the investigation until August 2, 2018, almost eight months thereafter.

- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**

The special agent conducted interviews without advising the OIG and did not consult the OIG before referring the matter to the district attorney's office.

Incident Date	OIG Case Number	Case Type	Allegations
2017-10-01	18-0024929-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between October 1, 2017, and January 9, 2018, an officer allegedly conspired with two inmates, the inmates' family members, and an inmate's friend to introduce tobacco, marijuana, heroin, alcohol, and mobile phones into the institution for money. On January 9, 2018, the officer allegedly introduced heroin, marijuana, tobacco, alcohol, and mobile phones into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer resigned. The hiring authority placed a letter in his official personnel file indicating that he resigned under adverse circumstances.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Insufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the special agent did not adequately cooperate with the OIG. In the OIG's opinion, the Office of Internal Affairs did not conduct a thorough investigation, prepare a complete report, or conduct the investigation with due diligence.</p>			

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs special agent prepare a thorough and accurate final investigative report containing all relevant information?**

In the OIG's opinion, the special agent should have obtained a report from the officer who collected and photographed the evidence and included that information in the report.

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on January 9, 2018, but did not complete its investigation until January 4, 2019, almost one year thereafter.

- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**

The special agent conducted witness interviews without notifying or consulting the OIG.

- **In the OIG's opinion, did the Office of Internal Affairs conduct a thorough investigation that addressed all relevant information?**

In the OIG's opinion, the special agent should have obtained a report and photographs documenting the collection of evidence.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

In the OIG's opinion, the Office of Internal Affairs did not conduct a diligent investigation because the special agent did not conduct substantive work for eight months or present the case to the district attorney's office in a timely manner. The Office of Internal Affairs completed its investigative report on October 31, 2018, but did not present the case to the district attorney's office until January 4, 2019, more than two months thereafter.

Incident Date	OIG Case Number	Case Type	Allegations
2017-11-01	18-0025174-IR	Criminal Investigation	1. Other Criminal Act
Incident Summary Between November 1, 2017, and January 23, 2018, an officer allegedly engaged in sexual acts with two inmates and provided one with a mobile phone, methamphetamine, and food in exchange for sexual favors. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.			
Procedural Rating Sufficient		Substantive Rating Sufficient	
Investigative Phase Assessment The department sufficiently complied with policies governing the investigation.			

Assessment Questions

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on January 24, 2018, but did not complete the investigation until September 25, 2018, eight months thereafter.

Incident Date	OIG Case Number	Case Type	Allegations
2017-11-02	18-0025551-IR	Criminal Investigation	1. Other Criminal Act 2. Other Criminal Act
<p>Incident Summary</p> <p>On November 2, 2017, an officer allegedly conspired with inmates to have another inmate assaulted. On March 6, 2018, the officer allegedly brought knives, a mobile phone, and two other electronic devices into the secure perimeter of the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney declined to file charges. The Office of Internal Affairs did not open an administrative investigation because the officer resigned.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the hiring authority delayed referring the matter to the Office of Internal Affairs and the special agent did not provide continual real-time consultation with the OIG. In the OIG's opinion, the special agent did not include relevant information in the investigative report.</p>			

Assessment Questions
<p>◦ Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on December 19, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 9, 2018, 80 days after the date of discovery.</i></p>
<p>◦ In the OIG's opinion, did the Office of Internal Affairs special agent prepare a thorough and accurate final investigative report containing all relevant information? <i>In the OIG's opinion, the special agent should have followed the OIG's recommendation to include the officer's signed consent to search form with the investigative report because it documented the officer's voluntary consent and willingness to cooperate.</i></p>
<p>◦ In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG? <i>The special agent provided the OIG less than one day of notice of a witness interview and failed to inform the OIG he submitted the case to the district attorney's office.</i></p>
<p>◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i></p>

Incident Date	OIG Case Number	Case Type	Allegations
2018-01-01	18-0025883-IR	Criminal Investigation	1. Other Criminal Act

Incident Summary
 Between November 25, 2017, and April 11, 2018, a plumber allegedly engaged in sexual acts with an inmate and communicated with her by mobile phone. 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 plumber resigned. The hiring authority placed a letter in the plumber's official personnel file indicating he resigned under adverse circumstances.

