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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
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Appendices*

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Appendices

Appendix A: Combined Administrative Cases

Appendix A contains the assessments for 206 combined phase (investigative and disciplinary phases) cases monitored and concluded during this reporting period, listed by geographical region.

Appendix A Combined Phase Cases

Central

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-07-22	17-0022636-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Over-Familiarity 4. Over-Familiarity 5. Contraband 6. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained 	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between July 22, 2014, and December 15, 2016, a recreational therapist allegedly engaged in sexual misconduct with two inmates. On August 31, 2016, the recreational therapist allegedly conspired with one of the inmates to avoid paying court-ordered restitution, and between September 19, 2016, and December 15, 2016, allegedly conspired with inmates to introduce mobile phones, methamphetamine, food, and clothing into the institution in exchange for money. On December 10, 2016, the recreational therapist allegedly failed to notify the institution that one of the inmates had a mobile phone and on December 29, 2016, allegedly lied to the investigative services unit regarding her communications with the inmate. On June 15, 2017, and July 28, 2017, the recreational therapist allegedly lied during her interview with the Office of Internal Affairs.</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 complete its investigation before the deadline for taking disciplinary action and the hiring authority did not timely conduct the investigative findings conference. In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action,</p>					
<p>Procedural Rating Insufficient</p>			<p>Substantive Rating Insufficient</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?**

In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action as February 21, 2020, when the deadline was actually July 22, 2017.

- **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 earliest alleged misconduct was July 22, 2017. However, the Office of Internal Affairs did not complete the investigation until September 29, 2017, two months after that deadline.

- **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 earliest alleged misconduct was July 22, 2017. However, the Office of Internal Affairs did not complete the investigation until September 29, 2017, two months after that deadline.

- **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 29, 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 November 20, 2017, 52 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 recreational therapist engaged in sexual misconduct with an inmate, conspired with the inmate to avoid paying court-ordered restitution, failed to notify the institution the inmate had a mobile phone, and was dishonest during her interview with the Office of Internal Affairs, but not the remaining allegations, and determined dismissal was the appropriate penalty. The OIG concurred. However, the recreational therapist resigned before disciplinary action could be imposed. The hiring authority placed a letter in the recreational therapist'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

- **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 29, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 20, 2017, 52 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
2015-07-27	16-0001072-IR	1. Dishonesty 2. Discrimination/Harassment 3. Discourteous Treatment 4. Other Failure of Good Behavior 5. Dishonesty 6. Discrimination/Harassment	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between July 27, 2015, and January 4, 2016, a parole agent allegedly failed to report what he believed to be a romantic relationship with a program technician he supervised. Between August 24, 2015, and February 26, 2016, the parole agent allegedly sexually harassed the program technician, made inappropriate sexual gestures towards her, and sent her an unsolicited gift and inappropriate written communication. On February 19, 2016, the parole agent was allegedly dishonest in documenting the program technician's conduct with another parole agent. On September 8, 2016, the parole agent was allegedly dishonest during an interview with the Office of Internal Affairs.</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 and the Office of Internal Affairs did not timely complete its investigation. In the OIG's opinion, the Office of Internal Affairs did not conduct an interview in an appropriate manner and the department attorney did not correctly assess the deadline for taking disciplinary action or provide adequate feedback regarding the investigative report and provided the hiring authority with inadequate legal advice.</p>					
<p>Procedural Rating Insufficient</p>			<p>Substantive Rating 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 25, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 11, 2016, 168 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, the department attorney incorrectly assessed the deadline for taking disciplinary action as February 25, 2017, when the deadline was actually September 25, 2016.
- **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, the special agent should have advised a witness of her due process rights before continuing to question the witness after she was allegedly dishonest.
- **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 draft investigative report to the OIG until 23 days after the deadline to take disciplinary action expired for misconduct occurring before September 25, 2015, the date the department learned of the alleged misconduct.
- **Upon completion of the investigation, did the special agent provide a draft copy of the investigative report to the department attorney to allow for feedback before forwarding to the hiring authority?**
The special agent did not provide the draft investigative report to the department attorney until 23 days after the deadline to take disciplinary action expired for misconduct occurring before September 25, 2015, the date the department learned of the alleged misconduct.
- **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 advise the special agent there were facts supporting a dishonesty allegation and recommend adding the allegation.
- **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 November 8, 2016, 43 days after the deadline to take disciplinary action expired for misconduct that occurred before September 25, 2015, the date the department learned of the alleged misconduct.
- **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 a dishonesty allegation despite a preponderance of evidence the parole agent lied during his interview with the Office of Internal Affairs.
- **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, except that the parole agent engaged in sexual harassment and was dishonest in documenting the program technician's conduct, 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 upheld the dismissal.

Disciplinary Assessment

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

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 parole agent of the right to respond to an uninvolved manager.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-12-17	16-0000575-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary
On December 17, 2015, an officer allegedly altered a family medical leave form by changing the amount of leave permitted from two to twelve days per month.

Investigative Phase Assessment
In the OIG's opinion, the department attorney did not appropriately assess the deadline for taking disciplinary action and the Office of Internal Affairs did not conduct the investigation in a timely manner.

Procedural Rating Sufficient	Substantive Rating Insufficient
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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?**
In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney identified December 30, 2015, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on December 23, 2015.
- 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 unnecessarily delayed the investigation. The Office of Internal Affairs forwarded the case to a regional office on February 10, 2016, but the special agent did not begin interviews until September 21, 2016, more than seven months thereafter.

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. Following 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 serve the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney did not adequately represent the department at the State Personnel Board hearing or sufficiently cooperate with the OIG.

Procedural Rating Insufficient	Substantive Rating Insufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <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 incorrectly assessed what evidence could be presented to the State Personnel Board and filed a legal brief that failed to contain relevant law to support the department's position.</i></p> <p>◦ In the OIG's opinion, did the department's advocate present the necessary available evidence regarding the allegations at the hearing? <i>In the OIG's opinion, the department attorney failed to request a critical witness who was too ill to testify at the hearing be permitted to testify later and proceeded without the critical testimony.</i></p> <p>◦ In the OIG's opinion, did the department's advocate move necessary evidence into evidence? <i>In the OIG's opinion, the department attorney was not prepared to respond to objections when attempting to introduce the investigative report into evidence.</i></p> <p>◦ In the OIG's opinion, did the department's advocate properly and sufficiently use objections during the hearing? <i>In the OIG's opinion, the department attorney should have objected to testimony from a witness who had no knowledge about the altered leave form and provided inappropriate character evidence about a department witness.</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>In the OIG's opinion, the department attorney failed to adequately cooperate with the OIG by only providing a draft legal brief for review one business day before it was to be filed with the State Personnel Board.</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 24, 2016. However, the department did not serve the disciplinary action until November 29, 2016, 36 days later.</i></p> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-01-01	16-0001757-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					
<p>Incident Summary</p> <p>Between January 1, 2016, and May 31, 2017, an officer allegedly conspired with inmates to smuggle mobile phones into the institution. On May 17, 2017, the officer allegedly lied during an interview with the Office of Internal Affairs.</p>					

Investigative Phase Assessment

In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination and initially rejected the matter, the department attorney did not correctly assess or modify the deadline for taking disciplinary action, and the special agent was not prepared to interview the officer and did not conduct a thorough interview, improperly communicated with the special agent assigned to conduct the criminal investigation, and did not adequately cooperate with the OIG.

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 initially opened an investigation instead of rejecting the hiring authority's request for investigation because there was sufficient evidence of the alleged misconduct.

- **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 identified February 23, 2016, as the date of discovery when evidence showed the hiring authority learned of alleged misconduct on February 1, 2016.

- **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 should have modified the deadline to take disciplinary action based on tolling during a criminal investigation.

- **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 reviewed the officer's post orders, training records, and official personnel file before interviewing the officer.

- **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, the special agent did not conduct a thorough interview of the officer because the special agent did not obtain the officer's post orders, training records, and official personnel file until five months after the interview.

- **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?**

On October 2, 2017, more than four months after obtaining the officer's compelled statement, the special agent assigned to conduct the administrative investigation verified information from the criminal investigation report with the special agent assigned to conduct the criminal investigation.

- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**

The special agent scheduled interviews without consulting the OIG.

Case Disposition

The hiring authority sustained the allegations, except allegations with incorrect dates, and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before the investigation was completed. Therefore, disciplinary action could not be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating

Sufficient

Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-02	16-0001468-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Failure to Report 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Salary Reduction	Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On March 2, 2016, a sergeant allegedly failed to check the status of a suicidal inmate in a holding cell at the beginning of her shift, failed to ensure the inmate was being observed and the holding cell log was being completed, failed to send the inmate for a mental health evaluation when required, and failed to obtain approval to keep the inmate in the holding cell more than four hours. After the inmate attempted suicide, the sergeant allegedly attempted to conceal her actions, instructed an officer to falsify the holding cell log, and tried to have her supervisor issue her a counseling memorandum in lieu of a harsher penalty. The officer allegedly lied in a report and a holding cell log, and a lieutenant allegedly failed to determine the status of the suicidal inmate at the beginning of his shift, failed to ensure the inmate was sent for a mental health evaluation when required, and failed to ensure approval was obtained to keep the inmate in the holding cell more than four hours.

Investigative Phase Assessment

In the OIG's opinion, the department attorney did not adequately correct the deadline to take disciplinary action.

Procedural Rating

Sufficient

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 correctly determined the deadline for taking disciplinary action but failed to correct the deadline in the case management system.

Case Disposition

The hiring authority sustained allegations the sergeant failed to determine the status of a suicidal inmate at the beginning of her shift, failed to assign an officer to watch the inmate and complete a holding cell log, failed to send the inmate for a mental health evaluation, and failed to obtain approval to keep the inmate in the holding cell more than four hours, but not the remaining allegations against her, and imposed a 5 percent salary reduction for nine months. The hiring authority sustained the allegations against the officer and imposed a 10 percent salary reduction for 18 months. The hiring authority did not dismiss the officer because the officer admitted his misconduct and stated he was following the sergeant's orders. The hiring authority sustained allegations the lieutenant failed to determine the status of the inmate at the beginning of his shift and failed to obtain approval to keep the inmate in a holding cell more than four hours, but not the other allegations against him, and imposed a 10 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The sergeant did not file an appeal with the State Personnel Board. The officer and lieutenant filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the officer withdrew his appeal, and the department entered into a settlement agreement with the lieutenant reducing the penalty 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.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not draft the disciplinary actions in compliance with policy and the hiring authority did not timely serve the disciplinary actions and in the OIG's opinion, entered into a settlement agreement 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 actions did not advise the officer, sergeant, or 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 agreed to reduce the lieutenant's penalty without identifying any new evidence, flaws, or risks to support the reduction.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with reducing the lieutenant's penalty 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 conduct the disciplinary phase with due diligence?**
The department did not serve the disciplinary actions within 30 days of the decisions to take disciplinary action. The hiring authority decided to take disciplinary action against the sergeant on February 21, 2017, but the department did not serve the disciplinary action until June 6, 2017, 105 days thereafter. The hiring authority decided to take disciplinary action against the officer and lieutenant on February 28, 2017, but did not serve the officer's disciplinary action until June 5, 2017, 97 days thereafter and did not serve the lieutenant until June 7, 2017, 99 days after the decision.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-02	16-0001704-IR	1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Retaliation	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

<p>Incident Summary</p> <p>On March 2, 2016, a lieutenant allegedly arranged and participated in a card game with three officers. Between March 2, 2016, and March 17, 2016, the lieutenant allegedly tried to find out who reported his conduct and removed an officer from his post, believing the officer reported his conduct. On November 18, 2016, the lieutenant was allegedly dishonest during his interview with the Office of Internal Affairs.</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 properly advise the special agent and the special agent did not adequately prepare for the lieutenant's interview and did not adequately cooperate with the OIG.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</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 2, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 12, 2016, 71 days after the date of discovery.</i> ◦ In the OIG's opinion, was the special agent prepared to conduct all aspects of the investigation? <i>In the OIG's opinion, the special agent should have been prepared to question the lieutenant about the department's code of silence policy.</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 question the lieutenant about the code of silence policy and that it was unnecessary to ask about the equal employment opportunity retaliation policy.</i> ◦ In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG? <i>The special agent scheduled critical interviews without consulting the OIG to determine the OIG's availability and to allow the OIG to be present.</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, except that he retaliated against an officer by removing him from his post, and dismissed the lieutenant. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board dismissed all but the dishonesty allegations because the deadline for taking disciplinary action expired before the department served the disciplinary action. However, the administrative law judge upheld the dismissal based on the dishonesty allegations.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the deadline for taking disciplinary action on some of the allegations expired before the department could serve the disciplinary action and the department attorney did not prepare the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney provided inadequate legal advice regarding service of the disciplinary action.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</p>

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 improperly advised the hiring authority to personally serve the lieutenant's wife instead of the lieutenant and to serve the lieutenant by mail.
- **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.
- **Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?**
The deadline for taking disciplinary action for some of the allegations expired before the department could locate the lieutenant for timely service.
- **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
2016-05-30	17-0024081-IR	1. Sexual Misconduct 2. Discrimination/Harassment 3. Insubordination 4. Discourteous Treatment 5. Sexual Misconduct	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

Between May 30, 2016, and August 29, 2017, an officer allegedly made inappropriate, derogatory, and sexually harassing comments to inmates. Between February 23, 2017, and August 23, 2017, the officer allegedly fondled the buttocks of three inmates while placing them in restraints. Between April 4, 2017, and May 25, 2017, the officer allegedly simulated a sex act while conducting a clothed body search of an inmate. On November 14, 2017, during his interview with the Office of Internal Affairs, the officer denied making inappropriate, derogatory, and sexually harassing comments to inmates although he had previously received a letter of instruction. On December 7, 2017, a psychiatric technician allegedly failed to appear for an Office of Internal Affairs interview.

Investigative Phase Assessment

In the OIG's opinion, the department did not comply with policies governing the investigative phase because the special agent did not adequately cooperate with the OIG, the department attorney failed to recommend sustaining an allegation the evidence supported, and the hiring authority failed to add and sustain a dishonesty allegation.

Procedural Rating
Insufficient

Substantive Rating
Insufficient

Assessment Questions

- **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 scheduled case conferences and critical witness interviews for when he knew the OIG would not be available and only cooperated after the OIG elevated the issue to his supervisor.
- **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 add and sustain a dishonesty allegation against the officer based on evidence the officer lied during his interview with the Office of Internal Affairs when he denied that he made inappropriate, derogatory, and sexually harassing comments to inmates, despite having previously received a letter of instruction for similar behavior.
- **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 the officer lied during his 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 sustained an allegation the officer lied during his interview with the Office of Internal Affairs.

Case Disposition

The hiring authority for the officer sustained the allegations, except that he fondled the buttocks of a third inmate, and dismissed the officer. The OIG concurred except for the hiring authority's decision to not add and sustain a dishonesty allegation against the officer. The OIG did not seek a higher level of review because the penalty would have been the same. The officer retired before the disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action. The hiring authority for the psychiatric technician sustained the allegation against her and imposed a 5 percent salary reduction for six months. The OIG did not concur because the OIG recommended the hiring authority end the psychiatric technician's employment during her probationary period. The OIG did not seek a higher level of review because the resulting penalty was within the disciplinary guidelines. The psychiatric technician 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 did not serve the officer's disciplinary action in accordance with policy and was not diligent in serving the psychiatric technician's disciplinary action. In the OIG's opinion, the department attorney did not properly advise the hiring authority or prepare the disciplinary action in accordance with policy and the hiring authority did not select all appropriate causes for discipline.

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 select allegations and causes for discipline to support a dishonesty allegation against the officer based on evidence the officer lied during his interview with the Office of Internal Affairs when he denied that he made inappropriate, derogatory, and sexually harassing comments to inmates, despite having previously received a letter of instruction for similar behavior. .

- **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 allegations and causes for discipline to support a dishonesty allegation against 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 and did not 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 department did not serve the disciplinary action on the officer within 30 days of the decision to take disciplinary action. The hiring authorities decided to take disciplinary action on February 6, 2018. However, the department did not serve the officer's disciplinary action until April 3, 2018, 56 days thereafter. In addition, the department did not serve the psychiatric technician's disciplinary action until May 31, 2018, 114 days after the decision to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-08	16-0001883-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

On July 8, 2016, two officers allegedly failed to maintain constant observation of a suicidal inmate who escaped from a holding cell and injured another officer with a chair. The first officer allegedly failed to ensure the holding cell was secure, initiate a holding cell log, and falsified a holding cell log after the inmate escaped. A third officer allegedly failed to take action when he saw the inmate in the holding cell with his hands handcuffed in front instead of behind his back. A sergeant allegedly failed to ensure the inmate was placed under constant observation. The second officer, the sergeant, and a lieutenant allegedly failed to ensure the evidence was preserved after the officer was struck with the chair. On April 3, 2017, the third officer was allegedly dishonest during his interview with the Office of Internal Affairs, and on April 24, 2017, the first officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Investigative Phase Assessment

In the OIG's opinion, the department did not comply with policies governing the investigative phase because the department attorney did not properly assess the deadline to take disciplinary action, did not properly advise the special agent about interviews, and asked questions during interviews, contrary to a directive.

Procedural Rating Insufficient	Substantive Rating Insufficient
<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>In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney identified July 13, 2016, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on July 8, 2016.</i></p> <p>◦ 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?</p> <p><i>In the OIG's opinion, the department attorney should have advised the special agent which additional questions to ask two of the officers and a witness. Instead, the department attorney questioned the officers and witness, contrary to a chief counsel's prior directive.</i></p> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the first officer, except that he was dishonest during his interview with the Office of Internal Affairs and that he failed to maintain observation of the inmate, and dismissed the officer. The hiring authority sustained the allegations against the second officer, except that he failed to maintain observation of the inmate, and imposed a 48-working-day suspension. The hiring authority sustained the allegation against the third officer, except that he was dishonest during his interview with the Office of Internal Affairs, and imposed a 5 percent salary reduction for six months. The hiring authority sustained the allegations against the sergeant and lieutenant and imposed a 10 percent salary reduction for 12 months on the sergeant and a 5 percent salary reduction for 12 months on the lieutenant. The OIG concurred with the hiring authority's determinations. The first 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. Before the second officer's disciplinary action took effect, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 12 months and agreeing to remove the disciplinary action from the officer's official personnel file after 18 months. The sergeant and lieutenant filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with the sergeant and lieutenant reducing the sergeant's penalty to a 10 percent salary reduction for nine months and agreeing to remove the disciplinary action from the sergeant's official personnel file after 18 months and reducing the lieutenant's penalty to a 5 percent salary reduction for six months and agreeing to remove the disciplinary action from the lieutenant's official personnel file after 12 months. The OIG did not concur with any of the settlements. However, the settlement terms did not merit a higher level of review because the penalties were within departmental guidelines. The third 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 prepare the disciplinary actions in accordance with policy and the hiring authority did not serve the disciplinary actions in accordance with policy and entered into settlement agreements without sufficient justification.</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 actions did not advise the officers, sergeant, or 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 agreed to reduce the penalties for the second officer, the sergeant, and the lieutenant without identifying any new evidence, flaws, or risks to support 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 to justify 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 decisions to take disciplinary action. The hiring authority decided to take disciplinary action on June 28, 2017. However, the department did not serve the first officer until September 21, 2017, 85 days thereafter, did not serve the third officer until September 25, 2017, 89 days after the decision, and did not serve the second officer, the sergeant, or lieutenant until September 26, 2017, 90 days after the decision.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-05	17-0024554-IR	1. Over-Familiarity 2. Contraband 3. Contraband	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between August 5, 2016, and December 28, 2016, an officer allegedly introduced methamphetamine, mobile phones, tobacco, and unauthorized food into the institution and on December 7, 2016, allegedly warned inmates that investigative services unit officers were about to enter the building.					
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 introduced methamphetamine, mobile phones, and tobacco into the institution, 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 the officer 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
2016-09-27	16-0002083-IR	1. Dishonesty	1. Sustained	Dismissal	Modified Suspension
Case Type: Administrative Investigation					
Incident Summary On September 27, 2016, an officer allegedly falsely reported that a man threatened him with a gun at a gas station four days earlier and on September 28, 2016, allegedly submitted a false written report regarding the incident.					
Investigative Phase Assessment In the OIG's opinion, the department attorney did not correctly assess the deadline for taking 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 did not correctly assess the deadline to take disciplinary action because the department attorney identified September 27, 2016, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on September 30, 2016.

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 wherein the officer agreed to withdraw his appeal in exchange for a five-month suspension and removal of the disciplinary action from his 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 dishonesty allegations remained in the 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 and the hiring authority agreed to a settlement without sufficient justification.

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.

- **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 modification.

- **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 August 29, 2017. However, the department did not serve the disciplinary action until October 17, 2017, 49 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-27	16-0002086-IR	1. Dishonesty 2. Failure to Report	1. Unfounded 2. Unfounded	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On September 27, 2016, an officer allegedly planted an inmate-manufactured weapon as evidence at the scene of an attempted murder of an inmate and failed to report his involvement in the incident.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination regarding the hiring authority's request. However, the special agent performed exceptional investigative work, including magnification of photographs, and prepared a well-written report.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
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 not have removed a second officer as a subject of the investigation because there was a reasonable belief the officer may have been involved in the alleged misconduct and should have been interviewed as a subject rather than a witness.</i> 					
Case Disposition The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-10	16-0002082-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Dismissal	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On October 10, 2016, an officer allegedly failed to properly secure a cell during a medical emergency, allowing several inmates to enter the cell, failed to enter the cell himself to initiate life-saving measures, and was dishonest in reporting the incident. On March 28, 2017, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.					
Investigative Phase Assessment In the OIG's opinion, the special agent inappropriately disclosed investigative information to the officer's representative and the department attorney did not advise the special agent to not disclose the information.					

Procedural Rating Insufficient	Substantive Rating Insufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the Office of Internal Affairs special agent conduct thorough interviews and conduct the interviews in a professional manner? <i>In the OIG's opinion, the special agent inappropriately disclosed to the officer's representative that only inmates disputed the officer's version of events.</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 did not advise the special agent it was inappropriate for the special agent to disclose only inmates disputed the officer's version of events to the officer's representative.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations the officer was dishonest, but not the remaining 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 revoking the dismissal because the officer claimed he suffered from a traumatic psychological condition that prevented him from accurately remembering his actions during the incident. The OIG did not concur with the settlement but did not seek a higher level of review.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not draft the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney did not adequately cooperate with the OIG and the hiring authority entered into a settlement agreement that did not adequately protect the department and without investigating the officer's fitness to continue working as a peace officer, and did not adequately consult with the OIG.</p>	
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 cite the correct peace officer confidentiality statutes and did not advise the officer of his right to respond to 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 department entered into a settlement agreement without adequately investigating the alleged new evidence the officer presented.
- **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 department's decision to settle without adequately investigating the alleged new evidence the officer presented and without investigating whether the officer was still fit to work as a peace officer.
- **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 consulted with the OIG on some matters. However, in the OIG's opinion, the department attorney did not adequately consult with the OIG regarding extending the effective date of the disciplinary action and negotiating a settlement agreement.
- **In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
In the OIG's opinion, the hiring authority did not consult the OIG before reaching a settlement agreement.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-01	17-0023505-IR	1. Dishonesty 2. Over-Familiarity 3. Confidential Information 4. Insubordination 5. Neglect of Duty 6. Discourteous Treatment 7. Misuse of State Equipment or Property 8. Dishonesty 9. Contraband 10. Misuse of Authority 11. Confidential Information	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Sustained 8. Not Sustained 9. Not Sustained 10. Not Sustained 11. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					

Incident Summary

Between November 1, 2016, and February 15, 2017, a lieutenant allegedly sold a mobile phone to an inmate, conspired to deliver another mobile phone to an inmate, improperly accessed confidential inmate information and disclosed the information to an inmate, permitted an inmate to view confidential information, conspired with inmates to have other inmates attacked, permitted inmates to socialize in her office and address her by a nickname, received bribes from inmates, violated inmate count procedures, used a department computer to send email messages containing confidential inmate information to her husband, and allowed an inmate to call the lieutenant's husband. In addition, the lieutenant also allegedly failed to document confidential information received from inmates when ordered to do so by a supervisor, lied to a sergeant, called an inmate a derogatory term, and attempted to have the inmate left in a holding cell for more than eight hours. On October 16, 2017, the lieutenant allegedly lied during an Office of Internal Affairs interview.

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 correctly modify the deadline for taking disciplinary action or adequately cooperate with the special agent or the OIG.

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 November 30, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 23, 2017, 85 days after the date of discovery.
- **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 modified the deadline for taking disciplinary action based on tolling during a criminal investigation as August 28, 2018, when the deadline was actually August 23, 2018.
- **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 department attorney did not provide the special agent with an initial case evaluation addressing the elements of a thorough investigation.
- **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 with an initial case evaluation addressing the elements of a thorough 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 sustained the allegations, except that the lieutenant received bribes, conspired to have inmates assaulted, smuggled mobile phones into the institution, was dishonest to a sergeant, and accessed and transmitted confidential inmate information to another inmate, and dismissed the lieutenant. The OIG concurred. However, the lieutenant resigned before the disciplinary action could be imposed. The hiring authority placed a letter in the lieutenant's personnel file indicating she 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 Insufficient			
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 lieutenant of her 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 February 6, 2018. However, the department did not serve the disciplinary action until April 9, 2018, 62 days later. As a result, the department continued to pay the lieutenant while on administrative time off for an extended time.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-07	17-0000129-IR	1. Dishonesty 2. Discrimination/Harassment 3. Dishonesty 4. Discrimination/Harassment 5. Neglect of Duty 6. Discourteous Treatment	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Dismissal	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary					
<p>On November 7, 2016, a sergeant allegedly placed a hangman's noose on an officer's jacket. On December 19, 2016, the sergeant allegedly lied to another sergeant when he denied knowledge of the incident and on April 11, 2017, allegedly lied twice during his interview with the Office of Internal Affairs. On November 7, 2016, an officer allegedly failed to report seeing the sergeant place the noose on the jacket.</p>					
Investigative Phase Assessment					
<p>In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination, the department attorney did not provide appropriate feedback to the special agent, and the hiring authority did not make an appropriate determination. The department attorney did not timely assess the deadline to take disciplinary action or timely contact the OIG and the special agent.</p>					
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 to the investigation that the sergeant was dishonest when he denied having any knowledge of the noose.

- **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 26, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until February 21, 2017, 26 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 on January 26, 2017, but did not contact the special agent and the OIG until February 21, 2017, 26 days after assignment.

- **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 advise the special agent that some legal citations in the investigative report were not current and did not match the exhibits attached to the report.

- **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 the allegation the officer failed to report misconduct after he saw the sergeant place a noose on an officer's jacket.

Case Disposition

The hiring authority sustained allegations the sergeant placed a noose on the officer's jacket and lied once during his interview with the Office of Internal Affairs, but not the other allegations against him or the officer, and dismissed the sergeant. The OIG concurred except for the decisions to not sustain the sergeant's second allegation of dishonesty during his interview with the Office of Internal Affairs or the allegation against the officer. The OIG did not seek a higher level of review because of an evidentiary dispute. The sergeant 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 found 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 prepare or serve the disciplinary action in accordance with policy. However, in the OIG's opinion, the hiring authority made a commendable decision to proceed on a case that could only be fairly resolved by a judge's independent determination of witness credibility.

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 cited the incorrect peace officer confidentiality statutes and did not advise the sergeant 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 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 30, 2017. However, the department did not serve the disciplinary action until October 19, 2017, 111 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-11	17-0000130-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary Between November 11, 2016, and November 20, 2016, three officers allegedly failed to properly conduct and document inmate counts and were dishonest in reporting the counts.					
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, timely contact the special agent and the OIG, or attend critical interviews. In the OIG's opinion, the department attorney did not properly advise the hiring authority and the hiring authority did not make appropriate investigative findings or adequately cooperate with the OIG.					
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 November 20, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 5, 2017, 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 department attorney was assigned on January 27, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until February 21, 2017, 25 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 on January 27, 2017, but did not contact the special agent and the OIG until February 21, 2017, 25 days after assignment.
- **Did the department attorney attend key witness interviews to assess witness demeanor and credibility?**
The department attorney did not attend interviews of one of the officers and a key witness.
- **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 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 November 8, 2017, 21 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 sustain the dishonesty allegations because there was sufficient evidence to sustain 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 the dishonesty allegations because there was sufficient evidence to sustain the allegations.
- **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 provide the OIG prior notice of the investigative findings conference, preventing the OIG from attending in person.
- **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 neglect of duty allegations that the officers failed to conduct accurate counts and falsely documented their counts, but not dishonesty allegations regarding the same misconduct, and imposed a 10 percent salary reduction for 27 months on each officer. The OIG concurred except for the decision to not sustain the dishonesty allegations or the penalty but did not seek a higher level of review due to a conflict in the evidence. Two officers filed appeals with the State Personnel Board. One of the officers later withdrew his appeal. At a pre-hearing settlement conference for the second officer, the hiring authority entered into a settlement agreement reducing the officer's penalty to a 10 percent salary reduction for 25 months and removing a statutory allegation for dishonesty from the disciplinary action. The OIG did not concur with the settlement but did not seek a higher level of review because the penalty was within departmental guidelines. The third 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 consult regarding the disciplinary determinations. In the OIG's opinion, the department attorney did not provide adequate legal advice to the hiring authority or prepare the disciplinary actions in accordance with policy and the hiring authority made inappropriate penalty determinations, settled a case without sufficient justification, and did not adequately cooperate 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 October 18, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 8, 2017, 21 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 dismiss the officers and inappropriately recommended a penalty reduction for one of the officers without sufficient justification.
- **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 allegations and causes for discipline consistent with finding the officers were 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 the officers for being dishonest.
- **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 there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The agreement to reduce the penalty for one of the officers did not comply with policy because the hiring authority did not identify any new evidence, flaws, or risks to support the reduction.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur 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 hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
In the OIG's opinion, the hiring authority did not provide the OIG notice of the disciplinary findings conference, preventing the OIG from attending in person, and failed to timely communicate with the OIG regarding settlement negotiations.
- **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 2016-11-24	OIG Case Number 17-0023286-IR	Allegations 1. Neglect of Duty 2. Neglect of Duty	Findings 1. Sustained 2. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On November 24, 2016, a lieutenant, sergeant, and officer allegedly failed to properly investigate an inmate's consumption of alcohol.					
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 properly assess the deadline to take disciplinary action or adequately cooperate with the special agent and the OIG, and the special agent did not conduct a thorough investigation.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
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 December 5, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 5, 2017, six months thereafter.</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 incorrectly assessed the deadline for taking disciplinary action as January 10, 2018, when the deadline was actually December 5, 2017.</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 should have investigated whether the officer had been dishonest because the officer claimed the inmate threw a cup of inmate-manufactured alcohol on him, but the inmate denied the allegation and neither the sergeant nor lieutenant detected any signs of alcohol.</i> ◦ 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? <i>In the OIG's opinion, the department attorney should have provided the special agent with an initial case evaluation and the special agent refused to follow the department attorney's advice to investigate whether the officer had been dishonest.</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 should have provided the OIG with an initial case evaluation.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>In the OIG's opinion, the hiring authority's delay in referring the matter to the Office of Internal Affairs resulted in four witnesses being unable to recall details of the incident.</i> 					

Case Disposition

The hiring authority sustained the allegations against the lieutenant and sergeant and imposed a letter of reprimand against the lieutenant and a 5 percent salary reduction for six months against the sergeant. The hiring authority imposed a lower penalty on the lieutenant because he was an inexperienced lieutenant and, during his interview with the Office of Internal Affairs, accepted responsibility. The hiring authority found insufficient evidence to sustain the allegation against the officer. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement 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 remained within the appropriate range for the misconduct. The lieutenant 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 did not prepare or serve the disciplinary actions in accordance with policy and the hiring authority reached a settlement agreement without sufficient justification.

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 and sergeant of the right to respond to an involved manager.

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

The department 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 sergeant's settlement because the department 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 actions within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on October 23, 2017. However, the department did not serve the disciplinary actions until January 17, 2018, 86 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-05	17-0023973-IR	1. Controlled Substances 2. Discourteous Treatment 3. Battery 4. Controlled Substances 5. Discourteous Treatment	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					

<p>Incident Summary</p> <p>On December 5, 2016, an officer allegedly used cocaine. On August 20, 2017, outside law enforcement arrested the officer after the officer allegedly shoved, interfered with, yelled at, and failed to cooperate with the outside law enforcement officers, and was allegedly found in possession of cocaine.</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 department attorney provided poor legal advice to the hiring authority.</p>	
<p>Procedural Rating Sufficient</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 authorized an interview of the officer to investigate possession and use of cocaine by the officer.</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 failed to recognize the officer should be disciplined for using cocaine, incorrectly advised the hiring authority the officer could not be disciplined for admitting using cocaine, and failed to recommend separate allegations for each act of misconduct.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</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 department attorney did not provide appropriate legal advice to the hiring authority or accurately confirm penalty discussions.</p>	
<p>Procedural Rating Sufficient</p>	<p>Substantive Rating Insufficient</p>

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 the hiring authority with a disciplinary action citing irrelevant statutory authority and incorrectly stating the officer was interrogated before waiving his constitutional rights, the officer was searched incident to lawful arrest, and cocaine was discovered before the officer was arrested.

- **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 the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-22	17-0022081-IR	1. Theft 2. Other Failure of Good Behavior	1. Sustained 2. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary From December 22, 2016, through February 3, 2017, an officer allegedly kept a rental vehicle without paying for it. On February 3, 2017, outside law enforcement arrested the officer. On February 16, 2017, the officer suffered a misdemeanor conviction for vehicle theft.					
Investigative Phase Assessment In the OIG's opinion, the department attorney did not properly assess the deadline to take disciplinary action, properly advise the special agent, timely or properly advise the hiring authority, the special agent was not properly prepared to conduct a complete interview, which required a second interview, and the hiring authority did not adequately cooperate with the OIG or make an appropriate initial determination.					
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 did not include criminal tolling when assessing the deadline to take disciplinary action.

- **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 did not properly inform the officer of the full nature of the investigation prior to the investigative interview, resulting in a second interview.

- **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 provide thorough advice to the special agent regarding asking the officer about a prior agreement with the department, restrictions on seeking financial information, and the significance of his plea in the criminal case.

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

In the OIG's opinion, at the second investigative findings conference, the hiring authority should have found the investigation insufficient because additional investigation was needed to obtain court documents and interview the officer.

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

In the OIG's opinion, at the second investigative findings conference, the hiring authority should have determined additional investigation was necessary to obtain court documents and interview the officer.

- **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 did not provide the hiring authority with timely written advice before the second investigative findings conference and should have provided accurate advice regarding grand theft and recommended further investigation to obtain a copy of the car rental agreement.

- **Did the OIG request the executive review?**

The OIG elevated the matter to a higher level of review after the second investigative findings conference because the hiring authority determined the investigation was sufficient, a dishonesty allegation should not be sustained, and a salary reduction was the appropriate penalty.

- **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 adequately cooperate because the hiring authority failed to provide the OIG with the form documenting the investigative findings after the third investigative findings conference.

Case Disposition

The hiring authority sustained the allegation the officer committed vehicle theft, but found insufficient evidence to add a dishonesty allegation, and determined a 5 percent salary reduction for 60 months was appropriate. The OIG did not concur because the OIG believed further investigation was needed and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor agreed additional investigation was needed. At the final disciplinary findings conference, the hiring authority sustained allegations the officer committed vehicle theft and had been convicted of a crime of moral turpitude and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

In the OIG's opinion, the department attorney provided incorrect legal advice to the hiring authority and did not prepare the disciplinary action in accordance with policy.

Procedural Rating Sufficient		Substantive Rating Insufficient			
Assessment Questions					
<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 advised the hiring authority to not sustain a poorly worded allegation and how to remedy the flawed allegation and incorrectly recommended using the disciplinary guideline for a felony conviction when the applicable guideline was for grand theft and recommended imposing a suspension when dismissal was more appropriate for 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 advise the officer of the right to respond to an uninvolved manager.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-03	17-0023885-IR	1. Neglect of Duty 2. Dishonesty 3. Use of Force 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary					
On January 3, 2017, an officer allegedly twisted an inmate's arm behind her back and failed to report the use of force, and a lieutenant and sergeant allegedly failed to conduct a video recorded interview with the inmate. On July 6, 2017, the sergeant allegedly lied during an inquiry into the incident, and on July 12, 2017, the lieutenant also allegedly lied during an inquiry into 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 and, as a result, three witnesses were not able to recall details of the incident. In the OIG's opinion, the department attorney did not properly assess the deadline for taking disciplinary action or provide adequate legal advice to the hiring authority and the hiring authority did not make appropriate investigative 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 February 7, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 11, 2017, more than 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?**
In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action as January 2, 2017, when the deadline was February 7, 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 adding an allegation the sergeant failed to obey a direct order to not discuss the investigation with anyone except authorized individuals.

- **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 allegation the sergeant failed to obey a direct order to not discuss the investigation with anyone except authorized individuals.

- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The hiring authority's six-month delay in referring the matter to the Office of Internal Affairs resulted in three witnesses being unable to recall incident details.

Case Disposition

The hiring authority sustained the allegation the lieutenant failed to conduct a video recorded interview with the inmate, but not any of the remaining allegations against him, the sergeant, or officer, and imposed a 5 percent salary reduction for six months. The OIG concurred except for the hiring authority's decision to not add an allegation the sergeant was insubordinate. The OIG did not seek a higher level of review because the sergeant claimed he did not intend to compromise the investigation but was trying to prepare for his interview. The lieutenant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for three 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 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 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 OIG's opinion, the department attorney should have recommended the hiring authority select a disciplinary matrix allegation of insubordination for the sergeant for failing to obey a direct order to not discuss the investigation with anyone.

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

In OIG's opinion, the hiring authority should have added a disciplinary matrix allegation of insubordination for the sergeant for failing to obey a direct order to not discuss the investigation with anyone.

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

In OIG's opinion, the failure to allege the sergeant was insubordinate caused the hiring authority to not select an appropriate penalty of a salary reduction.

- **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 his 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 settlement agreement was not consistent with policy because 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 the decision to reduce the lieutenant's penalty because the hiring authority did not identify any new evidence, flaws, or risks to support 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 decision to take disciplinary action. The hiring authority decided to take discipline on November 17, 2017. However, the department did not serve the disciplinary action until January 18, 2018, 62 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-03	18-0025699-IR	1. Over-Familiarity	1. Sustained	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)

Incident Summary
 Between January 3, 2017, and November 31, 2017, a case records technician allegedly communicated with an inmate and his attorney by telephone and inappropriately accessed the inmate's confidential records.