Procedural Rating	Substantive Rating
Insufficient	Insufficient

Investigative Phase Assessment
 The department did not comply with policies governing the investigation because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not complete the investigation in a timely manner.

Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**
The department learned of the alleged misconduct on January 31, 2018, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 11, 2018, 70 days thereafter.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 11, 2018, but did not complete the investigation until December 31, 2018, more than eight months thereafter.
- **Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation?**
The Office of Internal Affairs did not complete its investigation until December 31, 2018, 36 days after the deadline for filing a misdemeanor charge expired on November 25, 2018.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
Two delays are addressed in prior questions. Also, in the OIG's opinion, the Office of Internal Affairs did not conduct a diligent investigation because although the Office of Internal Affairs completed its investigative report on November 28, 2018, the special agent did not present the case to the district attorney's office until December 31, 2018, 33 days thereafter.

Incident Date	OIG Case Number	Case Type	Allegations
2018-02-27	18-0026161-IR	Criminal Investigation	1. Other Criminal Act
Incident Summary On February 27, 2018, an officer allegedly solicited one inmate to assault a second inmate. Between February 27, 2018, and March 9, 2018, the officer allegedly accessed and provided confidential inmate information to a third inmate. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.			
Procedural Rating Insufficient		Substantive Rating Sufficient	
Investigative Phase Assessment The department did not comply with policies governing the investigation because the special agent did not provide a draft of the investigative report to the OIG for review.			

Assessment Questions

- **Upon completion of the investigation, did the special agent timely provide a draft copy of the investigative report to the OIG to allow for feedback before forwarding to the hiring authority or prosecuting agency?**
The special agent did not provide the OIG with the draft investigative report for review before finalizing the report.
- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**
The insufficiency is addressed in a prior question.

Incident Date	OIG Case Number	Case Type	Allegations
2018-03-19	18-0026278-IR	Criminal Investigation	1. Other Criminal Act
Incident Summary Between March 19, 2018, and May 3, 2018, an officer allegedly kissed an inmate and conspired with the inmate to provide him with food, cologne, and a compact disc. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Procedural Rating Sufficient		Substantive Rating Sufficient	
Investigative Phase Assessment The department sufficiently complied with policies governing the investigation.			

Incident Date	OIG Case Number	Case Type	Allegations
2018-04-26	18-0025998-IR	Criminal Investigation	1. Other Criminal Act
Incident Summary On April 26, 2018, an officer allegedly brought a knife into an institution and had a firearm with ammunition in his vehicle on institutional grounds. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Procedural Rating Sufficient		Substantive Rating Insufficient	
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not timely consult with the district attorney's office.			

Assessment Questions

- **In the OIG's opinion, did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation?**

In the OIG's opinion, the Office of Internal Affairs did not consult with the district attorney's office to determine whether the district attorney objected to the department taking administrative action, causing an unnecessary delay. In addition, the Office of Internal Affairs closed the criminal case on June 20, 2018, but did not open an administrative case until December 19, 2018, nearly six months later.

Appendix D: Deadly Force Administrative Cases and Criminal Investigations

Appendix D contains the assessment of 18 deadly force cases monitored and concluded during the reporting period, listed by geographic region.

Appendix D

DEADLY FORCE INCIDENT CASE SUMMARIES

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Central

Incident Date	OIG Case Number	Case Type
2018-04-27	18-0026049-IR	Use of Deadly Force Criminal
<p>Incident Summary</p> <p>On April 27, 2018, five inmates attacked a sixth inmate on the exercise yard. An officer fired one round for effect from a Mini-14 rifle, which did not strike the intended target but did stop the attack. The sixth inmate sustained injuries consistent with fighting, was treated at an outside hospital, and returned to the institution the same day. The Office of Internal Affairs and the OIG responded to the scene. The Office of Internal Affairs conducted a criminal investigation but did not find sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>		
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the Office of Internal Affairs did not complete the investigation in a timely manner.</p>		
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the criminal Office of Internal Affairs deadly force investigation team special agent conduct all interviews within 72 hours? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 27, 2018, but did not complete the interviews until July 30, 2018, 94 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>One delay is addressed in a prior question. Also, the Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident date pursuant to the department's guidelines. The incident took place April 27, 2018, but the Office of Internal Affairs did not complete the investigation until August 23, 2018, 118 days thereafter.</i> 		
Incident Date	OIG Case Number	Case Type
2018-05-20	18-0026260-IR	Use of Deadly Force Criminal

<p>Incident Summary</p> <p>On May 20, 2018, a sergeant allegedly discharged a round from his personal handgun at a pit bull dog that entered his backyard and advanced toward him. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the department did not timely notify the Office of Internal Affairs or the OIG.</p>	
<p>Procedural Rating</p> <p>Insufficient</p>	<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the institution or region timely notify the Office of Internal Affairs of the incident? <i>The institution did not notify the Office of Internal Affairs until 90 minutes after the incident.</i> ◦ Did the department timely notify the OIG of the critical incident? <i>The institution did not notify the OIG until 90 minutes after the incident.</i> 	

North

Incident Date	OIG Case Number	Case Type	
2016-09-15	16-0001937-IR	Use of Deadly Force Administrative	
<p>Incident Summary</p> <p>On September 15, 2016, an officer allegedly pulled a restrained inmate's feet out from under him and pushed the inmate from behind to the ground, resulting in a broken jaw. The inmate died at an outside hospital on September 17, 2016. A lieutenant, sergeant, and six officers, including the first officer, allegedly conspired to conceal the battery on the inmate, and five of those officers allegedly wrote false reports. Between September 29, 2016, and December 6, 2017, the officers, sergeant, and lieutenant allegedly lied during their respective interviews with the Office of Internal Affairs, and on March 2, 2017, one of the officers allegedly brought a personal mobile phone into the institution. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. The Office of Internal Affairs 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.</p>			
Allegations	Findings	Initial Penalty	Final Penalty
1. Dishonesty	1. Sustained	Dismissal	Dismissal
2. Use of Force	2. Sustained		
3. Failure to Report	3. Sustained		
4. Contraband	4. Sustained		
5. Neglect of Duty	5. Sustained		
6. Dishonesty	6. Not Sustained		
7. Failure to Report	7. Not Sustained		
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigative phase. Also, the investigative services unit performed an exemplary job in conducting a timely and thorough inmate interview regarding the use of force before the inmate died and the special agent conducted an exceptionally thorough investigation. However, in the OIG's opinion, prior to the investigation, five officers and one sergeant provided false information in their reports and attempted to conceal misconduct.</p>			
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	

Assessment Questions

- **In the OIG's opinion, did departmental staff accurately and thoroughly document the incident?**
In the OIG's opinion, five officers and a sergeant coordinated to conceal excessive use of force, provided false information in and omitted critical information from their reports, and provided false statements to the Office of Internal Affairs.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on September 17, 2016, but did not complete the investigation until January 25, 2018, 16 months thereafter.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The Office of Internal Affairs did not complete the deadly force investigation within 90 days of opening a deadly force investigation pursuant to the department's guidelines. The Office of Internal Affairs opened the investigation on September 17, 2016, but did not complete the investigation until January 25, 2018, 16 months thereafter. During that time, the Office of Internal Affairs was conducting a criminal investigation.

Disposition

The hiring authority sustained the allegations against the sergeant and five of the officers, but not the allegations against the other officer and the lieutenant, and determined dismissal was the appropriate penalty for the sergeant and officers. The OIG concurred. The first and fifth officers resigned prior to the effective date of their dismissals. The remaining officers and the sergeant filed appeals with the State Personnel Board but later entered into settlements wherein they all agreed to resign in lieu of dismissal. The OIG concurred.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not prepare the disciplinary actions in compliance with policy and the department did not serve the disciplinary actions in compliance with policy. Also, the department attorney did not provide a required form to the OIG.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **In the OIG’s opinion, was (were) the disciplinary action(s) served on the subject(s) legally sufficient and in compliance with the departmental policy?**
The disciplinary actions did not advise the sergeant and officers of the right to respond to an uninvolved manager.
- **In the OIG's opinion, did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department attorney did not provide the case settlement reports to the OIG.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on April 27, 2018. However, the department did not serve one of the disciplinary actions until May 31, 2018, three disciplinary actions until June 1, 2018, and two disciplinary actions until June 4, 2018.