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

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

Case Disposition
 The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the case records technician resigned before completion of the investigation. Therefore, disciplinary action could not be taken. The hiring authority placed a letter in the case records technician's official personnel file stating she resigned pending disciplinary action.

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
2017-01-05	17-0022005-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Suspension	Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On January 5, 2017, a sergeant allegedly placed an inmate-manufactured weapon in a desk drawer instead of processing the weapon as evidence of an investigation and failed to complete a report regarding the weapon, maintain the chain of custody for the weapon, tell a supervisor the weapon was found, and search the inmate's cell for additional weapons. The inmate later attacked a psychiatric technician and an officer with a second weapon, causing a minor injury to the psychiatric technician. A second sergeant also allegedly failed to process the weapon into evidence and notify his supervisor about the weapon. On January 6, 2017, when the first sergeant arrived on duty and looked for the first weapon he placed in the desk drawer, he allegedly failed to notify a supervisor the weapon was missing from the drawer and on January 17, 2017, allegedly lied about where he placed the weapon.

Investigative Phase Assessment

In the OIG's opinion, the special agent did not adequately prepare for or conduct the investigation or adequately cooperate with the OIG, the department attorney did not provide adequate advice to the special agent or hiring authority or attend a key interview, and the department did not conduct the investigative process with due diligence, resulting in unnecessary delay.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **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 obtained critical policies related to inmate weapons and evidence handling before interviewing the first sergeant and should have identified the second sergeant as a subject of the investigation before completing his first investigative report.
- **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, the special agent did not question the first sergeant about two critical policies related to inmate weapons and evidence handling procedures, and did not question the first sergeant about prior inconsistent statements, which required a second interview of the first sergeant.
- **Did the department attorney attend key witness interviews to assess witness demeanor and credibility?**
The department attorney did not attend the second sergeant's interview who provided statements that were critical in assessing the first sergeant's credibility.
- **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's review of the first two draft investigative reports neglected to recommend the special agent identify and interview the second sergeant as a subject of the investigation and recommend the special agent question the first sergeant about relevant policies and his inconsistent statements.
- **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 advised the special agent to obtain all relevant policies related to inmate weapons and evidence collection procedures before the first sergeant's interview and should have advised the special agent to interview the second sergeant as a subject of the investigation.
- **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 scheduled the first sergeant's second interview at a time when the OIG advised the special agent he could not attend, and the special agent would not reschedule the interview.
- **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 during the first findings conference that the second sergeant should be interviewed as a subject, and advised the hiring authority during the first and second findings conferences that the first sergeant should be reinterviewed about his training, policies, and his prior inconsistent statements. During the third findings conference, the department attorney should have recommended adding and sustaining allegations the first sergeant failed to maintain the chain of custody for the weapon and failed to notify a supervisor the weapon was missing, after the OIG recommended adding the allegations.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
In the OIG's opinion, the special agent's failure to initially interview the first sergeant about his training and relevant policies and failure to recognize the second sergeant should be interviewed as a subject of investigation resulted in unnecessary delay to reinterview the first sergeant and the need for two additional findings conferences.

Case Disposition

The hiring authority sustained the allegations against the first sergeant, except for a dishonesty allegation, and imposed a 49-working-day suspension. The hiring authority found insufficient evidence to sustain the allegation against the second sergeant. The OIG concurred. After the sergeant's *Skelly* hearing, the department entered into a settlement agreement with the sergeant reducing the penalty to a 10 percent salary reduction for 18 months, agreeing to remove the disciplinary action from the sergeant's official personnel file after one year, and an agreement the hiring authority could demote the sergeant to officer if the sergeant incurred another sustained neglect of duty allegation within the following three years. The OIG did not concur with the settlement.

Disciplinary Assessment

In the OIG's opinion, the department attorney did not provide adequate legal advice to the hiring authority or adequately cooperate with the OIG and the hiring authority settled the case without sufficient justification. Also, the department did not provide the OIG with the case settlement report.

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 been prepared to discuss and provide the hiring authority with accurate advice regarding aggravating and mitigating factors, demotion as a disciplinary option, the first sergeant's prior disciplinary action, and last chance agreements.
- **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 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 settlement agreement did not comply with policy because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlement.
- **Did the department provide the case settlement report to the OIG and if so, was the form complete and accurate?**
The department did not provide the OIG with the case settlement report.
- **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?**
In the OIG's opinion, the department attorney should have provided the OIG the final draft disciplinary action for review before it was served because the OIG made extensive recommendations to the original draft. The department attorney also should have provided the final settlement agreement to the OIG for review before instructing the employee relations officer to have the sergeant and his representative sign the agreement.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-11	17-0021921-IR	1. Weapons 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 11, 2017, an officer allegedly left a loaded firearm on a bed at home. The officer's three-year old daughter discharged the firearm, killing the officer's one-year old son. On January 19, 2018, the officer suffered a felony conviction for child endangerment.

<p>Investigative Phase Assessment</p> <p>In the OIG’s opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action and did not timely advise the hiring authority.</p>	
<p>Procedural Rating Sufficient</p>	<p>Substantive Rating Insufficient</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>In the OIG's opinion, the department attorney incorrectly used February 10, 2017, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on January 12, 2017, and assessed the deadline for taking disciplinary action as January 9, 2019, when evidence showed the deadline was January 19, 2019.</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 provided the hiring authority with written advice before the investigative findings conference.</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 dismissal took effect. 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>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 officer of the right to respond to an uninvolved manager.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-23	17-0022200-IR	1. Dishonesty 2. Use of Force 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
Case Type: Administrative Investigation					
Incident Summary On January 23, 2017, as two officers were conducting dormitory searches, inmates became resistive, causing an officer to deploy pepper spray. The officers allegedly failed to provide inmates receipts for seized items and inappropriately coordinated with each other in writing their reports. The first officer allegedly failed to report his use of pepper spray and was dishonest in reporting he notified a sergeant about the incident, and the second officer allegedly failed to timely submit his report.					
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 <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 agreed to investigate dishonesty allegations because the officers' reports regarding how many inmates they sprayed with pepper spray were not consistent with medical reports documenting the number of inmates who sustained pepper spray exposure.</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
2017-01-29	17-0021924-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On January 29, 2017, outside law enforcement arrested an officer after he allegedly pushed his girlfriend and grabbed another woman around the neck. The officer also allegedly lied to outside law enforcement.					
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 2017-02-13	OIG Case Number 17-0022788-IR	Allegations 1. Failure to Report 2. Neglect of Duty	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On February 13, 2017, four officers allegedly transported an inmate who was wearing a spit mask from a cell to the triage and treatment area on his stomach, and a sergeant allegedly allowed the officers to do so and failed to document the need for using a spit mask.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not properly assess the deadline for taking disciplinary action 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 regarding the hiring authority's request.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
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 inappropriately removed the officers as subjects of the investigation even though the officers failed to document the need for or use of a spit mask pursuant to policy requiring a reasonable basis for using a spit mask.</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 May 25, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 1, 2017, 68 days later. In addition, he merely stated that he assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating actual 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 January 16, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until February 8, 2018, 23 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 found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-15	17-0023970-IR	1. Neglect of Duty 2. Use of Force 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Letter of Instruction
Case Type: Administrative Investigation					
Incident Summary On March 15, 2017, a sergeant and an officer allegedly forced an inmate to the ground and failed to accurately document the use of force. The sergeant allegedly failed to report the officer's use of force, a second officer allegedly witnessed the use of force and failed to complete his report before leaving the institution, and the sergeant allegedly failed to collect the second officer's report before the second officer left the institution. The sergeant and a lieutenant allegedly failed to video record the inmate's complaint of unreasonable 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 Office of Internal Affairs did not make an appropriate initial determination.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
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 20, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 14, 2017, nearly five months 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 because the sergeant and an officer claimed no force was used but another officer reported that an inmate was shoved into the back of a holding cell, grabbed by the arms, and forced to the ground.</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 allegation the sergeant failed to collect the second officer's report and imposed a 5 percent salary reduction for three months. The hiring authority sustained the allegation the second officer failed to timely complete his report and issued a letter of instruction. The hiring authority found insufficient evidence to sustain any of the the remaining allegations. The OIG concurred with the hiring authority's determinations except for the decision to issue a letter of instruction to the second officer. The OIG did not seek a higher level of review because the penalty was within departmental guidelines. After the sergeant's <i>Skelly</i> hearing, the hiring authority reduced his salary reduction to a letter of instruction because the sergeant claimed the lieutenant allowed him to leave the institution before he obtained reports from the officers. The OIG did not concur but did not seek a higher level of review because the information was not previously known.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the department attorney did not appropriately draft the disciplinary action.					

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>In the OIG’s opinion, the disciplinary action should have cited a more appropriate legal authority regarding the confidentiality of peace officer information and did not advise the sergeant of the right to respond to an uninvolved manager.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-20	17-0023910-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 March 20, 2017, an officer allegedly deployed pepper spray on an inmate when there was no imminent threat and lied in her report 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 department attorney did not adequately cooperate with the special agent or the OIG.					
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 March 23, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 9, 2017, four and one-half 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 lieutenant and captain as subjects of the investigation for failing to identify the use of force potentially did not comply with policy because they reviewed the inmate's video-recorded interview during which the inmate alleged unreasonable use of force.
- **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 cooperate with the special agent by failing to provide a memorandum addressing the elements of a thorough investigation before the initial case conference.
- **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 by failing to provide a memorandum addressing the elements of a thorough investigation before the initial case conference.
- **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
2017-04-02	17-0023502-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 2, 2017, an officer allegedly counted a mannequin as an inmate after the inmate escaped from his cell and hid in bushes on the exercise yard. On April 3, 2017, a second officer allegedly counted the mannequin as an inmate after the inmate escaped from his 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.

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 April 3, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 28, 2017, 86 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 sustained the allegations and imposed a 5 percent salary reduction for two months on each officer. The OIG did not concur because the hiring authority did not impose the proper penalty based on the severity and consequences of the misconduct. However, the OIG did not seek a higher level of review due to a conflict in the evidence. After a *Skelly* hearing for one officer, the hiring authority determined the officer accepted responsibility and entered into a settlement reducing the penalty to a 5 percent salary reduction for one month. The OIG did not concur with the settlement because the information provided at the *Skelly* hearing was not sufficient to reduce the penalty and was not consistent with the penalty imposed on the second officer for similar misconduct. However, the settlement terms did not merit a higher level of review because the penalty remained within departmental guidelines for the misconduct. 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 accurately confirm the penalty discussions or prepare disciplinary actions that complied with policy. In the OIG's opinion, the department attorney did not provide appropriate legal advice and the hiring authority did not select appropriate allegations or penalties and agreed to reduce the penalty for one officer without sufficient justification.

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 select disciplinary matrix allegations and penalties consistent with the severity and consequences of the misconduct.
- **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 severity and consequences of the 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 selected penalties consistent with the severity and consequences 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 actions did not advise the officers 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?**
In the OIG's opinion, the settlement agreement did not comply with policy because the hiring authority did not identify sufficient new evidence, flaws, or risks to support 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 sufficient new evidence, flaws, or risks to support the modification and the reduced penalty for first officer is inconsistent with the severity and consequences of the misconduct.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-04	17-0024024-IR	1. Insubordination	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On April 4, 2017, a sergeant and four officers allegedly disobeyed a lieutenant's order not to apply a spit mask on an 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, the Office of Internal Affairs did not make a timely initial determination regarding the hiring authority's request, the special agent did not adequately cooperate with the OIG, and the special agent and department attorney did not adequately cooperate with each other, which resulted in the department attorney not providing timely feedback to the investigative report. In the OIG's opinion, the Office of Internal Affairs did not make appropriate determinations regarding the hiring authority's request and only authorized an investigation after the OIG intervened.					
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 4, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 3, 2017, 90 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 3, 2017, but did not take action until August 9, 2017, 37 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 initially granted the hiring authority's request for an investigation and, when the Office of Internal Affairs approved an investigation, it should have added allegations the sergeant and officers failed to report misconduct because sufficient evidence supported the allegations.
- **Would the Office of Internal Affairs have made an appropriate initial or appeal determination without OIG intervention?**
The Office of Internal Affairs did not authorize an investigation until after the OIG elevated the matter to an Office of Internal Affairs executive.
- **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?**
Although the special agent provided a draft investigative report to the OIG, the special agent provided the final investigative report to the hiring authority without obtaining the OIG's feedback.
- **Upon completion of the investigation, did the special agent provide a draft copy of the investigative report to the department attorney to allow for feedback before forwarding to the hiring authority?**
Although the special agent provided a draft investigative report to the department attorney, the special agent provided the final investigative report to the hiring authority before the department attorney provided feedback.
- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**
The special agent provided the final investigative report to the hiring authority without obtaining the OIG's feedback.
- **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 special agent and department attorney did not adequately cooperate with each other regarding the investigative report.
- **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
2017-04-07	17-0022776-IR	1. Assault 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary
On April 7, 2017, outside law enforcement arrested an officer after he allegedly attempted to strangle his wife and punched her friend in the face.

Investigative Phase Assessment
In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination or appropriate determination regarding the hiring authority's appeal.

Procedural Rating Sufficient	Substantive Rating Insufficient
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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 added an allegation of battery for punching the wife's friend and opened a full investigation to interview the victims and witnesses and to obtain photographs of the victims' injuries to rectify inconsistencies between the officer's and victims' statements to outside law enforcement.
- 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 to add an allegation of battery based on evidence the officer punched his wife's friend and to open an investigation to address evidentiary inconsistencies.
- 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 found the investigation insufficient regarding the allegation the officer punched his wife's friend because the Office of Internal Affairs refused to investigate the matter or add an allegation of battery.

Case Disposition
The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 15 months. The OIG concurred. The officer 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
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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-08	17-0022642-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action (No Subject Interview)	
Incident Summary On April 8, 2017, outside law enforcement arrested an officer after she allegedly bit and punched her husband, also an officer, and the second officer allegedly hit the first officer with a pillow and held her by the head.	
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.	
Procedural Rating Insufficient	Substantive Rating 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 authorized interviews of the officers because statute prohibits taking disciplinary action based solely on an arrest report and to resolve inconsistencies in the officers' statements to outside law enforcement. However, the failure to authorize the interviews because statute prohibits the department from taking action based solely on an arrest report did not affect the OIG's assessment.</i> ◦ 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? <i>In the OIG's opinion, the Office of Internal Affairs should have authorized interviews of the officers in response to the hiring authority's repeated requests. However, the failure to authorize the interviews 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 case to the hiring authority on October 4, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until November 17, 2017, 44 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 imposed a 10 percent salary reduction for 18 months on each officer. The OIG concurred. The 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 hiring authority did not timely conduct the disciplinary findings conference or serve the disciplinary actions in accordance with policy and the department attorney did not properly draft the disciplinary actions.	
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 October 4, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 17, 2017, 44 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?**

In the OIG's opinion, the disciplinary action referenced prior alleged off-duty misconduct not relevant to this case 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 within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on November 17, 2017. However, the department did not serve the disciplinary actions until December 27, 2017, 40 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-09	17-0022857-IR	1. Dishonesty 2. Battery 3. Discourteous Treatment 4. Other Failure of Good Behavior 5. Dishonesty 6. Battery 7. Other Failure of Good Behavior	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 April 9, 2017, an officer allegedly argued with his girlfriend and struck her with a pool cue. On April 22, 2017, outside law enforcement arrested the officer for the April 9, 2017, incident and the officer allegedly lied to outside law enforcement regarding the incident and sending his girlfriend a vulgar text message. On October 12, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs regarding the argument with his girlfriend, striking her with a pool cue, and sending her a vulgar text message.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely determine the investigative findings. In the OIG's opinion, the department attorney was not diligent in preparing recommendations for the hiring authority.					
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 on January 18, 2018. The hiring authority initially consulted with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings on February 5, 2018. However, at the department attorney's request, the hiring authority did not decide the investigative findings until April 16, 2018, three months after the Office of Internal Affairs returned the matter to hiring authority.

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

In the OIG's opinion, the three-month delay in determining the investigative findings was due to the department attorney failing to diligently prepare recommendations for the hiring authority.

Case Disposition

The hiring authority sustained allegations the officer struck his girlfriend with a pool cue and lied to outside law enforcement and the Office of Internal Affairs, but did not sustain the allegation he lied when he denied sending a vulgar text message and allegations with incorrect dates. The hiring authority dismissed the officer. The OIG concurred except for the decision to not sustain that the officer lied when he denied sending the vulgar text message. The OIG did not seek a higher level of review because the hiring authority sustained other dishonesty allegations and imposed the proper penalty. The officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not make timely disciplinary determinations. In the OIG's opinion, the department attorney was not diligent in preparing recommendations for the hiring authority.

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 on January 18, 2018. The hiring authority initially consulted with the OIG and department attorney regarding the disciplinary determinations on February 5, 2018. However, at the department attorney's request, the hiring authority did not make the disciplinary determinations until April 16, 2018, three months after the Office of Internal Affairs returned the matter to hiring authority.

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

In the OIG's opinion, the three-month delay in making the disciplinary determinations was due to the department attorney failing to diligently prepare recommendations for the hiring authority.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-09	17-0023045-IR	1. Dishonesty 2. Failure to Report 3. Misuse of Authority 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

On May 9, 2017, outside law enforcement arrested an officer after he allegedly dragged his girlfriend from her home by her hair and forced her into his car. The officer also allegedly lied to outside law enforcement and used his position as a law enforcement officer in an attempt to dissuade his girlfriend from reporting his conduct. On December 5, 2017, the officer allegedly lied in his interview with the Office of Internal Affairs.

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 for battery based on statements from the officer's girlfriend and a witness that the officer dragged his girlfriend by the hair and forced her into his car.

Case Disposition

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

Disciplinary Assessment

The department 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

- **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 the confidentiality of peace officer information 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 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 17, 2018, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-16	17-0024553-IR	1. Misuse of Authority 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 16, 2017, a sergeant allegedly persuaded an inmate to sign a form stating she had no enemies or safety concerns and failed to write an incident report after learning a second inmate struck the first inmate with a broom. An officer allegedly returned both inmates to the same room and failed to issue a rules violation report after 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, resulting in the sergeant and an officer being unable to recall critical incident details. In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
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 October 26, 2017, more than five months thereafter.</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 identified July 24, 2017, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on May 18, 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. The delay resulted in the sergeant and an officer being unable to recall specific incident details.</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
2017-05-20	17-0023745-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					

Incident Summary

On May 20, 2017, a lieutenant completed an incident commander's review of a use-of-force incident, but allegedly failed to initiate an inquiry into an inmate's unreasonable use-of-force allegation. On June 1, 2017, a captain conducted a manager's review but also allegedly failed to initiate an inquiry into the inmate's allegation, and on June 9, 2017, an associate warden completed a second-level manager's review but also allegedly failed to initiate an inquiry into the inmate's allegation.

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.

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 authority on August 16, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until October 19, 2017, 64 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 and issued letters of reprimand to the lieutenant, captain, and associate warden. The OIG did not concur with the penalty, but did not seek a higher level of review because the penalties imposed were within disciplinary guidelines. The lieutenant, captain, and associate warden did not file appeals 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 or serve the disciplinary actions in accordance with policy and the department attorney did not properly draft disciplinary actions. Additionally, in the OIG's opinion, the hiring authority did not make an appropriate penalty determinations.