Incident Date	OIG Case Number	Case Type
2016-09-15	16-0001938-IR	Use of Deadly Force Criminal
<p>Incident Summary</p> <p>On September 15, 2016, an officer allegedly pulled a restrained inmate's feet out from under him and pushed the inmate from behind to the ground, resulting in a broken jaw. The inmate died at an outside hospital on September 17, 2016. A lieutenant, sergeant, and seven officers, including the first officer, allegedly conspired to conceal the battery on the inmate, and five of those officers allegedly wrote false reports. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. The Office of Internal Affairs 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.</p>		
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies governing the investigation. In addition, the special agents performed exceptionally well while gathering an extremely large amount of email messages and mobile phone data, and the Office of Internal Affairs performed exceptionally well in planning for and simultaneously executing search warrants on multiple officers, a sergeant, and a lieutenant, at multiple locations. As a result, the Office of Internal Affairs was able to seize and access all relevant evidence that was sought.</p>		
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>

Assessment Questions

- **Did the criminal Office of Internal Affairs deadly force investigation team special agent conduct all interviews within 72 hours?**

The Office of Internal Affairs opened a deadly force investigation on September 17, 2016, but did not complete the last interview until December 1, 2016, 75 days thereafter.

- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**

The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on September 17, 2016, but did not complete the investigation until August 10, 2017, 11 months thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The Office of Internal Affairs did not complete the deadly force investigation within 90 days of opening a deadly force investigation. The Office of Internal Affairs opened a deadly force investigation on September 17, 2016, but did not complete the investigation until August 10, 2017, 11 months thereafter.

Incident Date	OIG Case Number	Case Type
2017-03-26	17-0022608-IR	Use of Deadly Force Criminal
<p>Incident Summary</p> <p>On March 26, 2017, while being escorted in waist restraints, an inmate began acting erratically and resistive. Sergeants and officers used physical force to restrain the inmate as he kicked and spit. An officer applied a spit mask and another officer applied ankle restraints. A lieutenant, sergeant, and two officers placed the inmate face-down on a gurney and transported the inmate to the mental health treatment area, where he became unresponsive. Officers and nurses performed life-saving measures, and an ambulance transported the inmate to an outside hospital, where a physician pronounced the inmate dead on July 21, 2017. The Office of Internal Affairs did not respond to the scene but conducted a criminal investigation. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>		
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the hiring authority did not timely notify the OIG of the incident and the Office of Internal Affairs did not complete interviews in a timely manner. In the OIG's opinion, the special agent provided inappropriate, inaccurate, and incomplete information to the district attorney's office.</p>		
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Insufficient</p>

Assessment Questions

- **Did the department timely notify the OIG of the critical incident?**
The department failed to notify the OIG until almost one month after the incident preventing the OIG from real-time monitoring of the incident.
- **Did the criminal Office of Internal Affairs deadly force investigation team special agent conduct all interviews within 72 hours?**
The Office of Internal Affairs did not conduct all interviews within 72 hours. The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on May 5, 2017, but did not complete all of the interviews until October 11, 2017, more than five months thereafter.
- **Did the OIG concur with the Office of Internal Affairs' determination regarding whether there was probable cause to believe a crime was committed and its decision regarding whether to refer the investigation to the correct prosecuting agency?**
In the OIG's opinion, the special agent inappropriately informed the lieutenant's attorney of his personal opinion that the investigation should not be referred to the district attorney and provided the lieutenant's attorney and district attorney's office with inaccurate and incomplete information regarding the department's policy requiring referral to the district attorney's office.
- **Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation?**
The Office of Internal Affairs opened the investigation and referred the case to a regional office on May 5, 2017, but did not complete all of the interviews until October 11, 2017, more than five months thereafter, and did not complete its investigation until June 8, 2018, more than one year after opening the investigation.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