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 August 16, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 19, 2017, 64 days thereafter.

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

In the OIG's opinion, the seriousness of the misconduct warranted suspensions instead of letters of reprimand for the lieutenant, captain, and associate warden based on their positions of authority and failure to address the inmate's allegation.

- **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 for the associate warden and captain incorrectly stated the amount of time each had 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 October 19, 2017, but did not serve the disciplinary actions until November 30, 2017, and December 1, 2017, 42 and 43 days thereafter.

Incident Date 2017-05-23	OIG Case Number 17-0023504-IR	Allegations 1. Dishonesty 2. Neglect of Duty	Findings 1. Sustained 2. Sustained	Initial Penalty Dismissal	Final Penalty Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On May 23, 2017, an officer allegedly signed and submitted an employee grievance containing false information that she conducted inmate searches when she had not done so.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination regarding the case.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
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 inappropriately modified a dishonesty allegation to a neglect of duty allegation despite evidence the officer provided dishonest information in an official document.</i> 					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating she retired pending disciplinary action.					
Disciplinary Assessment 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
2017-05-30	17-0023732-IR	1. Use of Force 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 30, 2017, an officer allegedly kicked an inmate who was on the floor, pushed him into the corner of the cell, yelled racial slurs, and failed to report his use of force. A second officer allegedly failed to report the use of force he witnessed.					
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 provide the OIG with a required form.					
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 June 6, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 27, 2017, 51 days after the date of discovery.</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 hiring authority did not provide the form documenting the investigative findings to the OIG.</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
2017-06-14	17-0023432-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On June 14, 2017, an officer allegedly asked a second officer to prepare, sign, and submit a request for exemption from income tax withholding for him, and the second officer allegedly prepared, signed, and submitted the request for the first officer.					

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the department attorney did not provide timely feedback to the special agent. In the OIG's opinion, the special agent 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

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, the special agent should have asked the officers how they could reasonably believe the information they provided on the form could be accurate.
- **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 November 29, 2017, but the department attorney did not provide feedback until December 21, 2017, 22 days thereafter.
- **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 determined whether the officers had any reason to believe the information they provided on the income tax withholding request form was true.
- **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 dishonesty allegations because the information the officers provided on the income tax withholding form could not be true.
- **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 dishonesty allegations because the information the officers provided on the income tax withholding form could not have been true.
- **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 added and sustained dishonesty allegations because the information the officers provided on the income tax withholding form could not have been true.

Case Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for three months on each officer. The OIG did not concur with the hiring authority's decision to not add dishonesty allegations but concurred with the penalty based on the sustained allegations. The OIG did not seek a higher level of review due to the lack of a complete investigation. The 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 actions in accordance with policy. In the OIG's opinion, the hiring authority did not make appropriate determinations and the department attorney did not provide appropriate legal advice, properly draft the disciplinary actions, or adequately consult with the OIG.

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 failed to appropriately advise the hiring authority by failing to recommend allegations and causes for discipline consistent with finding the officers were dishonest.

- **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 failed to select the appropriate allegations and causes for discipline by failing to find the officers were 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 failed to select the appropriate penalty of dismissal by failing to find the officers were dishonest.

- **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 provided the draft disciplinary actions to the hiring authority and the OIG at the same time, resulting in the department serving the disciplinary actions before the OIG could provide 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?**

In the OIG's opinion, the disciplinary actions included an inapplicable cause for discipline, did not fully explain the factual basis for the actions, failed to cite the correct statute regarding the confidentiality of peace officer information, and did not advise the officers of their 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?**

In the OIG's opinion, the department attorney did not ensure the OIG had sufficient time to provide meaningful feedback before the department served the disciplinary actions.

- **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 18, 2018. However, the department did not serve the disciplinary actions until February 23, 2018, 36 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-16	17-0024223-IR	1. Sexual Misconduct	1. Sustained	Suspension	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On June 16, 2017, outside law enforcement arrested an officer after he allegedly offered money to a minor female in exchange for a sex act.					
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.					
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 June 17, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 22, 2017, 97 days thereafter.</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 approved an interview of the officer to question the officer about the serious allegation of soliciting a sex act from a child under the age of 18.</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 allegation and imposed a 60-working-day suspension. The OIG did not concur with the penalty but did not seek a higher level of review because the penalty was within the departmental guidelines for the misconduct. The officer filed an appeal with the State Personnel Board, but later withdrew it.					
Disciplinary Assessment In the OIG's opinion, the hiring authority should have dismissed the officer.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions					
<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 dismissed the officer based on the finding the officer solicited a sex act from a minor, but instead the hiring authority imposed a 60-working-day suspension.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-17	17-0023912-IR	1. Dishonesty 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On July 17, 2017, an officer allegedly poked and punched an inmate in the chest. On July 24, 2017, the officer allegedly lied to a lieutenant regarding the incident.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase. In addition, the department attorney provided an excellent review of the investigative report and exceptional legal analysis and advice to the hiring authority.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
<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
2017-07-21	17-0023886-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On July 21, 2017, an officer allegedly punched and grabbed an inmate, forced him to the ground, and failed to document his use of force.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination and unnecessarily delayed completing the investigation.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
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 added a dishonesty allegation because witness statements differed from the officer's account of the incident.</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 delayed preparing a draft investigative report after completing the last interview, resulting in the officer working under the cloud of being investigated longer than necessary. The Office of Internal Affairs completed the last interview on October 20, 2017, but did not complete the draft investigative report until January 30, 2018, 90 days thereafter.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-01	18-0025362-IR	1. Weapons 2. Insubordination	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 1, 2017, and December 1, 2017, an officer allegedly failed to attend quarterly firearms training and between August 4, 2017, and December 15, 2017, allegedly worked six armed posts without being current in his quarterly firearms training.					
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 and imposed a 5 percent salary reduction for 36 months. The OIG concurred. After the *Skelly* hearing, the hiring authority discovered that he applied an inappropriate aggravating factor in determining the penalty. Due to this new information, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 18 months. The OIG concurred based on the new information.

Disciplinary Assessment

In the OIG's opinion, the hiring authority mistakenly made an inappropriate penalty determination and the employee relations officer did not adequately consult with the OIG or prepare an accurate settlement agreement. However, the hiring authority corrected the mistake in determining the final penalty.

Procedural Rating

Sufficient

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 mistakenly applied an aggravating factor that did not apply, resulting in a higher salary reduction than warranted.

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

In the OIG's opinion, the employee relations officer should have consulted with the OIG regarding the settlement agreement, which incorrectly stated the effective date of the discipline and incorrectly stated an appeal had been filed.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-06	17-0023971-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On August 6, 2017, an officer allegedly failed to report seeing a second officer use force on an inmate. On August 8, 2017, the first officer allegedly lied in a report and to a sergeant and lieutenant about the incident and on October 11, 2017, allegedly lied in an 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 memoranda to the OIG, special agent, or hiring authority. In the OIG's opinion, the department attorney also was not adequately prepared to discuss the case at the initial case conference or first investigative findings conference.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **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 provide a pre-conference memorandum until ten days after the conference and in the OIG's opinion, was not adequately prepared to discuss the case at the 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?**
The department attorney did not provide the hiring authority with a memorandum with recommendations before the first investigative findings conference and in the OIG's opinion, was not adequately prepared to discuss the evidence, investigation, and findings at the conference, causing it to be rescheduled.
- **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 was not adequately prepared for the initial case conference and failed to provide a timely advice memorandum.
- **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 was not adequately prepared to discuss the case at the initial case conference and failed to provide timely written legal advice.

Case Disposition

The hiring authority sustained the allegations, except that the officer lied to a lieutenant, and dismissed the officer. The OIG concurred except for finding the officer did not lie to a lieutenant. The OIG did not seek a higher level of review because of an evidentiary dispute. After the *Skelly* hearing, the hiring authority found the officer's explanation credible and entered into a settlement agreement removing the dishonesty allegations and reducing the dismissal to a 10 percent salary reduction for three months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review due to an evidentiary dispute.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not include required language in the disciplinary action. In the OIG's opinion, the department attorney did not accurately document penalty discussions and the hiring authority settled the case without sufficient justification. However, the department attorney set forth an excellent presentation of complicated facts in the disciplinary action.

Procedural Rating

Insufficient

Substantive Rating

Insufficient

Assessment Questions

- **Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG?**
Although the department attorney provided written confirmation of penalty discussions, in the OIG's opinion, the confirmation did not accurately reflect the hiring authority's findings of aggravating factors.
- **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 his right to respond to an uninvolved manager. Despite this omission, the department attorney set forth an exceptional presentation of complicated facts.
- **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 to support a settlement because at the Skelly hearing, the officer simply clarified the statement he made during his interview.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur because the hiring authority did not identify any new evidence, flaws, or risks to support a settlement because at the Skelly hearing, the officer simply clarified the statement he made during his interview.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-31	17-0024269-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 31, 2017, outside law enforcement arrested a counselor after she allegedly struck her husband multiple times in the face.					
Investigative Phase Assessment In the OIG's opinion, the department attorney provided poor legal advice to the hiring authority. The hiring authority did not conduct the investigative findings conference in a timely manner.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
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 returned the matter to the hiring authority on October 25, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until November 15, 2017, 21 days thereafter.</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 incorrectly advised the hiring authority that the counselor was the victim and only defending herself when the evidence was to the contrary.</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 allegation and imposed a 10 percent salary reduction for three months. The OIG concurred with the finding but not the penalty. The OIG did not seek a higher level of review because of a dispute in the evidence. The counselor filed an appeal with the State Personnel Board. At a pre-hearing settlement conference, the department entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for five 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.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely consult regarding disciplinary determinations. In the OIG's opinion, the department attorney did not provide appropriate legal advice or prepare an adequate disciplinary action and the hiring authority did not select an appropriate penalty and reduced the penalty 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 returned the matter to the hiring authority on October 25, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 15, 2017, 21 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 inappropriately advised the hiring authority that more serious disciplinary matrix allegations of endangering others, disruptive conduct, domestic violence, and intimidation or assault without intent to cause serious injury did not apply despite sufficient evidence supporting the allegations.
- **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 severity of aggravating factors.
- **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?**
In the OIG's opinion, the disciplinary action did not include more appropriate legal authority regarding the confidentiality of peace officer information and did not advise the counselor of her 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 settlement did not comply with policy because the hiring authority did not identify any new evidence, flaws, or risks to support a penalty 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 support a penalty modification.
- **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 2017-10-15	OIG Case Number 17-0024624-IR	Allegations 1. Other Failure of Good Behavior	Findings 1. Sustained	Initial Penalty Letter of Instruction	Final Penalty Letter of Instruction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 15, 2017, outside law enforcement arrested an officer after he allegedly shoved his wife onto a bed, fell on top of her, grabbed her wrist, and threw her to the ground.					
Investigative Phase Assessment Overall, 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 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> 					
Case Disposition The hiring authority sustained the allegation and served a letter of instruction. The OIG concurred with sustaining the allegation but not with the decision to issue a letter of instruction. The OIG did not seek a higher level of review due to conflicting evidence.					
Disciplinary Assessment In the OIG's opinion, the hiring authority did not select the appropriate disciplinary allegations or penalty based on the misconduct.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ 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 allegations and causes for discipline for domestic violence based on the officer's admission to outside law enforcement that he chased and grabbed his wife but instead selected discourteous treatment.</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 salary reduction instead of a letter of instruction because the officer admitted to outside law enforcement that he chased and grabbed his wife.</i> 					

Incident Date 2017-10-17	OIG Case Number 17-0024622-IR	Allegations 1. Over-Familiarity	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On October 17, 2017, three officers allegedly warned inmates of an impending search at the institution.					
Investigative Phase Assessment Overall, 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 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 December 8, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until January 2, 2018, 25 days after assignment.</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
2017-10-28	17-0024772-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 October 28, 2017, an officer allegedly failed to immediately activate an alarm and remain at a cell after discovering an inmate obscured the cell window and was unresponsive.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs should have granted the hiring authority's request for an investigation.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions					
<ul style="list-style-type: none"> 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? <i>In the OIG's opinion, the Office of Internal Affairs should have granted the hiring authority's request to open a full investigation because the officer claimed during her interview that she was not properly trained to conduct security checks and an investigation was needed to address the validity of the officer's claim.</i> If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation? <i>In the OIG's opinion, the hiring authority could not adequately address the allegations because the Office of Internal Affairs did not approve the hiring authority's request to investigate the officer's claim she was not properly trained to conduct security checks.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations. Based on the available evidence, the OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-28	18-0024932-IR	1. Other Failure of Good Behavior 2. Other Failure of Good Behavior	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 28, 2017, outside law enforcement arrested an officer after he allegedly twisted his wife's arm behind her back to prevent her from leaving their bedroom and calling 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"> <p>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 requested an investigation because statute prohibits the department from taking disciplinary action based solely on an arrest report. However, the hiring authority's failure to request an investigation because statute prohibits the department from taking action based solely on an arrest report did not affect the OIG's assessment.</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>In the OIG's opinion, the department attorney should have advised the hiring authority to request an investigation because statute prohibits the department from taking disciplinary action based solely on an arrest report and it was necessary to determine whether the officer's statements to outside law enforcement violated the officer's constitutional rights. However, the failure to recommend that the hiring authority request an investigation did not affect the OIG's assessment.</i></p> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegation, except for an improperly worded allegation, and imposed a 10 percent salary reduction for 15 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 prepare a thorough disciplinary action and the department did not serve the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney provided inappropriate legal advice to the hiring authority.</p>	
Procedural Rating Insufficient	Substantive Rating Insufficient
<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? <i>In the OIG's opinion, the department attorney should have advised the hiring authority to select allegations and causes for discipline to support a domestic violence allegation.</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>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 29, 2018. However, the department did not serve the disciplinary action until May 1, 2018, 33 days later.</i></p> 	

Incident Date 2017-12-05	OIG Case Number 18-0025247-IR	Allegations 1. Neglect of Duty 2. Confidential Information	Findings 1. Sustained 2. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 5, 2017, an officer allegedly notified inmates over the public address system that the investigative services unit was arriving at the building and revealed confidential information to inmates that the investigative services unit was going to conduct a search.					
Investigative Phase Assessment Overall, 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 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 relation officer did not make an entry into the case management system confirming the relevant dates.</i> 					
Case Disposition The hiring authority sustained the allegation the officer warned inmates of a search, but not an allegation that he disclosed confidential information, and imposed a 5 percent salary reduction for 36 months. The OIG concurred, except for the penalty, but did not seek a higher level of review because the penalty was within the department's disciplinary guidelines. 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 5 percent salary reduction for 18 months and agreeing to remove the disciplinary action from the officer's official personnel file after 18 months. The OIG did not concur with the settlement but did not seek a higher level of review because the penalty remained within the disciplinary guidelines and the possibility the department would be precluded from introducing sufficient evidence at hearing due to an untimely pre-hearing settlement conference statement.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the employee relations officer did not prepare the disciplinary action in accordance with policy and the hiring authority settled the case without sufficient justification, and filed an untimely pre-hearing settlement conference statement. In the OIG's opinion, the hiring authority did not impose an appropriate penalty and the employee relations officer did not prepare a thorough pre-hearing settlement conference statement or form documenting the disciplinary determinations, or adequately cooperate with the OIG.					
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 imposed a suspension based on significant aggravating factors.
- **In the OIG's opinion, did the department completely and correctly complete the form documenting the disciplinary determinations?**
In the OIG's opinion, the employee relations officer did not correctly document the hiring authority's determination of mitigating and aggravating factors.
- **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 inform the officer of his right to respond to an uninvolved manager.
- **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?**
In the OIG's opinion, the pre-hearing settlement conference statement should have stated that the department reserves the right to call witnesses and offer into evidence any documents listed in the officer's pre-hearing conference statement.
- **Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed?**
The employee relations officer did not provide a draft pre-hearing settlement conference statement to the OIG before filing it with the State Personnel Board.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The settlement agreement did not comply with policy because the hiring authority did not identify sufficient 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 the settlement because the hiring authority did not identify sufficient new evidence, flaws, or risks to justify the settlement.
- **In the OIG's opinion, did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
In the OIG's opinion, the employee relations officer should have provided the draft pre-hearing settlement conference statement to the OIG for review before filing it with the State Personnel Board.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
In the OIG's opinion, the employee relations officer was not diligent because she filed the pre-hearing settlement conference statement with the State Personnel Board three days after the filing deadline.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-28	18-0025363-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 28, 2017, 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 decided to dismiss the officer. The OIG concurred. However, the officer resigned before the hiring authority served the disciplinary action. 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 <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>In the OIG's opinion, the hiring authority should have documented the decision to dismiss the officer on the form documenting disciplinary determinations instead of only noting the officer resigned.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-28	18-0025479-IR	1. Discourteous Treatment 2. Other Failure of Good Behavior 3. Discourteous Treatment	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 28, 2017, outside law enforcement arrested an officer after she allegedly engaged in a physical altercation with her husband and intentionally struck her head on a patrol vehicle.					

<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.</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 authorized an interview of the officer because the officer did not make a full statement to outside law enforcement and statute prohibits the hiring authority from taking action based solely on an arrest report. However, the department's failure to authorize the interview because statute prohibits the department from taking action based solely on an arrest report 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 February 28, 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 2, 2018, 33 days thereafter.</i> ◦ In the OIG's opinion, did the hiring authority correctly decide whether additional investigation was necessary? <i>In OIG's opinion, the hiring authority should have determined additional investigation was necessary because statute prohibits the hiring authority from taking disciplinary action based solely on an arrest report. However, the failure to request additional investigation 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 OIG's opinion, the department attorney should have advised the hiring authority that additional investigation was necessary because statute prohibits the hiring authority from taking action based solely on an arrest report. However, the failure to recommend that the hiring authority request additional investigation 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 delay is addressed in a prior question.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except for an improperly worded allegation, and imposed a 10 percent salary reduction for 13 months. The OIG concurred. After a <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for nine months because she took affirmative steps to avoid future similar situations and expressed remorse. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.</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 disciplinary findings conference or prepare the disciplinary action in accordance with policy.</p>	
<p>Procedural Rating Insufficient</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 matter to the hiring authority on February 28, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 2, 2018, 33 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 statutes regarding the confidentiality of peace officer information or 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?**

The delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-31	18-0025044-IR	1. Intoxication 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 December 31, 2017, outside law enforcement arrested a lieutenant after he allegedly drove a vehicle while under the influence of alcohol. The lieutenant also allegedly possessed a loaded firearm while under the influence of alcohol.					
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.					
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 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 January 24, 2018. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until March 13, 2018, 48 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 imposed a 5 percent salary reduction for four months. The OIG concurred. After a *Skelly* hearing, the hiring authority entered into a settlement modifying the penalty to a 5 percent salary reduction for three months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the modified 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 consult regarding the disciplinary findings or serve the disciplinary action in accordance with policy and did not adequately cooperate with the OIG. In the OIG's opinion, the department did not prepare the disciplinary action pursuant to policy and agreed to reduce the penalty 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 returned the case to the hiring authority on January 24, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until March 13, 2018, 48 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?**
In the OIG's opinion, the disciplinary action was not properly drafted because it did not advise the lieutenant of the right to respond to an uninvolved manager.
- **Did the department conduct the Skelly hearing pursuant to policy?**
The department did not notify the OIG of the Skelly hearing, preventing the OIG from attending.
- **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 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 hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The employee relations officer provided the OIG less than five hours to review the draft disciplinary action, which did not provide a reasonable opportunity for review, and did not notify the OIG of the Skelly hearing.
- **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 March 13, 2018. However, the department did not serve the disciplinary action until April 30, 2018, 48 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-21	18-0025480-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On January 21, 2018, outside law enforcement arrested an officer after he allegedly argued with his wife and grabbed her hands in an attempt to take her mobile phone, causing scratches on her hand.