Incident Date	OIG Case Number	Case Type	
2017-10-20	17-0024241-IR	Use of Deadly Force Administrative	
Incident Summary			
<p>On October 20, 2017, two inmates attacked a third inmate with weapons. Officers deployed multiple chemical agent grenades and less-lethal rounds, but the attack continued. An officer fired a warning shot from a Mini-14 rifle, still not stopping the attack. The officer then fired a round for effect from the Mini-14 rifle, striking one of the inmates who was attacking the third inmate. A second officer fired a round for effect from a Mini-14 rifle, allegedly fatally wounding the third inmate. The department transported the second inmate to an outside hospital, and he returned to the institution on December 13, 2017. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The district attorney's office declined to file charges on either officer. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because neither the investigative services unit nor the deadly force investigation team adequately documented evidence and the department attorney did not make critical entries into the case management system. In the OIG's opinion, the department attorney also did not adequately contact the special agent or the OIG or provide appropriate feedback regarding the investigative report. However, the special agent made extraordinary efforts that resulted in the location of evidence indicating which weapon each officer used in order to prove which officer fired the fatal shot. The special agent also provided continuous, real-time consultation with the OIG.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **In the OIG's opinion, did departmental staff accurately and thoroughly document the incident?**
Neither the investigative services unit nor the deadly force investigation team documented the serial numbers of the weapons seized from the officers or prepared a detailed evidence log or chain of custody with the serial numbers of the weapons and which weapon was seized from which officer.
- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**
The department attorney did not make any entry into the case management system 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 OIG to discuss the elements of a thorough investigation of the alleged misconduct?**
The department attorney did not contact the assigned special agent or the OIG to discuss the elements of a thorough investigation.
- **In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?**
The department attorney did not make any entry into the case management system regarding the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.
- **In the OIG's opinion, did the department attorney provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?**
In the OIG's opinion, the department attorney neglected to recommend that the special agent provide a chain of custody for the evidence.
- **In the OIG's opinion, did the department attorney provide timely, thorough, and appropriate legal advice to the Office of Internal Affairs special agent during the investigation?**
In the OIG's opinion, the department attorney did not timely consult with the special agent or provide adequate legal advice to the special agent.
- **In the OIG's opinion, did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the investigative phase?**
In the OIG's opinion, the department attorney did not adequately consult with the special agent regarding the investigative plan or the importance of a chain of custody and ballistics.

Disposition

The Deadly Force Review Board found that the officers' uses of deadly force complied with policy. The hiring authority subsequently exonerated the officers, and the OIG concurred.

Incident Date	OIG Case Number	Case Type
2018-01-26	18-0025215-IR	Use of Deadly Force Administrative

<p>Incident Summary</p> <p>On January 26, 2018, three inmates attacked a fourth inmate on the exercise yard. An officer fired two less-lethal rounds, but the attack continued. A second officer fired one round for effect from a Mini-14 rifle, which did not strike the intended target but stopped the attack. Three inmates sustained injuries consistent with fighting and were treated at the institution. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Allegations</p> <p>1. Use of Force</p>	<p>Findings</p> <p>1. Exonerated</p>	<p>Initial Penalty</p> <p>No Penalty Imposed</p>	<p>Final Penalty</p> <p>No Penalty Imposed</p>
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not assess an exception to the deadline for taking disciplinary action.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days? <p><i>Although the department attorney made a timely entry into the case management system regarding relevant dates, the entry did not assess an exception based on tolling during a criminal investigation.</i></p>			
<p>Disposition</p> <p>The Deadly Force Review Board found the officer's use of deadly force complied with policy. The hiring authority subsequently exonerated the officer, and the OIG concurred.</p>			
<p>Incident Date</p> <p>2018-02-26</p>	<p>OIG Case Number</p> <p>18-0025488-IR</p>	<p>Case Type</p> <p>Use of Deadly Force Administrative</p>	

Incident Summary

On February 26, 2018, an inmate was on the ground while four other inmates punched him in the head. An officer fired one warning shot from a Mini-14 rifle, but the attack continued. A second officer fired one warning shot from a Mini-14 rifle and a second round for effect, which struck an attacking inmate's leg. Four officers used pepper spray and three chemical agent grenades, which stopped the attack. Three of the attacking inmates and the inmate being attacked sustained injuries consistent with fighting and were treated at the institution. The department transported the inmate who was struck by the Mini-14 round to an outside hospital, and he returned to the institution on March 9, 2018. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The district attorney's office declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed

Investigative Phase Assessment	
The department did not comply with policies governing the investigative phase because a sergeant did not timely obtain the public safety statements, the department attorney did not correctly assess the deadline for taking disciplinary action, the Office of Internal Affairs did not timely complete the investigation, and the hiring authority did not conduct the investigative findings conference in a timely manner.	

Procedural Rating	Substantive Rating
Insufficient	Sufficient

Assessment Questions

- **In the OIG's opinion, did the hiring authority sufficiently comply with policies, procedures, applicable rules, and sound practice in response to the incident?**

A sergeant did not obtain the officers' public safety statements until after the Mini-14 rifles were secured for evidence and there was no risk to public safety.

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action as February 25, 2019, when the deadline was actually July 19, 2019.

- **In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG?**

In the OIG's opinion, the department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.

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

The Office of Internal Affairs forwarded the results of the Deadly Force Review Board to the hiring authority on September 28, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 26, 2018, 59 days thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident date pursuant to the department's guidelines. The incident took place on February 26, 2018, but the Office of Internal Affairs did not complete the investigation until June 18, 2018, 112 days thereafter.

Disposition

The Deadly Force Review Board found that the two officers' uses of deadly force complied with policy. The hiring authority subsequently exonerated the officers, and the OIG concurred.

Incident Date	OIG Case Number	Case Type
2018-02-26	18-0025489-IR	Use of Deadly Force Criminal

Incident Summary
 On February 26, 2018, an inmate was on the ground while four other inmates punched him in the head. An officer fired one warning shot from a Mini-14 rifle, but the attack continued. A second officer fired one warning shot from a Mini-14 rifle and a second round for effect, which struck an attacking inmate’s leg. Four officers used pepper spray and three chemical agent grenades, which stopped the attack. Three of the attacking inmates and the inmate being attacked sustained injuries consistent with fighting and were treated at the institution. The department transported the inmate who was struck by the Mini-14 round to an outside hospital, and he returned to the institution on March 9, 2018. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney’s office for review. The district attorney’s office declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Phase Assessment
 The department did not comply with policies governing the investigation because a sergeant did not timely obtain the public safety statements and the Office of Internal Affairs did not timely complete the investigation.

Procedural Rating Insufficient	Substantive Rating Sufficient
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Assessment Questions

- **In the OIG's opinion, did the hiring authority sufficiently comply with policies, procedures, applicable rules, and sound practice in response to the incident?**
A sergeant did not obtain the officers' public safety statements until after the Mini-14 rifles were secured for evidence and there was no risk to public safety.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident date pursuant to the department's guidelines. The incident took place February 26, 2018, but the Office of Internal Affairs did not complete the investigation until July 9, 2018, 133 days thereafter.

Incident Date	OIG Case Number	Case Type
2018-04-30	18-0026042-IR	Use of Deadly Force Criminal

Incident Summary
 On April 30, 2018, six inmates attacked a seventh inmate on the exercise yard. Officers deployed chemical agent spray, chemical agent grenades, and less-lethal rounds, stopping the attack. Officers saw an eighth inmate try to throw a weapon onto the roof. Three officers fired six less-lethal rounds, striking the inmate without effect, and one of the officers fired another less-lethal round, striking the inmate in the head. The department air-lifted the inmate to an outside hospital, and he returned to the institution on May 16, 2018. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney’s office for review. The district attorney declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the department did not timely notify the OIG or timely complete the investigation. However, the special agent prepared a well-written report with photographs that very effectively communicated the actions of the inmate and officer during the incident.</p>		
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the department timely notify the OIG of the critical incident? <i>The institution did not notify the OIG until two and one-half hours after the incident.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident pursuant to the department's guidelines. The incident took place April 30, 2018, but the Office of Internal Affairs did not complete the investigation until August 28, 2018, 120 days thereafter.</i> 		
<p>Incident Date 2018-05-25</p>	<p>OIG Case Number 18-0026254-IR</p>	<p>Case Type Use of Deadly Force Criminal</p>
<p>Incident Summary</p> <p>On May 25, 2018, approximately 70 inmates participated in a riot on the exercise yard. Officers deployed chemical agent spray, chemical agent grenades, baton strikes, and less-lethal rounds. One less-lethal round struck an inmate in the head, and the department transferred the inmate to an outside hospital. The inmate left the hospital on June 22, 2018, and the department transferred the inmate to a different institution. The Office of Internal Affairs and the OIG responded to the scene. The Office of Internal Affairs conducted a criminal investigation but did not find sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>		
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the Office of Internal Affairs did not timely complete all interviews.</p>		
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Sufficient</p>