Investigative Phase Assessment

In the OIG's opinion, the department attorney did not correctly modify the deadline to take disciplinary action.

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 opened an investigation to interview the complaining witness and because statute prohibits the department from taking disciplinary action based solely on an arrest report. However, the department's failure to authorize the investigation because statute prohibits the department from taking action based solely on an arrest report did not affect the OIG's assessment.
- **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 used March 5, 2018, as the date criminal tolling no longer applied when the correct date was February 5, 2018, and, as a result, incorrectly assessed the deadline to take disciplinary action as March 5, 2019, when the correct deadline was February 5, 2019, 28 days earlier.
- **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 precludes the department from taking disciplinary action based solely on an arrest report. However, the hiring authority's 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 precludes 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.

Case Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not properly draft the disciplinary action 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, 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 the confidentiality of peace officer information 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 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 16, 2018. However, the department did not serve the disciplinary action until April 18, 2018, 33 days later.

Incident Date 2018-01-28	OIG Case Number 18-0025696-IR	Allegations 1. Misuse of Authority 2. Discourteous Treatment 3. Other Failure of Good Behavior 4. Other Failure of Good Behavior	Findings 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On January 28, 2018, a lieutenant allegedly verbally abused his wife and her teenage daughter, identified himself to outside law enforcement as a captain with the department, told outside law enforcement they were arrogant, to sit down, and to treat him with respect, and refused to comply with outside law enforcement requests.					
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 an improperly worded allegation, and imposed a 10 percent salary reduction for 18 months. The OIG concurred. After the lieutenant's <i>Skelly</i> hearing, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for 14 months and agreeing to remove the disciplinary action from the lieutenant's official personnel file upon completion of anger management and substance abuse courses because the lieutenant was remorseful at the <i>Skelly</i> hearing. The OIG concurred except for agreeing to remove the disciplinary action from the lieutenant's official personnel file. However, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines.					
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 lieutenant of the right to respond to an uninvolved manager.</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 agreement to remove the disciplinary action from the lieutenant's official personnel file upon completion of anger management and substance abuse courses.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-02-02	18-0025752-IR	<ol style="list-style-type: none"> Discourteous Treatment Other Failure of Good Behavior Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Suspension	Modified Suspension
Case Type: Direct Action (No Subject Interview)					
<p>Incident Summary</p> <p>On February 2, 2018, outside law enforcement arrested an officer after he allegedly argued with and struck his girlfriend. The officer also allegedly argued with, swore at, and failed to cooperate with outside law enforcement.</p>					
<p>Investigative Phase Assessment</p> <p>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"> 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 relying solely upon an arrest report. However, the department's failure to authorize the interview because statute prohibits the department from taking action based solely on an arrest report did not affect the OIG's assessment.</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 requested an interview of the officer because statute prohibits taking disciplinary action relying solely upon an arrest report. However, the hiring authority's failure to request the interview 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 advised the hiring authority an interview with the officer was necessary because statute prohibits taking disciplinary action solely upon an arrest report. However, the department attorney's failure did not affect the OIG's assessment.</i> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except that the officer hit his girlfriend, and imposed a 36-working-day suspension. The OIG concurred. After a <i>Skelly</i> hearing, the hiring authority determined the officer accepted responsibility and entered into a settlement agreement reducing the penalty to a 30-working-day suspension. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not properly draft the disciplinary action and the department 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 include the appropriate legal authority regarding peace officer confidentiality 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? <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 April 13, 2018. However, the department did not serve the disciplinary action until May 16, 2018, 33 days later.</i></p> 	

Procedural Rating Sufficient	Substantive Rating Insufficient												
<table border="1"> <thead> <tr> <th style="text-align: center;">Incident Date</th> <th style="text-align: center;">OIG Case Number</th> <th style="text-align: center;">Allegations</th> <th style="text-align: center;">Findings</th> <th style="text-align: center;">Initial Penalty</th> <th style="text-align: center;">Final Penalty</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2018-04-22</td> <td style="text-align: center;">18-0026411-IR</td> <td style="text-align: center;">1. Other Failure of Good Behavior</td> <td style="text-align: center;">1. Not Sustained</td> <td style="text-align: center;">No Penalty Imposed</td> <td style="text-align: center;">No Penalty Imposed</td> </tr> </tbody> </table>		Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty	2018-04-22	18-0026411-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty								
2018-04-22	18-0026411-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 On April 22, 2018, outside law enforcement arrested an officer after he allegedly pushed his wife during an argument.</p>													
<p>Investigative Phase Assessment 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>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? <i>In the OIG's opinion, the Office of Internal Affairs should have opened an investigation to obtain all relevant information regarding the incident, including interviewing the officer's wife.</i></p> <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? <i>In the OIG's opinion, the department attorney did not correctly assess the deadline to take disciplinary action because the department attorney identified May 1, 2018, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on April 23, 2018.</i></p> 													
<p>Case Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.</p>													

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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-02-24	17-0000054-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Suspension	Modified Suspension
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On February 24, 2015, a department attorney allegedly failed to consult with the OIG regarding a settlement and lied to an employee relations officer about consulting the OIG. On February 26, 2015, the department attorney was allegedly dishonest when he advised the OIG a chief had contacted him to discuss the settlement. On March 13, 2015, the department attorney allegedly misidentified a date of discovery and miscalculated the deadline for taking disciplinary action in a disciplinary action. Between August 1, 2015, and October 31, 2015, the department attorney allegedly failed to inform the OIG of a pre-hearing settlement conference. On October 6, 2015, the department attorney allegedly incorrectly advised an associate director that an allegation should not be sustained and recommended an incorrect penalty. On October 22, 2015, the department attorney allegedly prepared a disciplinary action that included incorrect, inadequate, and irrelevant information. Between January 1, 2016, and April 30, 2016, the department attorney allegedly prepared draft pre-hearing settlement statements containing incorrect penalties and incomplete witness lists and exhibits. Between January 15, 2016, and June 8, 2016, the department attorney allegedly failed to provide requested documents and pleadings to the OIG. Between January 22, 2016, and March 18, 2016, the department attorney allegedly failed to notify the OIG of scheduled pre-hearing settlement conferences. On January 15, 2016, and February 18, 2016, the department attorney allegedly failed to oppose two petitions to file late appeals and between March 22, 2016, and April 4, 2016, allegedly failed to prepare an adequate pleading as an administrative law judge ordered. April 4, 2016, the department attorney allegedly provided incorrect information during a pre-hearing settlement conference, failed to properly advise an associate director regarding the conference, and was allegedly dishonest when he informed the OIG and an assistant chief counsel that an associate director agreed to a settlement. Between June 3, 2016, and August 23, 2016, the department attorney allegedly failed to abide by an administrative law judge's orders to produce documents.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority failed to timely refer the matter to the Office of Internal Affairs. In the OIG's opinion, the hiring authority did not correctly determine the findings for each allegation.</p>					
<p>Procedural Rating Insufficient</p>			<p>Substantive Rating Insufficient</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 24, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 19, 2016, almost two years after the date of discovery.</i> ◦ In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation? <i>In the OIG's opinion, the hiring authority failed to sustain numerous dishonesty and neglect of duty allegations the evidence supported.</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 allegations that the department attorney improperly advised an associate director regarding an allegation and penalty, failed to properly advise the associate director during a pre-hearing settlement conference, failed to notify the OIG of pre-hearing settlement conferences and provide the OIG with documentation, and failed to comply with an administrative law judge's orders, but not the remaining allegations, and imposed a 20-working-day suspension. The OIG did not concur with the hiring authority's determinations regarding the decision to not sustain allegations or the penalty. However, the OIG did not seek a higher level of review because the department's attorneys significantly delayed the case. Although the hiring authority sustained some allegations on February 16, 2018, the hiring authority did not serve the department attorney with a disciplinary action until May 29, 2018. After serving the disciplinary action, the hiring authority agreed to a settlement with the department attorney reducing the penalty to a 12-working-day suspension. The OIG did not concur but did not seek a higher level of review because the penalty modification was not significant considering the OIG had recommended that the department dismiss the department attorney.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority decided to sustain some allegations on February 16, 2018, but did not serve a disciplinary action until May 29, 2018, more than three months later. In the OIG's opinion, the hiring authority did not make appropriate determinations regarding the allegations and penalty.

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 failed to sustain numerous dishonesty and neglect of duty allegations the evidence supported.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, if the hiring authority had sustained the proper allegations, the hiring authority would have imposed the proper penalty of dismissal.
- **Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?**
The deadline for taking disciplinary action on two dishonesty allegations expired before the hiring authority took disciplinary action.
- **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 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 the settlement because the hiring authority did not identify any new evidence, flaws, or risks to justify a settlement.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The deadline to take disciplinary action on two dishonesty allegations expired before the hiring authority took disciplinary action. The hiring authority sustained some allegations on February 16, 2018, but did not serve the disciplinary action until May 29, 2018.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-04-25	15-0001347-IR	1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty 4. Discourteous Treatment 5. Threat/Intimidation 6. Confidential Information 7. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On April 25, 2015, an officer allegedly told inmates that an inmate was a "baby killer" and disclosed the inmate's criminal history to other inmates. On May 13, 2015, the officer allegedly yanked up the back of a second inmate's pants during a clothed body search, disobeyed a captain's order to stop harassing the inmate, threatened a library technical assistant to keep her from reporting the officer's misconduct, and disobeyed the captain's order to stop harassing the library technical assistant. On May 28, 2015, the officer allegedly yanked up the inmate's pants again, threatened him, and referred to the inmate in a demeaning tone using a demeaning word in a foreign language. On July 11, 2015, a second officer allegedly wrote a false rules violation report against the second inmate, and a sergeant allegedly signed the rules violation report without reading or verifying its contents.</p>					
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the hiring authority did not sustain an allegation the evidence supported and the hiring authority's supervisor withdrew an allegation the evidence supported.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Insufficient		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation? <i>In the OIG's opinion, the hiring authority should have sustained the allegation that the first officer yanked up the inmate's pants because there was sufficient evidence supporting the allegation and the hiring authority's supervisor, after adding an allegation for threats and intimidation, inappropriately withdrew the allegation despite supporting evidence.</i> ◦ Did the OIG request the executive review? <i>The OIG sought a higher level of review because the hiring authority did not sustain the allegation that the first officer yanked up an inmate's pants despite sufficient evidence supporting the allegation.</i> 					

Case Disposition

The hiring authority sustained the allegation that the first officer referred to an inmate in a demeaning tone and that he disobeyed a captain's order, but not the remaining allegations against him, and imposed a 24-working-day suspension. The OIG did not concur with the decisions to not sustain the allegation that the officer pulled up the second inmate's pants or the penalty and sought a higher level of review. The hiring authority's supervisor also did not sustain the allegation that the officer pulled up the inmate's pants, but added an allegation for threatening the library assistant and dismissed the officer. The OIG did not concur with the decision to not add the allegation but concurred with the penalty. After a *Skelly* hearing, the hiring authority's supervisor obtained further investigation and modified the penalty to a 48-working-day suspension. The OIG did not concur with the penalty modification and sought a higher level of review. The deputy director affirmed the 48-working-day suspension. The OIG sought a further level of review. The director added an allegation that the officer pulled up the inmate's pants and imposed a 60-working-day suspension. The OIG concurred with the allegation but not the 60-working-day suspension because the officer had a prior sustained disciplinary action for a similar allegation and received a 105-working-day suspension, but did not seek further review. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the suspension. The officer filed a petition for rehearing, which the State Personnel Board denied. The hiring authority sustained the allegation against the second officer, combined the case with another pending disciplinary action, and dismissed him. The OIG concurred. The second officer filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board upheld the dismissal. The hiring authority sustained the allegation against the sergeant and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the sergeant presented evidence that, during the pendency of the disciplinary action, the department promoted the sergeant to lieutenant. The hiring authority entered into a settlement agreement modifying the sergeant's penalty to a 5 percent salary reduction for six months and agreeing to remove the disciplinary action from the sergeant's official personnel file 18 months after the effective date. The OIG did not concur but did not seek a higher level of review because the department put itself in an untenable position by promoting the sergeant while disciplinary action was pending.

Disciplinary Assessment

In the OIG's opinion, neither the hiring authority nor hiring authority's supervisor made appropriate determinations based on the evidence.

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 added a discourteous treatment against one of the officers because there was sufficient evidence supporting the allegation.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, the hiring authority inappropriately imposed a suspension for misconduct that warranted dismissal.
- **Did the OIG request the executive review?**
The OIG sought a higher level of review because the hiring authority did not select an appropriate penalty of dismissal based on sustained misconduct.
- **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 director should have dismissed the officer based on the sustained misconduct and because the officer has a prior disciplinary action for similar misconduct wherein the officer served a 105-working-day suspension, but the director instead chose to suspend the officer on this occasion for only 60 working days.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-05-15	17-0023803-IR	1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between May 15, 2015, and January 19, 2017, an officer allegedly grabbed a female inmate's buttocks. Between May 27, 2016, and October 20, 2016, the officer allegedly engaged in sexual misconduct with a second female inmate and, on October 30, 2017, allegedly lied during his interview with the Office of Internal Affairs.</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 for taking disciplinary action, did not attend a critical interview, and was late to two other critical interviews.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 on August 25, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 18, 2017, 54 days after assignment. In addition, the entry did not reference any specific dates.</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 complaining inmate and was late to two other interviews, including being 45 minutes late to the officer's interview.</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
2015-12-09	17-0000148-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On December 9, 2015, a parole agent allegedly stole money from an elderly citizen, resulting in a warrant being issued for the parole agent's arrest.					
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 hiring authority's request.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on November 17, 2016, but did not take action until February 1, 2017, 76 days after receipt of the request.</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 allegation. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-01-01	17-0023816-IR	1. Discourteous Treatment 2. Discrimination/Harassment 3. Discourteous Treatment 4. Retaliation 5. Discrimination/Harassment 6. Discourteous Treatment	1. Sustained 2. Not Sustained 3. Not Sustained 4. Exonerated 5. Exonerated 6. Unfounded	Letter of Instruction	Letter of Instruction
Case Type: Administrative Investigation					

Incident Summary

Between January 1, 2016, and August 21, 2017, a chief deputy general counsel allegedly yelled at a counselor, making the counselor cry, and was sarcastic toward a staff services manager. Between January 1, 2016, and August 21, 2017, the chief deputy general counsel allegedly displayed repeated and pervasive discourteous behavior toward subordinates. On February 26, 2016, the chief deputy general counsel allegedly voiced a preference to hire younger attorneys rather than older attorneys. On February 14, 2017, the chief deputy general counsel allegedly yelled and gestured toward a department attorney. On May 2, 2017, the chief deputy general counsel allegedly stood up and yelled toward an assistant chief counsel and a department attorney during a teleconference and asked why the department attorney did not attend the meeting in person. Between April 18, 2017, and August 18, 2017, the chief deputy general counsel allegedly changed the physical requirements for an assistant chief counsel position to preclude an applicant with a disability from being eligible for the position. On April 11, 2017, the chief deputy general counsel allegedly talked over an assistant chief counsel, made eye-rolling gestures, and dismissed the assistant chief counsel’s ideas during a meeting and in May 2017, and allegedly used profane and threatening language when referring to attorneys in another state agency.

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 February 14, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 23, 2017, six months 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 sustained allegations that the chief deputy general counsel yelled and spoke sarcastically to a subordinate employee, used profane terminology toward attorneys, talked over an assistant chief counsel, made eye-rolling gestures, dismissed the assistant chief counsel’s ideas during a meeting, and was discourteous when asking why a department attorney did not attend a meeting in person. The hiring authority determined the investigation conclusively proved the chief deputy general counsel did not stand up and yell toward an assistant chief counsel and that, although the remaining conduct occurred, the chief deputy general counsel’s actions were justified, lawful, and proper. The hiring authority issued a letter of instruction. 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
2016-01-01	18-0025404-IR	1. Sexual Misconduct 2. Over-Familiarity 3. Contraband 4. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal

Case Type: Direct Action (No Subject Interview)	
Incident Summary Between January 1, 2016, and June 14, 2017, a nurse allegedly engaged in sexual misconduct with an inmate, conspired with the inmate and inmate's family and friends to introduce contraband into the institution, communicated with the inmate by mobile phone, and introduced mobile phones and tobacco into the institution. On May 1, 2017, the nurse allegedly did not report an inmate forced her to touch his genitals and participated in unauthorized communication with a second inmate.	
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not timely enter critical dates in the case management system and the hiring authority delayed conducting the investigative findings conference.	
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 on February 22, 2018, but did not make an entry into the case management system confirming relevant dates until April 18, 2018, 55 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 returned the matter to the hiring authority on February 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 20, 2018, 58 days later.</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 dismissed the nurse. The OIG concurred. The nurse 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 disciplinary action did not include language required by 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 matter to the hiring authority on February 21, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 20, 2018, 58 days later.