Assessment Questions

- **Did the criminal Office of Internal Affairs deadly force investigation team special agent conduct all interviews within 72 hours?**

The Office of Internal Affairs opened the investigation and referred the matter to a regional office on May 25, 2018, but did not complete the interviews until August 29, 2018, 96 days thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Case Type
2018-07-06	18-0026664-IR	Use of Deadly Force Criminal
<p>Incident Summary</p> <p>On July 6, 2018, a parole agent allegedly discharged one round from a firearm when two dogs approached him while he was walking his dog. The Office of Internal Affairs and the OIG responded to the scene. The Office of Internal Affairs conducted a criminal investigation but did not find sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>		
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>		
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>

South

Incident Date	OIG Case Number	Case Type	
2017-10-06	17-0024137-IR	Use of Deadly Force Administrative	
<p>Incident Summary</p> <p>On October 6, 2017, an Office of Correctional Safety special agent discharged four rounds from his rifle at a parolee attempting to escape, killing the parolee. The Office of Internal Affairs and the OIG responded to the scene. Outside law enforcement conducted a criminal investigation. The Office of Internal Affairs opened an administrative investigation, which the OIG accepted for monitoring.</p>			
Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely consult with the OIG and department attorney regarding investigative findings conference.</p>			
Procedural Rating		Substantive Rating	
Insufficient		Sufficient	
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs returned the matter to the hiring authority on October 17, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the investigative findings until November 16, 2018, 30 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The delay is addressed in a prior question.</i> 			
<p>Disposition</p> <p>The Deadly Force Review Board found that the special agent's use of deadly force complied with policy. The hiring authority subsequently exonerated the special agent, and the OIG concurred.</p>			

Incident Date	OIG Case Number	Case Type	
2017-11-16	17-0024483-IR	Use of Deadly Force Administrative	
<p>Incident Summary</p> <p>On November 16, 2017, an officer allegedly fired a round from his handgun into the tire of another person's vehicle during an off-duty dispute.</p>			

Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons 2. Weapons	1. Sustained 2. Not Sustained	Dismissal	Dismissal
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the Office of Internal Affairs did not timely complete the investigation and the hiring authority did not conduct the investigative findings conference in a timely manner.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the department complete its investigation within six months of the date the Office of Internal Affairs forwarded the case to a regional office for investigation? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on November 17, 2017, but did not complete the investigation until July 12, 2018, almost eight months thereafter.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 19, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 16, 2018, 28 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>One delay is addressed in a prior question. Also, the Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident date pursuant to the department's guidelines. The incident took place on November 16, 2017, but the Office of Internal Affairs did not complete the investigation until July 12, 2018, almost eight months thereafter.</i> 			
<p>Disposition</p> <p>The Deadly Force Review Board found that the officer's use of deadly force did not comply with policy. The hiring authority decided to dismiss the officer. The OIG concurred. However, the officer retired prior to completion of the investigation. Therefore, disciplinary action could not be taken. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.</p>			
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>			
<p>Procedural Rating Sufficient</p>		<p>Substantive Rating Sufficient</p>	

Assessment Questions

- **Did the hiring authority 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 October 19, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 16, 2018, 28 days thereafter.

- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Case Type	
2018-01-16	18-0025046-IR	Use of Deadly Force Administrative	
Incident Summary On January 16, 2018, two parole agents allegedly each fired a round from their firearms at two dogs while conducting an official visit of a parolee at his home. The Office of Internal Affairs and the OIG responded to the scene. The Office of Internal Affairs conducted a criminal investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the Office of Internal Affairs did not timely complete the investigation, the department attorney did not modify the deadline to take disciplinary action, and the hiring authority did not timely consult regarding the investigative findings.			
Procedural Rating Insufficient		Substantive Rating Sufficient	

<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department attorney correctly determine that the deadline for taking disciplinary action as originally calculated should be modified and adequately consult with the special agent and the OIG? <i>The department attorney did not modify the deadline to take disciplinary action after an exception based on criminal tolling no longer applied.</i> ◦ Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 13, 2018. However, the hiring authority did not consult with the department attorney and the OIG regarding the sufficiency of the investigation and the investigative findings until October 19, 2018, 36 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>One delay is addressed in a prior question. Also, the Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident date pursuant to the department's guidelines. The incident occurred on January 16, 2018, but the the Office of Internal Affairs did not complete the investigation until June 15, 2018, 150 days thereafter.</i>
<p>Disposition</p> <p>The Deadly Force Review Board found that the parole agents' uses of deadly force complied with policy. The hiring authority subsequently exonerated both parole agents, and the OIG concurred.</p>

Incident Date	OIG Case Number	Case Type	
2018-02-08	18-0025335-IR	Use of Deadly Force Administrative	
<p>Incident Summary</p> <p>On February 8, 2018, a parole agent allegedly discharged a firearm at a dog threatening to attack him, wounding the dog. The Office of Internal Affairs responded to the scene. The OIG also responded. The Office of Internal Affairs conducted a criminal investigation but did not find sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not adequately assess the deadline to take disciplinary action and the hiring authority did not conduct the investigative findings conference in a timely manner.</p>			
Procedural Rating		Substantive Rating	
Insufficient		Sufficient	

Assessment Questions

- **In the OIG's opinion, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the incident date, discovery date, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time, within 21 calendar days?**

The department attorney made an entry into the case management system. However, he merely stated that he assessed the date of the incident and the discovery date without indicating the actual dates.

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 29, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until September 17, 2018, 19 days thereafter.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The delay is addressed in a prior question.

Disposition

The Deadly Force Review Board found that the parole agent's use of deadly force complied with policy. The hiring authority subsequently exonerated the parole agent, and the OIG concurred.

Incident Date	OIG Case Number	Case Type
2018-06-18	18-0026478-IR	Use of Deadly Force Criminal
<h3>Incident Summary</h3> <p>On June 18, 2018, officers saw two inmates fighting in a cell and deployed pepper spray to stop the fight. While officers removed him from the cell, one of the inmates fell, struck his head on the floor, and became unresponsive. Three officers and two nurses initiated life-saving measures until paramedics arrived, and a physician pronounced the inmate dead. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>		
<h3>Investigative Phase Assessment</h3> <p>The department did not comply with policies governing the investigation because officers did not search the cellmate and the Office of Internal Affairs did not timely complete the investigation. In the OIG's opinion, a sergeant unnecessarily obtained a public safety statement.</p>		
<h3>Procedural Rating</h3> <p>Insufficient</p>		<h3>Substantive Rating</h3> <p>Sufficient</p>

Assessment Questions

- **In the OIG's opinion, did the hiring authority sufficiently comply with policies, procedures, applicable rules, and sound practice in response to the incident?**

In the OIG's opinion, officers should have searched the dead inmate's cellmate when removing him from the cell and a sergeant unnecessarily obtained a public safety statement from an officer even though the officer did not use deadly force and, therefore, there was no need to obtain a public safety statement.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**

The Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident date pursuant to the department's guidelines. The incident took place June 18, 2018, but the Office of Internal Affairs did not complete the investigation until September 28, 2018, 102 days thereafter.

Incident Date	OIG Case Number	Case Type
2018-07-25	18-0026883-IR	Use of Deadly Force Criminal
<p>Incident Summary</p> <p>On July 25, 2018, two inmates attacked a third inmate on the exercise yard, repeatedly hitting the inmate in the head. Officers deployed chemical-agent grenades, but the attack continued. Another officer fired one round for effect from a Mini-14 rifle, which did not strike the intended target, and the inmates continued their attack. Other officers deployed chemical-agent grenades, which eventually stopped the attack. The department treated the third inmate at the institution for injuries consistent with the attack. The Office of Internal Affairs and the OIG responded to the scene. The Office of Internal Affairs conducted a criminal investigation but did not find 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.</p>		
<p>Investigative Phase Assessment</p> <p>Overall, the department complied with polices governing the investigation.</p>		
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the hiring authority sufficiently comply with policies, procedures, applicable rules, and sound practice in response to the incident? <p><i>In the OIG's opinion, the hiring authority inappropriately delayed obtaining the officer's public safety statement until the officer was represented by the union.</i></p>		

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Appendices*

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June 2019

OIG