- **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 the nurse's right to respond to an uninvolved manager. Otherwise, the department attorney prepared a well-written and cogent disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-05	18-0026415-IR	1. Contraband 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between May 5, 2016, and August 29, 2016, an officer allegedly conspired with an inmate to introduce mobile phones into the institution. On November 28, 2017, the officer suffered a misdemeanor conviction for providing a mobile phone to an inmate.					
Investigative Phase Assessment Overall, 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 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 any entry into the case management system confirming relevant dates.</i></p>					
Case Disposition The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
Disciplinary Assessment The department sufficiently complied with policies governing the disciplinary phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-13	17-0022004-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Misuse of Authority 4. Neglect of Duty 5. Dishonesty 6. Failure to Report 7. Neglect of Duty 8. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained 	Dismissal	Demotion
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between May 13, 2016, and December 2, 2016, a chief allegedly conspired with a lieutenant, an associate management auditor, three staff services managers, and an associate government program analyst to promote the lieutenant to a captain position despite knowing the lieutenant was not eligible for promotion, promoted the lieutenant to captain, and failed to report his and the others' misconduct. One of the staff services managers allegedly suggested the chief prepare a supplemental questionnaire based on the lieutenant's strengths to give the lieutenant an advantage. On May 18, 2016, the chief allegedly tailored a supplemental questionnaire accordingly and on August 16, 2016, allegedly provided an advance copy of the supplemental questionnaire to the lieutenant. On September 8, 2016, the associate management auditor was allegedly dishonest when she modified the supplemental questionnaire. Between May 13, 2016, and December 2, 2016, the lieutenant allegedly conspired with others to dissuade them from applying for the captain's position, used the advance copy of the supplemental questionnaire, participated in the hiring process knowing he was not eligible for promotion, and failed to report the misconduct. Between May 13, 2016, and December 2, 2016, the second and third staff services managers and the associate government program analyst allegedly helped the chief subvert the hiring process and failed to report the misconduct. Between May 13, 2016, and December 2, 2016, the lieutenant and the associate management auditor were allegedly involved in a sexual relationship they did not report to their hiring authorities.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Case Disposition

The hiring authority sustained the allegations against the chief, lieutenant, staff services managers, and the associate management auditor, except that the lieutenant and associate management auditor were involved in a sexual relationship and that the associate management auditor was dishonest when she modified the supplemental questionnaire. The hiring authority also did not sustain an allegation against the first staff services manager because of its wording but sustained another allegation addressing the same misconduct. The hiring authority dismissed the chief and the lieutenant, issued a letter of reprimand for the first staff services manager, demoted the second staff services manager, imposed a five-working-day suspension for the third staff services manager, and demoted the associate management auditor. The hiring authority did not sustain the allegation against the associate government program analyst. The OIG concurred except for the decision to not sustain allegations against the lieutenant and associate management auditor but did not seek a higher level of review because it concurred with the penalty. At their *Skelly* hearings, the second and third staff services managers presented evidence they obtained training on best hiring practices and accepted responsibility for their misconduct. The hiring authority reduced the second staff services manager's demotion to a 30-working-day suspension and the suspension of the third staff services manager to a letter of reprimand. The OIG concurred because of the factors learned at the *Skelly* hearing. The hiring authority also entered into a settlement with the first staff services manager agreeing to remove the letter of reprimand early from her official personnel file. The OIG did not concur but did not seek a higher level of review because the letter of reprimand can still be used for progressive discipline. The chief, lieutenant, and associate management auditor filed appeals with the State Personnel Board. Prior to a hearing, the hiring authority also entered into settlement agreements with the chief and the lieutenant. The hiring authority demoted the chief to supervising management auditor and imposed a six-month suspension. The hiring authority demoted the lieutenant to officer for four months, followed by reinstatement as a lieutenant. The OIG did not concur because the misconduct warranted dismissal but did not seek a higher level of review. The hiring authority entered into a settlement agreement with the associate management auditor allowing her to voluntarily demote. The OIG did not concur but did not seek a higher level of review.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not serve the disciplinary actions in accordance with policy and the department attorney did not adequately consult with the OIG. In the OIG's opinion, the hiring authority did not make appropriate determinations and entered into settlement agreements without sufficient justification.

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 sustained the allegations the lieutenant and staff services manager engaged in a sexual relationship they did not report because they both admitted the misconduct.

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

The settlements for the chief and lieutenant did not comply with policy because the hiring authority did not identify any new evidence, flaws, or risks to justify 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 chief and lieutenant because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlements.

- **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 the OIG about the final settlement terms for the chief before executing 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 for the lieutenant within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary on June 9, 2017, but did not serve the lieutenant's disciplinary action until July 14, 2017, 35 days thereafter. In the OIG's opinion, the hiring authority excessively delayed serving the remaining disciplinary actions because the department did not complete service until August 18, 2017, more than two months after the decision to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-15	16-0001793-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 15, 2016, an officer allegedly left an unattended inmate in a vehicle with the engine running and lied to a materials and stores supervisor about the incident. On August 31, 2016, the officer 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 hiring authority did not timely consult with the OIG and department attorney.					
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 January 31, 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 3, 2017, 62 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 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 because the ultimate goal of ensuring the officer did not work for the department was achieved.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely consult with the OIG and the department attorney, the disciplinary action did not contain a key provision as required by policy, and the department attorney did not timely file an amended pre-hearing settlement conference statement or provide the OIG with the case settlement report.

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 January 31, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until April 3, 2017, 62 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.
- **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.
- **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 rejected the department's amended pre-hearing settlement conference statement as untimely.
- **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
2016-07-04	16-0001900-IR	1. Dishonesty 2. Misuse of Authority 3. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
Incident Summary On July 4, 2016, an officer allegedly improperly accessed confidential inmate information, took pictures of the information with a personal mobile phone, and during July 2016, distributed the information to a friend. On August 9, 2016, the officer allegedly lied to a sergeant and submitted a false memorandum regarding the incident. On February 8, 2017, the officer allegedly lied during an interview with the Office of Internal Affairs.					
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 <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 sufficiency of the evidence, investigation, and findings? <i>In the OIG's opinion, the department attorney inappropriately recommended the dishonesty allegations should not be sustained because there was a preponderance of evidence the officer lied.</i> ◦ In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation? <i>In the OIG's opinion, the hiring authority should have sustained dishonesty because there was a preponderance of evidence the officer lied.</i> ◦ Did the OIG request the executive review? <i>The OIG sought a higher level of review because in the OIG's opinion, the hiring authority should have a sustained dishonesty allegation because there was a preponderance of evidence the officer falsely reported he did not provide the confidential information.</i> 					
Case Disposition The hiring authority sustained the allegations, except a dishonesty allegation, and identified a 10 percent salary reduction for 24 months as the penalty. The OIG did not concur with the decisions to not sustain dishonesty and impose a salary reduction rather than dismissal, and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor sustained all 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 hiring authority reached a settlement agreement with the officer wherein the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the goal of ensuring the officer did not work for the department.					
Disciplinary Assessment In the OIG's opinion, the department attorney and hiring authority identified a lower penalty than the misconduct warranted. The department attorney did not prepare the disciplinary action in accordance with policy.					
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 disciplinary determinations?**
In the OIG's opinion, the department attorney should have recommended dismissing the officer because the officer shared confidential information and lied, but instead recommended a 10 percent salary reduction for 24 months.
- **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 dishonesty as an allegation and cause of action.
- **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 because he shared confidential information and lied, but instead selected a 10 percent salary reduction for 24 months.
- **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
2016-08-09	17-0022472-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Contraband 4. Confidential Information 5. Failure to Report 6. Confidential Information 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On August 9, 2016, an officer allegedly brought a mobile phone into the institution and used it to video record a use of force on an inmate, two other officers allegedly failed to timely report the first officer had a mobile phone inside the institution, and one of the two officers allegedly improperly watched the video recording on the first officer's mobile phone. On May 9, 2017, the first officer allegedly lied during an interview with the Office of Internal Affairs.</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 allegations against the first officer and identified dismissal as the appropriate penalty. However, the hiring authority dismissed the officer in another case before discipline could be imposed. The hiring authority sustained the allegation that the third officer failed to report the first officer brought a mobile phone into the institution, but not the remaining allegation, and imposed a 5 percent salary reduction for 12 months. The hiring authority found insufficient evidence to sustain the allegation against the second officer. The OIG concurred with the hiring authority's determinations. The third 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		
<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
2016-08-12	16-0001998-IR	<ol style="list-style-type: none"> 1. Use of Force 2. Misuse of State Equipment or Property 3. Dishonesty 4. Use of Force 5. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On August 12, 2016, three officers allegedly falsely claimed an inmate was unresponsive in a cell and required an emergency cell extraction, participated in a code of silence with each other to not report the use of force, failed to wear helmets for the emergency cell extraction, and failed to follow use of force and cell extraction policies. One of the officers also allegedly kicked the inmate and failed to report it.</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 or correctly confirm all relevant dates in the case management system.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 12, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 27, 2016, 46 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 October 26, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until January 23, 2017, 89 days after assignment. The department attorney also did not identify the date of discovery and incorrectly identified the incident date instead of the discovery date to determine the deadline to take disciplinary action.</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 February 21, 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 March 29, 2017, 36 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 the allegations that the officers failed to wear helmets and follow the controlled use of force policy, but not the remaining allegations, and imposed a 5 percent salary reduction for eight months on each officer. The OIG concurred with the hiring authority's determinations. One of the officers filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer accepted responsibility for his misconduct. The hiring authority entered into a settlement reducing the penalty to a 5 percent salary reduction for seven months and agreeing to remove the disciplinary action from the officer's official personnel file after 20 months. The OIG concurred based on the new information presented during the settlement conference. The other officers did not file appeals.

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 serve the disciplinary actions in accordance with policy and the disciplinary actions did not include required language.

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 February 21, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until March 29, 2017, 36 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 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 March 29, 2017. However, the department did not serve the disciplinary actions until September 8, 2017, 163 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-17	16-0001958-IR	1. Dishonesty 2. Insubordination 3. Dishonesty 4. Use of Force 5. Insubordination	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On August 17, 2016, two officers allegedly pushed an inmate against a wall and onto the floor and held the inmate down, causing the inmate to sustain a broken leg. On December 1, 2016, one of the officers and two other officers allegedly disobeyed an order from the Office of Internal Affairs to not discuss the investigation. On July 25, 2017, the fourth and a fifth officer were allegedly dishonest during their interviews with the Office of Internal Affairs.</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 allegations against the fourth officer and dismissed him. The hiring authority found insufficient evidence to sustain the allegations against the other officers. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement whereby the officer resigned in lieu of dismissal and agreed not to seek employment with the department. The OIG concurred because the settlement achieved the goal of ensuring the officer did not work for the department.</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"> ◦ 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
2016-09-05	16-0002140-IR	1. Use of Force 2. Use of Force 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On September 5, 2016, an officer allegedly stood on an inmate's legs, failed to report his use of force, and inaccurately reported force other officers used. Two sergeants and three other officers allegedly failed to accurately report force they observed, and one of the sergeants allegedly failed to stop the first officer's misconduct.</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 Office of Internal Affairs did not make an appropriate initial determination and the department attorney incorrectly assessed the deadline to take disciplinary action.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		
<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 September 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 17, 2016, 72 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 the officers because the evidence showed the officers willfully omitted a pertinent fact from their reports.</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 incorrectly assessed the deadline for taking disciplinary action as October 4, 2017, when the deadline was actually September 6, 2017.</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 2, 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 June 8, 2017, 98 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 the allegations that the first officer failed to accurately report the force he used and observed, but not the remaining allegation, and imposed a 10 percent salary reduction for nine months. The hiring authority found insufficient evidence to sustain the allegations against the sergeants and three officers. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer accepted responsibility for his misconduct. Therefore, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for five months and agreeing to remove the disciplinary action after 24 months. The OIG concurred based on the new information.

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
2016-09-19	17-0021670-IR	1. Neglect of Duty 2. Insubordination	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On September 19, 2016, and on September 26, 2016, a sergeant allegedly disobeyed a chief deputy warden's order to notify a coroner's office that an inmate's death was potentially a homicide.

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 special agent did not timely prepare the draft investigative 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 November 1, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 24, 2017, 84 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 completed its investigation and referred 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 sufficiency of the investigation and the investigative findings until July 25, 2017, 41 days thereafter.
- In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
Two delays are addressed in prior questions. Also, the special agent delayed providing a draft investigative report for two months after the last investigative activity.

Case Disposition

The hiring authority sustained the allegation the sergeant failed to notify the coroner's office the death was potentially a homicide, but not that she was insubordinate, and imposed a 5 percent salary reduction for three months. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction.

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 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 25, 2017, 41 days thereafter. However, this delay does not affect the OIG's assessment of the disciplinary phase as it was previously assessed in the investigative phase.

- **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
2016-10-01	17-0022629-IR	1. Insubordination 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

Between October 1, 2016, and March 9, 2017, a parole agent allegedly failed to generate a global positioning system report of parolees, thoroughly document the global positioning system supervision of parolees, and document drug testing and contact with parolees. On March 4, 2017, the parole agent allegedly failed to follow a supervising parole agent's order to request a search warrant for a parolee whose global positioning system became inoperable.

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.

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 May 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until June 20, 2017, 41 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 and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent reducing the penalty to a 10 percent salary reduction for 18 months and agreeing to remove the disciplinary action from the parole agent's official personnel file after 18 months. The OIG concurred because the parole agent accepted responsibility for his misconduct.

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 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 returned the case to the hiring authority on May 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 20, 2017, 41 days thereafter.

- **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 June 20, 2017. However, the department did not serve the disciplinary action until July 26, 2017, 36 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-01	18-0026419-IR	1. Dishonesty 2. Over-Familiarity 3. Battery 4. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between October 1, 2016, and June 21, 2017, a supervising cook allegedly touched and kissed an inmate. On June 21, 2017, the supervising cook allegedly struck the inmate on the head and used profanity toward the inmate and an officer. On June 22, 2017, the supervising cook allegedly falsely denied to a lieutenant that she struck the inmate and on June 26, 2017, lied during her Office of Internal Affairs interview.					
Investigative Phase Assessment Overall, 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 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 an 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 supervising cook resigned before disciplinary action could be imposed. The hiring authority placed a letter in the supervising cook'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
2016-10-06	16-0002085-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Failure to Report 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Suspension	Suspension

Case Type: Administrative Investigation	
Incident Summary On October 6, 2016, three officers allegedly failed to physically count inmates, two of the officers allegedly lied when they documented performing the counts, and one of the officers allegedly failed to report the count was not conducted appropriately. A sergeant allegedly lied when he documented that an inmate had been received by another housing unit and failed to properly document the inmate transfer.	
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not complete the investigation in a timely manner and the department attorney incorrectly assessed 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 incorrectly assessed the deadline for taking disciplinary action as November 7, 2017, when the deadline was actually October 7, 2017.</i> ◦ Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 27, 2017, ten days before the deadline to take disciplinary action.</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 against the three officers for failing to properly conduct inmate counts and dishonesty against the first officer. The hiring authority also sustained an allegation the sergeant did not properly document the inmate transfer. The hiring authority found insufficient evidence to sustain the remaining allegations. The hiring authority imposed a 10 percent salary reduction for 18 months on the first officer instead of dismissal because the hiring authority believed the actions did not warrant dismissal for an erroneous computer entry. The hiring authority issued a one-working-day suspension to the second officer based on the officer's length of service, issued a letter of reprimand to the third officer based on the officer's length of service, and issued a letter of instruction to the sergeant. The OIG concurred with the hiring authority's determinations. The first 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 salary reduction for 12 months, removing the dishonesty allegation, and agreeing to remove the disciplinary action from the officer's official personnel file in 12 months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the officer accepted responsibility and took positive steps to ensure other officers follow policy. The other two 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 attorney did not provide all required documents to the OIG or include all required language in the disciplinary action and the department entered into a settlement that did not comply 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 action did not advise the officer 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 statement to the OIG.

- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The settlement agreement did not comply with policy because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlement.

- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
In the OIG's opinion, the hiring authority should not have reduced the penalty because there was no 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 department attorney did not provide the draft pre-hearing settlement conference statement to the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-10	16-0002118-IR	1. Use of Force 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On October 10, 2016, an officer allegedly pushed an inmate against a wall and onto the ground when there was no imminent threat. A second officer also allegedly pushed the inmate to the ground, and both officers allegedly lied in their reports.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not identify the date of discovery and the hiring authority did not timely conduct the investigative findings conference.					
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?**

The department attorney did not identify the date of discovery and incorrectly used the incident date instead of the discovery date to determine the deadline to take disciplinary action.

- **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 2, 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 March 28, 2017, 26 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 that the officers pushed the inmate to the ground without an imminent threat, but not that they lied, and served the first officer a 5 percent salary reduction for 12 months and the second officer a 5 percent salary reduction for six months. The hiring authority issued a higher penalty to the first officer because he played a primary role in the incident. The OIG concurred. The first officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer accepted responsibility, and the hiring authority reduced the penalty to a 5 percent salary reduction for nine months and agreed to remove the disciplinary action after 18 months. The OIG concurred based on the new information. 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 hiring authority delayed conducting the disciplinary findings conference, the department attorney did not provide written confirmation of penalty discussions, and the disciplinary action did not include required language.

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 2, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until March 28, 2017, 26 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 action 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 delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-30	17-0022952-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On October 30, 2016, three officers allegedly left their assigned post without authorization, leaving inmates unsupervised and leading to an inmate attacking a second inmate. A sergeant allegedly failed to ensure the attacked inmate received timely medical care, and a psychiatric technician allegedly failed to provide timely medical care to the attacked inmate. On April 5, 2017, one of the officers allegedly lied during an inmate complaint inquiry.</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 consult and the department attorney did not timely assess the deadline for disciplinary action, timely consult, or adequately cooperate with the OIG.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 December 29, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 15, 2017, 137 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 June 12, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until July 12, 2017, 30 days after assignment.</i> ◦ No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned June 12, 2017, but did not contact the special agent or the OIG to discuss the elements of a thorough investigation until July 6, 2017, 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 for the psychiatric technician on November 30, 2017. However, the hiring authority for the psychiatric technician did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 3, 2018, 34 days thereafter.</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>The department attorney did not provide the OIG a memorandum regarding her legal advice, analysis, and recommendations before the findings and penalty conference.</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 found insufficient evidence to sustain the allegations. The OIG concurred.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-06	16-0002094-IR	1. Neglect of Duty 2. Dishonesty 3. Other Failure of Good Behavior	1. Sustained 2. Not Sustained 3. Not Sustained	Suspension	Suspension

Case Type: Direct Action (No Subject Interview)

Incident Summary

On November 6, 2016, outside law enforcement arrested an officer after he allegedly grabbed his wife by the arm, refused to release his grip, and damaged her mobile phone. The officer also allegedly lied to a sergeant when he reported the arrest.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the department attorney did not document an exception to the deadline to take disciplinary action, modify the deadline when the exception ended, or provide a memorandum before the investigative findings conference and the hiring authority did not timely consult. 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 approved an interview of the officer to address the allegation he lied to a sergeant.
- **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 confirming relevant dates but neglected to note the exception to the deadline for taking disciplinary action based on criminal tolling.
- **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.
- **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 criminal case concluded on October 19, 2017, but the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until December 4, 2017, 46 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 with a memorandum regarding her legal advice, analysis, and recommendations before 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.

Case Disposition

The hiring authority sustained the allegation the officer destroyed his wife's mobile phone, but not the remaining allegations, and imposed a two-working-day suspension. 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 the hiring authority did not timely conduct the disciplinary findings conference and the department attorney prepared a memorandum and disciplinary action that omitted information required by 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 criminal case against the officer concluded on October 19, 2017, but the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 4, 2017, 46 days thereafter.
- **Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG?**
The memorandum did not include a summary of mitigating and aggravating factors discussed at the disciplinary findings conference.
- **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
2016-11-21	17-0021850-IR	1. Discourteous Treatment 2. Dishonesty 3. Discourteous Treatment	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On November 21, 2016, an officer allegedly used profane language toward an inmate and another officer. On December 12, 2016, the officer allegedly lied to a lieutenant and on January 2, 2017, allegedly lied to another lieutenant.

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 23, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 10, 2017, 79 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.

<p>Case Disposition</p> <p>The hiring authority sustained the allegations that the officer used profane language toward an inmate and another officer, but not the remaining allegations, and imposed a 5 percent salary reduction for 12 months. The OIG concurred. At the <i>Skelly</i> hearing, the officer accepted responsibility. The department entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for eight months. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.</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 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, 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 notify the officer of the right to respond to an uninvolved manager.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-01	17-0021914-IR	1. Neglect of Duty 2. Traffic Related Incidents While On Duty 3. Dishonesty 4. Neglect of Duty 5. Traffic Related Incidents While On Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Salary Reduction	Letter of Instruction
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary</p> <p>Between December 1, 2016, and December 29, 2016, a parole agent allegedly failed to obtain her supervisor's permission to change her work hours and failed to maintain accurate parolee records. Between December 5, 2016, and December 31, 2016, the parole agent allegedly failed to make all of the required visits with parolees and falsified records of supervision. Between December 5, 2016, and December 22, 2016, the parole agent allegedly falsified her travel log and on December 29, 2016, allegedly failed to safely operate a state vehicle resulting in an accident. On January 3, 2017, the parole agent allegedly falsified her timesheet.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies because the department attorney did not timely consult with the special agent or the OIG. In the OIG’s opinion, the department attorney incorrectly assessed the deadline to take disciplinary action and the Office of Internal Affairs delayed in conducting the first interview.</p>					
<p>Procedural Rating</p> <p>Insufficient</p>			<p>Substantive Rating</p> <p>Insufficient</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?**

In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action as January 4, 2018, when the deadline was actually December 29, 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 was assigned on March 3, 2017, and contacted the special agent on March 21, 2017, but they did not consult until April 20, 2017, 48 days after the department attorney was assigned and only after the OIG recommended they meet.

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

The department attorney did not timely consult with the special agent and the OIG. Also, the special agent was assigned on March 3, 2017, but did not conduct the first interview until August 11, 2017, more than five months later.

Case Disposition

The hiring authority sustained allegations that the parole agent failed to obtain permission from her supervisor to change her work hours, failed to maintain accurate parolee records, and negligently operated her state vehicle, but not the remaining allegations, and imposed a 10 percent salary reduction for 13 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement with the parole agent withdrawing the disciplinary action and issuing a letter of instruction. The OIG concurred because the department determined the evidence the hiring authority relied upon to sustain the allegation that the parole agent failed to maintain accurate parolee records was inaccurate.

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 parole agent of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-01	17-0022854-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Suspension	Suspension
Case Type: Administrative Investigation					
Incident Summary Between December 1, 2016, and December 29, 2016, a parole agent allegedly failed to completely and accurately maintain official parolee records and between February 2, 2017, and February 26, 2017, allegedly falsified his travel log and official parolee records. On March 1, 2017, the parole agent allegedly falsified his timesheet and on March 14, 2017, allegedly lied to his supervisor.					
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 timely complete the investigation.					
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 2, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 4, 2017, 63 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. In addition, the special agent interviewed the parole agent on August 16, 2017, and did not conduct any other interviews. However, the Office of Internal Affairs did not forward the investigative report to the hiring authority until January 19, 2018, five months thereafter.</i> 					
Case Disposition The hiring authority sustained the allegation that the parole agent failed to maintain accurate official parolee records, but not the remaining allegations, and determined a 12-working-day suspension was the appropriate penalty. The OIG concurred. However, the parole agent retired before the disciplinary action took effect. 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
2016-12-05	17-0022155-IR	1. Insubordination 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Administrative Investigation	
Incident Summary On December 5, 2016, a lieutenant allegedly failed to timely submit a report after he observed an inmate altercation. On December 28, 2016, the lieutenant allegedly lied to a use-of-force analyst regarding the reason for submitting an untimely report. On April 26, 2017, the lieutenant allegedly discussed the matter with another lieutenant after being instructed not to discuss the matter.	
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 assess the deadline for taking disciplinary action.	
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 December 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 23, 2017, 79 days later.</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 March 23, 2017, and did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 12, 2017, 173 days later.</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 a dishonesty allegation, and imposed a 10 percent salary reduction for six months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority entered a settlement agreement reducing the penalty to a 10 percent salary reduction for three months. The OIG concurred because the lieutenant accepted responsibility for the misconduct.	
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 lieutenant of his right to respond to an uninvolved manager.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-13	17-0000144-IR	1. Dishonesty 2. Use of Force 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Dismissal	Suspension
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary</p> <p>On December 13, 2016, an officer caught a private citizen attempting to introduce four mobile phones and chargers into the institution and allegedly deployed pepper spray without need, failed to timely report the discovery of the contraband and his use of force, failed to properly process the contraband, and lied to a lieutenant regarding the incident.</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			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 completed its investigation and referred the matter to the hiring authority on June 19, 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 17, 2017, 120 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 dismissed the officer. The OIG concurred. At the <i>Skelly</i> hearing, the officer produced service awards from the community and the department that were not considered at the time the hiring authority imposed discipline. The hiring authority entered into a settlement agreement with the officer reducing the penalty to a 30-working-day suspension and a 10 percent salary reduction for 15 months. The OIG concurred with the hiring authority's decision to modify the dismissal based on the factors learned at the <i>Skelly</i> hearing but did not concur with the agreed upon penalty because it did not reflect the gravity of the misconduct. However, the settlement terms did not merit a higher level of review because the penalty remained within departmental guidelines.</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 did not serve the disciplinary action in accordance with policy and the department attorney did not provide written confirmation of penalty discussions or include required language in the disciplinary action. In the OIG's opinion, the hiring authority settled the case for a penalty that did not reflect the gravity of the misconduct.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 19, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 17, 2017, 120 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 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?**
In the OIG’s opinion, the penalty in the settlement agreement did not reflect the gravity of the misconduct.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur with the penalty reduction because the new penalty did not reflect the gravity 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 action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on October 17, 2017. However, the department did not serve the disciplinary action until November 30, 2017, 44 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-16	17-0022269-IR	1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment	1. Sustained 2. Not Sustained 3. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On January 16, 2017, an officer allegedly used a racially derogatory term toward an inmate and inappropriately disconnected the power to the inmate's cell. On February 14, 2017, the officer allegedly lied to a sergeant during an inmate complaint inquiry and on May 24, 2017, 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 delayed referring the matter to the Office of Internal Affairs and the department attorney did not assess the deadline for taking disciplinary action. 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 January 16, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 14, 2017, 57 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 and added a second officer as subject of the investigation because the officer potentially witnessed the alleged misconduct and a third officer as a subject of the investigation because the officer was seen on the visual recording of the incident.

- **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.

- **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 dishonesty allegations, but not the remaining allegations, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

Overall, the department sufficiently complied with policies governing the disciplinary phase. In addition, before the hearing, the department attorney gathered additional evidence and successfully challenged the officer's motion to dismiss the disciplinary action based on his claim the department violated his rights.

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 the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-17	17-0022323-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Demotion	Letter of Instruction
Case Type: Administrative Investigation					

<p>Incident Summary</p> <p>On January 17, 2017, a lieutenant and a sergeant allegedly failed to ensure an officer submitted an accurate and complete incident report. On January 21, 2017, the sergeant allegedly altered and submitted the officer's report. On January 22, 2017, the lieutenant allegedly failed to retain the officer's original report and submitted the officer's altered report, and on October 10, 2017, the lieutenant and sergeant allegedly lied during interviews with the Office of Internal Affairs.</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 and the Office of Internal Affairs did not complete the investigation in a timely manner, resulting in faded memories.</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 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 17, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 17, 2017, three months 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 December 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 January 2, 2018, 19 days thereafter.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on April 12, 2017, but did not complete the investigation until December 14, 2017, eight months thereafter, resulting in a critical witness, the sergeant, and the lieutenant being unable to recall critical events. The other delays are addressed in prior questions.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegation the lieutenant failed to ensure a complete and accurate incident report was submitted, but not the remaining allegations against him, and imposed a 5 percent salary reduction for six months. The hiring authority sustained all allegations against the sergeant and demoted him to an officer for 12 months. The hiring authority determined a demotion was appropriate because the sergeant was only recently promoted, took direction from his lieutenant to correct the officer's incident report, and had recently received a commendation. The OIG concurred based on the factors the hiring authority identified. At the <i>Skelly</i> hearings, the lieutenant and sergeant credibly stated they did not intend to deceive the hiring authority, the sergeant had not received supervisory training before the incident, and based on their experiences in this case, a similar situation would not recur. Based on this information, the hiring authority revoked both disciplinary actions and issued letters of instruction. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.</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 investigation and referred the matter to the hiring authority on December 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 2, 2018, 19 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 actions did not advise the lieutenant and sergeant 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
2017-01-27	17-0021916-IR	<ol style="list-style-type: none"> Discourteous Treatment Other Failure of Good Behavior Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On January 27, 2017, outside law enforcement arrested an officer after he was allegedly intoxicated in public and struck another officer and his girlfriend. The officer also allegedly directed expletives at outside law enforcement officers. On January 26, 2018, the officer suffered a misdemeanor conviction for disturbing the peace.

Investigative Phase Assessment
 The department did not comply with policies governing the investigative phase because the department attorney did not timely note an exception to the deadline to take disciplinary action.

Procedural Rating Insufficient	Substantive Rating Sufficient
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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 department attorney was assigned on March 3, 2017, but did not make an entry into the case management system regarding an exception to the deadline to take disciplinary action based on criminal tolling until May 22, 2017, more than two months later.</i>
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Case Disposition
 The hiring authority sustained the allegations, except that the officer was intoxicated and struck the other officer and the other officer's girlfriend, and imposed a 10 percent salary reduction for 12 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not properly draft the disciplinary action and the department did not serve the disciplinary action in accordance with policy.</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, 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 February 7, 2018. However, the department did not serve the disciplinary action until March 15, 2018, 36 days later.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-30	17-0022085-IR	<ol style="list-style-type: none"> Misuse of Authority Neglect of Duty Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action with Subject-Only Interview

Incident Summary
 On January 30, 2017, an officer allegedly confiscated inmates' food without cause and for personal use and failed to provide the inmates receipts for the food. On May 23, 2017, during an interview with the Office of Internal Affairs, the officer allegedly falsely denied eating the inmates' food.

Investigative Phase Assessment
 The department did not comply with policies governing the investigative phase because the department attorney did not provide the OIG written feedback provided to the special agent. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.

<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</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 added misuse of authority and dishonesty allegations because of evidence the officer required inmates to relinquish food in exchange for distribution of their quarterly packages and his dishonesty regarding his actions.

- **Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?**

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

Case Disposition

The hiring authority sustained the allegations the officer took inmates' food without justification and failed to issue receipts for the food, but not the remaining allegations, and imposed a 5 percent salary reduction for 12 months. The OIG concurred. After the *Skelly* hearing, the hiring authority reduced the penalty to a 5 percent salary reduction for six months. The OIG concurred because the officer accepted responsibility at the *Skelly* hearing. After serving the disciplinary action, the hiring authority reached a settlement agreement with the officer agreeing to remove the disciplinary action from the officer's official personnel file 18 months after the effective date. The OIG concurred because the monetary penalty remained the same.

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
2017-01-31	17-0023270-IR	1. Dishonesty 2. Misuse of Authority 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

Between January 31, 2017, and April 5, 2017, a senior youth counselor allegedly falsified group intervention sign-in and reporting forms. On March 7, 2017, the senior youth counselor allegedly falsified advanced treatment sign-in sheets and counseling notes and instructed an officer to obtain wards' signatures indicating they attended group counseling she did not conduct. On March 9, 2017, the senior youth counselor allegedly falsified an observation form and on February 8, 2018, 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 hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not timely assess the deadline for taking disciplinary action.

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 7, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 13, 2017, 98 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 on July 10, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 3, 2017, 24 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, except that the senior youth counselor falsified intervention group sign-in sheets, reporting forms, and observation forms and an improperly worded allegation, and identified dismissal as the appropriate penalty. The OIG concurred. However, as part of a settlement agreement in another pending disciplinary action, the senior youth counselor resigned before disciplinary action could be imposed, and the hiring authority placed the settlement agreement in the senior youth counselor's official personnel file.

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
2017-02-01	17-0021911-IR	1. Dishonesty 2. Intoxication	1. Sustained 2. Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On February 1, 2017, outside law enforcement arrested an officer for allegedly driving under the influence of alcohol and fleeing the scene of an accident. The officer allegedly lied when she denied drinking alcohol. On February 4, 2017, the officer allegedly lied to a lieutenant regarding the incident and, on January 8, 2018, 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 the allegations and identified dismissal as the appropriate penalty. 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 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 <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
2017-02-01	17-0023947-IR	1. Over-Familiarity 2. Neglect of Duty 3. Discourteous Treatment 4. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					

Incident Summary

Between February 1, 2017, and August 31, 2017, an officer allegedly failed to wear mandatory safety equipment, secure inmates in handcuffs when required, and search items he passed from one inmate to another. On August 26, 2017, the officer allegedly told inmates that another officer had reported their misconduct and told inmates that they had an informant on the tier. On August 28, 2017, the officer allegedly tried to issue an unauthorized radio to an inmate and on September 25, 2017, allegedly dropped a note in an inmate's cell to taunt 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, the department attorney did not assess relevant dates. In the OIG's opinion, the Office of Internal Affairs did not make a correct initial determination. However, the special agent conducted thorough interviews and, in consultation with the OIG and department attorney, astutely handled issues during the officer's interview.

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 27, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 20, 2017, 54 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 resolve factual questions and interview officers regarding the incident.
- **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, she merely stated she assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.
- **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 the allegation the officer failed to search items provided to inmates and an improperly worded allegation, and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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
2017-02-01	17-0024605-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 February 1, 2017, an officer allegedly issued an unauthorized radio to an inmate and on September 18, 2017, allegedly issued an unauthorized package to a second inmate and lied to a warehouse supervisor regarding the incidents.

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 required entry into the case management system.

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 hiring authority learned of the alleged misconduct on September 18, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 8, 2017, 51 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 made an entry into the case management system. However, she merely stated that she assessed the date of the incident, the discovery date, and the deadline for taking disciplinary action without indicating the actual dates.
- **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 the dishonesty allegation, and imposed a 5 percent salary reduction for 24 months. The OIG concurred. After the *Skelly* hearing, the department entered into a settlement reducing the penalty to a 5 percent salary reduction for 12 months. The OIG concurred because the officer accepted responsibility during the *Skelly* hearing.

Disciplinary Assessment

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

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
2017-02-03	17-0022083-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On February 3, 2017, an officer allegedly documented conducting an inmate count he had not completed and lied to a sergeant who asked him if he had performed the count. A second officer was allegedly asleep while on duty.</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			Substantive Rating		
Insufficient			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 3, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 19, 2017, 75 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</p> <p>The hiring authority sustained the allegation against the second officer and imposed a 5 percent salary reduction for three months. The hiring authority found insufficient evidence to sustain the allegations against the first officer. The OIG concurred with the hiring authority's determinations. Following a <i>Skelly</i> hearing, the department entered into a settlement with the second officer reducing the penalty to a 5 percent salary reduction for one month because the officer demonstrated he had learned from the experience and had implemented a plan to ensure the misconduct would not occur again. The OIG concurred with the settlement based on the factors learned at the <i>Skelly</i> hearing.</p>					
<p>Disciplinary Assessment</p> <p>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"> ◦ 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 his right to respond to an uninvolved manager.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-08	17-0022393-IR	1. Dishonesty 2. Use of Force 3. Neglect of Duty 4. Dishonesty 5. Failure to Report	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On February 8, 2017, an officer allegedly left his assigned post to confront two inmates, slammed one of the inmate's heads against a wall, participated in a coordinated effort with a second officer in preparing his report, lied in his report, and failed to thoroughly document his use of force. On February 9, 2017, the second officer allegedly participated in a coordinated effort with the first officer in preparing his report and lied in his report. On February 16, 2017, the first officer allegedly lied in a supplemental report and on September 12, 2017, allegedly lied in 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 that the first officer left his assigned post to confront inmates, slammed an inmate's head against a wall, failed to accurately report his use of force, and lied in a supplemental report and during his interview with the Office of Internal Affairs, but not the other allegations against him, and determined dismissal was the appropriate penalty. However, the officer resigned before disciplinary action was imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action. The hiring authority found insufficient evidence to sustain the allegations against the second officer. The OIG concurred with the hiring authority's determinations.					
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 officer of the right to respond to an uninvolved manager.</i> 					

Incident Date 2017-02-11	OIG Case Number 17-0022395-IR	Allegations 1. Use of Force 2. Neglect of Duty 3. Dishonesty 4. Use of Force 5. Neglect of Duty	Findings 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On February 11, 2017, three officers allegedly dragged an inmate by his arm and failed to write reports before being relieved from duty, and a lieutenant allegedly failed to gather reports from the officers. The lieutenant, a sergeant, and a nurse allegedly witnessed the incident and failed to write reports. The lieutenant also allegedly allowed officers and a nurse to be present during the inmate’s video-recorded interview and lied in her report regarding the inmate’s statements. A business manager allegedly told the lieutenant that the officers' actions did not constitute a use-of-force incident requiring documentation.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authorities did not timely consult with the department attorney and the OIG.</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 completed its investigation and referred the matter to the hiring authorities October 17, 2017. However, the hiring authority for the officers, sergeant, lieutenant, and business manager did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until November 13, 2017, 27 days thereafter. The hiring authority for the nurse did not consult with the OIG and department attorney until January 3, 2018, 78 days after the Office of Internal Affairs returned the matter.</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 that the three officers failed to timely complete reports, but not the remaining allegations against them, and issued each a letter of reprimand. The OIG concurred. Two of the officers filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with both officers striking willful disobedience as a cause of action. The OIG concurred with the settlement agreement with one of the officers because she had worked for the department for less than two years, had worked two shifts in a row, and a lieutenant had sent her home. The OIG did not concur with the settlement for the other officer but was not consulted before entering into the settlement agreement. The hiring authority sustained the allegations that the lieutenant failed to gather reports and allowed unauthorized persons to be present during the video-recorded interview, but not the remaining allegation, and imposed a 5 percent salary reduction for nine months. The OIG concurred. The lieutenant did not file an appeal with the State Personnel Board. The hiring authority sustained the allegation that the sergeant failed to prepare a report and imposed a 5 percent salary reduction for two months. The sergeant received a higher penalty than the officers because he was a supervisor. The OIG concurred. After the sergeant's *Skelly* hearing, the hiring authority modified the penalty to a 5 percent salary reduction for one month. The OIG concurred because the sergeant expressed remorse and stated his lieutenant instructed him to not document the incident. The sergeant did not file an appeal with the State Personnel Board. The hiring authority found insufficient evidence to sustain the allegation against the business manager. The hiring authority for the nurse 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 authorities delayed conducting the disciplinary findings conference and did not adequately consult with the OIG and the department attorney did not provide complete written confirmation of penalty discussions or prepare disciplinary actions in compliance 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 authorities October 17, 2017. However, the hiring authority for the officers, sergeant, lieutenant, and business manager did not consult with the OIG and department attorney regarding the disciplinary determinations until November 13, 2017, 27 days thereafter. The hiring authority for the nurse did not consult with the OIG and department attorney until January 3, 2018, 78 days after the Office of Internal Affairs returned the matter.

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

The memorandum did not include the relevant mitigating and aggravating factors discussed at the disciplinary findings conference.

- **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, sergeant, and lieutenant of the right to respond to an uninvolved manager.

- **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 agreeing to a settlement with an officer.

- **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 entering into settlement negotiations with an officer.

- **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 officers did not consult with the OIG before entering into a settlement with one of the officers. The hiring authority for the nurse did not provide a draft of the letter of instruction to the OIG for review before serving the nurse.

- **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
2017-02-25	17-0022720-IR	1. Dishonesty 2. Use of Force 3. Neglect of Duty 4. Dishonesty 5. Use of Force 6. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

On February 25, 2017, a lieutenant allegedly poured dishwashing soap on an inmate's hands in an effort to force the inmate to open his hands, failed to timely report the use of force, lied to a chief deputy warden and second lieutenant, failed to secure a video recording as evidence, and failed to timely report officers' use of force he observed. Between February 25, 2017, and February 28, 2017, the lieutenant allegedly lied in written reports. A sergeant and four officers allegedly failed to timely report the use of force observed. A fifth officer allegedly failed to report his own use of force. Two of the first four officers and a sixth and seventh officer allegedly failed to report that the lieutenant and a sergeant gave an order to temporarily interrupt the recording.

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. In the OIG's opinion, the department attorney gave incorrect advice and the hiring authority made an incorrect 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 February 25, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 20, 2017, 54 days after the date of discovery.
- **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 recommended the hiring authority not sustain the allegation against the seventh officer even though there was a preponderance of evidence to support sustaining the allegation.
- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**
In the OIG's opinion, the hiring authority's decision to not sustain the allegation against the seventh officer was incorrect because there was a preponderance of evidence supporting 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 the allegations against the lieutenant, except that he failed to timely report use of force observed and one duplicate dishonesty allegation, and identified dismissal as the appropriate penalty. The OIG concurred. However, the lieutenant retired before disciplinary action could be imposed. The hiring authority placed a letter in the lieutenant's official personnel file indicating he retired with pending disciplinary action. The hiring authority sustained the allegation against the officer who failed to report his use of force and failed to properly document his report and issued a letter of instruction. The hiring authority found insufficient evidence to sustain the allegations against the sergeant and other officers. The OIG concurred except for the finding as to the seventh officer. The OIG did not seek a higher level of review because the hiring authority provided training to the officer.

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
2017-03-01	17-0024266-IR	1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty 4. Dishonesty 5. Over-Familiarity 6. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary</p> <p>Between March 2017 and May 2017, an officer allegedly engaged in sexual misconduct with an inmate. On March 18, 2017, and March 19, 2017, the officer allegedly had the inmate ship packages to a post office box. On March 29, 2017, the officer allegedly sent an email message to the inmate and on April 30, 2017, was found with the inmate's initials tattooed on her arm. On May 6, 2017, the officer allegedly introduced mobile phones and narcotics into the institution, entered the inmate's dormitory alone, was found with the inmate in his bunk, failed to wear a personal alarm, failed to respond to radio calls, sent text messages to the inmate, and lied to two sergeants and in a report. On November 4, 2017, the officer allegedly sent money transfers to a second inmate's parents and on November 20, 2017, and November 29, 2017, was allegedly dishonest during her interviews with the Office of Internal Affairs.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except the allegation that the officer introduced contraband and improperly worded allegations, and served the officer with a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.</p>					
<p>Disciplinary Assessment</p> <p>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"> ◦ 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
2017-03-02	17-0023088-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary</p> <p>Between March 2, 2017, and September 25, 2017, a parole agent allegedly used a state computer for non work-related reasons. Between March 20, 2017, and June 8, 2017, the parole agent allegedly falsified mileage logs and timesheets, failed to document her work hours and supervision contacts, failed to document case activity in a database, and failed to notify her supervisor before changing her work hours.</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 for taking disciplinary action or provide accurate advice to the hiring authority. In the OIG's opinion, the department attorney did not provide timely advice to the special agent or the hiring authority and the Office of Internal Affairs did not timely commence the investigation.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 June 22, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 18, 2017, 88 days after assignment.</i></p> <p>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?</p> <p><i>The hiring authority asked the department attorney for advice about whether the investigation should be completed before the parole agent's probationary period ended. The department attorney incorrectly advised the hiring authority the department could not take disciplinary action and reject the parole agent on probation for the same alleged misconduct. After the OIG advised the department attorney the advice was incorrect, the department attorney failed to provide clear advice to the hiring authority. In addition, the department attorney did not respond to the same questions from the special agent.</i></p> <p>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?</p> <p><i>The department attorney did not advise the special agent regarding whether to complete the investigation before the parole agent's probationary period ended.</i></p> <p>In the OIG's opinion, did the department conduct the investigative phase with due diligence?</p> <p><i>In the OIG's opinion, the Office of Internal Affairs did not timely commence the investigation. The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on June 21, 2017, but did not conduct the first and only interview until January 17, 2018, almost seven months later.</i></p> 					

Case Disposition

The hiring authority found insufficient evidence to sustain the allegations but provided training to the parole agent regarding computer use. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-05	17-0023196-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On March 5, 2017, an officer allegedly failed to properly conduct an inmate count. On March 6, 2017, a second officer allegedly failed to properly conduct three inmate counts.

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 adequately assess the deadline for taking disciplinary action. 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 March 6, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 6, 2017, 92 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 dishonesty allegations because there was sufficient evidence the officers documented completing inmate counts they did not complete.
- **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, she merely stated that she assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.
- **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 until after the OIG recommended the modification.
- **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 that the second officer failed to conduct two inmate counts, but not the remaining allegation against her or the allegation against the first officer, and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. At the hearing, the pathologist failed to testify as expected, and the department entered into a settlement agreement with the officer withdrawing the disciplinary action. Based on the evidentiary issues that arose during the hearing, the OIG concurred with the settlement.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the disciplinary action did not include required language and the initial pre-hearing settlement conference statement was not complete. In the OIG's opinion the department attorney did not adequately prepare for the hearing.

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.
- **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?**
The initial pre-hearing settlement conference statement did not include expert witness resumes, but the department attorney filed an amended statement curing the defect.
- **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, the department attorney did not timely prepare expert witnesses to identify deficiencies and provide sufficient time to retain an outside expert to testify about the time of death.
- **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, the department attorney did not present an expert who could competently testify to the time of the inmate's death, which was a key issue.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-13	17-0022467-IR	1. Discrimination/Harassment 2. Failure to Report 3. Discourteous Treatment 4. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action with Subject-Only Interview

<p>Incident Summary</p> <p>On March 13, 2017, an officer allegedly made obscene statements and sexually explicit body gestures toward an inmate and made an obscene comment about the inmate's mother. A second officer allegedly failed to intervene and report the first officer's misconduct.</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? <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 against the first officer and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel proceedings, the officer withdrew his appeal. The hiring authority sustained the allegation the second officer failed to report the first officer's misconduct, but not the remaining allegation, and imposed a 5 percent salary reduction for eight months. The OIG concurred. The second 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 employee relations officer did not prepare or serve the disciplinary actions in accordance with policy or adequately cooperate with the OIG.</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 their right to respond to an uninvolved manager.
- **Did the department conduct the Skelly hearing pursuant to policy?**
The employee relations officer did not provide the OIG with notice of the Skelly hearings.
- **Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed?**
The employee relations officer did not provide the OIG with a draft pre-hearing settlement conference statement before filing it with the State Personnel Board.
- **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 employee relations officer did not notify the OIG of the Skelly hearings or timely provide a copy of the pre-hearing settlement conference statement to the OIG.
- **In the OIG's opinion, did the department conduct the disciplinary phase with due diligence?**
The employee relations officer 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 October 6, 2017. However, the employee relations officer did not serve the disciplinary action on the second officer until January 3, 2018, and the first officer until January 10, 2018, 89 and 96 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-14	17-0022548-IR	1. Dishonesty 2. Misuse of Authority	1. Sustained 2. Sustained	Dismissal	Demotion
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On March 14 and March 15, 2017, a supervising counselor allegedly asked a counselor and a staff services analyst to falsify a date on an official document and told the staff services analyst to tell an appeals coordinator that documents were served on a specific date when they were actually served five days later. On March 15, 2017, the counselor allegedly served an official document on an inmate knowing the date of service was incorrect. On June 20, 2017, the supervising counselor allegedly lied during her Office of Internal Affairs 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 sustained the allegations and dismissed the supervising counselor and imposed a 10 percent salary reduction for 24 months on the counselor. The hiring authority believed the counselor was less culpable and more forthright during the investigation. The OIG concurred with the hiring authority's determinations. The counselors filed appeals with the State Personnel Board. Prior to the hearing, based on anticipated testimony from a new hiring authority that he believed the supervising counselor did not engage in the misconduct for personal gain, the misconduct was unlikely to reoccur, and he would testify favorably for her, the department entered into a settlement agreement with the supervising counselor modifying the termination to a one-year-suspension and demoting her to a counselor position with an agreement not to promote. The OIG concurred with the settlement based on the anticipated testimony, the penalty imposed was still severe, and the supervising counselor agreed to not promote in the future. The department also entered into a settlement agreement with the counselor reducing the penalty to a 10 percent salary reduction for 18 months because the counselor changed his practice in completing forms and verifying information. The OIG concurred because the penalty remained within the department's guidelines.					
Disciplinary Assessment The department sufficiently complied with policies during the disciplinary phase. Additionally, the department attorney demonstrated a high degree of professionalism and zealously represented the department in the face of mounting pressure from an administrative law judge during the pre-hearing settlement conference.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-17	17-0022546-IR	1. Sexual Misconduct 2. Discrimination/Harassment 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					

<p>Incident Summary</p> <p>On March 17, 2017, two officers allegedly shot rubber bands at other employees and participated in multiple inappropriate conversations. The first officer allegedly made racial insults and sexually inappropriate comments. The second officer allegedly failed to report the first officer's misconduct.</p>	
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination or timely open an administrative investigation and the hiring authority did not add an allegation the evidence supported.</p>	
<p>Procedural Rating Sufficient</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 opened an administrative investigation, added a harassment allegation for the second officer, and added a third officer for dishonesty and failure to report misconduct allegations because a witness reported the second officer made disparaging remarks about women depicted in photographs and another witness reported the third officer was a target of the rubber bands and close enough to hear the first two officers' statements. Also, the third officer claimed in his memorandum he did not notice the misconduct except some rubber bands fired by the first two officers.</i> ◦ 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? <i>The Office of Internal Affairs agreed to interview the officers but denied the OIG's recommendation to open a full investigation until after interviewing the officers.</i> ◦ In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation? <i>In the OIG's opinion, the hiring authority should have added an allegation that the second officer was dishonest during his interview with the Office of Internal Affairs because he denied being aware of any misconduct and the hiring authority found the second officer knowingly engaged in misconduct with the first officer.</i> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the first officer and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer retired prior to the completion of the investigation. Therefore, disciplinary action was not taken. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action. The hiring authority sustained the allegations against the second officer and imposed a 30-working-day suspension. 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. The second officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the second officer reducing the penalty to a 15-working-day suspension. The OIG did not concur. 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 hiring authority did not timely serve the second officer's disciplinary action and modified his penalty without sufficient justification. The disciplinary action did not contain all required notices. In the OIG's opinion, the hiring authority did not impose a penalty reflective of the second officer's misconduct.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</p>

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 dishonesty allegation for the second officer because the officer lied during his interview with the Office of Internal Affairs.

- **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 second officer instead of issuing a suspension because the officer lied during his interview with the Office of Internal Affairs.

- **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 second officer 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 settlement agreement for the second officer did not comply with policy because the hiring authority 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 because the hiring authority did not initially impose an appropriate penalty and then modified the penalty without identifying 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 second officer's disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on December 1, 2017. However, the department did not serve the disciplinary action until January 5, 2018, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-18	17-0023089-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On March 18, 2017, an officer allegedly falsely reported that she struck an inmate with a baton to stop the inmate from hitting another inmate in the face.					
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. In the OIG's opinion, the special agent and department attorney did not adequately consult with the OIG and the department attorney and employee relations officer did not identify the correct deadline to take disciplinary action.					
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 March 18, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 5, 2017, 79 days after the date of discovery.

- **In the OIG's opinion, did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?**
In the OIG's opinion, the special agent did not adequately confer with the OIG because the special agent and department attorney met without notifying the OIG.

- **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 identified May 15, 2017, as the date of discovery when evidence showed the department learned of the alleged misconduct on March 18, 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 the elements of a thorough investigation and met with the special agent without notifying 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 September 7, 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 17, 2017, 40 days thereafter.

- **In the OIG's opinion, did the department completely and correctly complete the form documenting the investigative findings?**
In the OIG's opinion, the employee relations officer documented an incorrect deadline to take disciplinary action.

- **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 the officer submitted an inaccurate report, but not that she was dishonest, and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority delayed conducting the disciplinary findings conference and the disciplinary action was not prepared or served in accordance with policy. In the OIG's opinion, the employee relations officer entered an incorrect date in the disciplinary findings form.

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 September 7, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 17, 2017, 40 days thereafter.

- **In the OIG's opinion, did the department completely and correctly complete the form documenting the disciplinary determinations?**

In the OIG's opinion, the employee relations officer documented an incorrect deadline to take disciplinary action.

- **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 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 17, 2017. However, the department did not serve the disciplinary action until January 29, 2018, 104 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-22	17-0022634-IR	1. Controlled Substances	1. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					
Incident Summary On March 22, 2017, an officer allegedly tested positive for marijuana.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not enter relevant dates into the case management system and the hiring authority did not timely conduct the investigative findings conference.					
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?**

The department attorney 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 May 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until June 8, 2017, 29 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 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 wherein the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of ensuring the officer did not work for the department.

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 did not prepare or 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 returned the case to the hiring authority on May 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 8, 2017, 29 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 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, 2017. However, the department did not serve the disciplinary action until July 28, 2017, 50 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-22	17-0024034-IR	1. Discrimination/Harassment 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On March 22, 2017, a chief allegedly illegally parked a motorcycle between two handicapped parking spaces. On July 21, 2017, the chief, while at work and in the presence of other employees, allegedly mocked a foreign accent, imitating his girlfriend who has the same foreign accent, and stated his girlfriend was working a “limited term” and he just wanted another free haircut before he ended her employment.</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>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 21, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 21, 2017, 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</p> <p>The hiring authority sustained the allegations, and the OIG concurred. However, the chief resigned before the investigation was complete. The hiring authority placed a letter in the chief'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>					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-01	17-0024407-IR	1. Sexual Misconduct	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary Between April 1, 2017, and July 30, 2017, a business services officer specialist 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 consult with the OIG and the employee relations officer did not make an entry in the case management system confirming relevant dates.					
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 employee relations officer did not make an 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 completed its investigation and referred the matter to the hiring authority on January 30, 2018, and the hiring authority conducted the investigative findings conference on February 1, 2018, without consulting the OIG. The hiring authority did not consult the OIG until February 21, 2018, after making a determination and three weeks after the Office of Internal Affairs completed the investigation.</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 hiring authority did not consult with the OIG prior to making a determination regarding the sufficiency of the investigation and investigative findings.</i> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegation. Although the hiring authority did not consult the OIG, the OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-03	17-0022729-IR	1. Weapons 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty 5. Insubordination	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Unfounded	Suspension	Modified Suspension
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On April 3, 2017, a sergeant allegedly negligently discharged a firearm in an office while attempting to clear the firearm, processed the scene, attempted to bench the firearm two hours before the end of his shift, and was dishonest about the incident. A lieutenant allegedly allowed the sergeant to process the scene before the lieutenant contacted the investigative services unit and failed to promptly notify the investigative services unit of the incident. An investigative services unit lieutenant allegedly disobeyed a captain's order to supervise the processing and collection of evidence.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
<p>Case Disposition</p> <p>The hiring authority sustained the allegations that the sergeant negligently discharged his firearm and processed the scene, but not the remaining allegations, and imposed a six-working-day suspension. The hiring authority sustained the allegations against the first lieutenant and imposed a letter of instruction. The hiring authority determined the investigation conclusively proved the investigative services unit lieutenant's alleged misconduct did not occur. The OIG concurred with the hiring authority's determinations. After a <i>Skelly</i> hearing, the hiring authority entered into a settlement with the sergeant reducing the penalty to a five-working-day suspension. The OIG concurred because the sergeant took responsibility and obtained training on his own time and at his own expense.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not serve the disciplinary action in accordance with policy and the case settlement report was not complete.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Sufficient		
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ 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 did not identify the sergeant's taking responsibility and obtaining additional firearms training as reasons for the 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 December 4, 2017, but did not serve the disciplinary action until January 5, 2018, 32 days thereafter.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-08	17-0022951-IR	1. Neglect of Duty 2. Dishonesty 3. Use of Force 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On April 8, 2017, two officers and a sergeant allegedly failed to report force they used on an inmate. Three other officers allegedly saw the use of force and failed to report it, and one of the three other officers allegedly lied to a lieutenant. The sergeant also allegedly told officers there was no need to write incident reports, lied to a lieutenant, and failed to have the inmate medically evaluated. A lieutenant allegedly failed to ensure all incident reports were completed. On July 15, 2017, one of the first two officers allegedly disobeyed an order from the Office of Internal Affairs to not discuss the matter, and, on July 18, 2017, the sergeant allegedly disobeyed an order from the Office of Internal Affairs not to discuss the matter.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not adequately cooperate with the OIG. In the OIG's opinion, the Office of Internal Affairs did not make a correct initial determination.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 an allegation the sergeant participated in a code of silence because it was evident the sergeant advised officers not to write reports even though they used force on an inmate.</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 department attorney did not provide a memorandum regarding her legal advice to the hiring authority or the OIG before the investigative findings conference, resulting in the need to reschedule the conference, and then provided the memorandum less than 24 hours before the rescheduled conference.</i> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegation against the lieutenant and issued a letter of instruction. The hiring authority sustained the allegations that the sergeant failed to have the inmate medically evaluated and discussed the incident after being ordered not to do so, but not the remaining allegations, and issued a letter of reprimand. The hiring authority sustained an allegation the third officer discussed the incident after being ordered not to do so, but not the remaining allegation, and issued a letter of instruction. The hiring authority found insufficient evidence to sustain allegations against the remaining officers. The OIG concurred with the hiring authority's findings as to the allegations but not the decision to issue a letter of reprimand to the sergeant. The OIG did not seek a higher level of review because the penalty was within the department's guidelines. The sergeant did not file an appeal with the State Personnel Board.</p>					

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department attorney did not include all required language in the disciplinary action or adequately cooperate with the OIG. In the OIG's opinion, the hiring authority should have imposed a higher penalty for the sergeant.

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 sergeant's misconduct warranted a salary reduction rather than a letter of reprimand.
- **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 a memorandum regarding her legal advice to the hiring authority or the OIG before the disciplinary findings conference, resulting in the need to reschedule the conference, and then provided the memorandum less than 24 hours before the rescheduled conference.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-12	17-0023090-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 April 12, 2017, an officer allegedly unnecessarily pushed an inmate and wrapped his arm around the inmate's neck, and lied about the incident. Two other officers also allegedly lied about the incident.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the hiring authority delayed conducting the investigative findings conference.

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 January 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 March 13, 2018, 47 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 found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-19	17-0023640-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Unfounded	Salary Reduction	Letter of Instruction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 19, 2017, three youth counselors allegedly failed to conduct required 30-minute welfare checks and a senior youth counselor allegedly failed to ensure the completion of a ward's suicide risk and screening questionnaire.

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.

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 April 19, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 18, 2017, 90 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 August 9, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until October 31, 2017, 83 days thereafter. The hiring authority continued the conference for the youth counselors to December 12, 2017, an additional 42 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 against two of the youth counselors and imposed 5 percent salary reductions for five months on each. The hiring authority sustained the allegation against the senior youth counselor and imposed a 5 percent salary reduction for nine months. The hiring authority determined that the investigation conclusively proved the third youth counselor was not involved. The OIG concurred with the hiring authority's determinations. After the *Skelly* hearings, the hiring authority withdrew the disciplinary actions against the youth counselors and issued letters of instruction because the youth counselors accepted responsibility and presented new information that diminished the evidentiary value of the reporting system relied upon by the hiring authority. After the senior youth counselor's *Skelly* hearing, the hiring authority reduced the penalty to a 5 percent salary reduction for six months because the senior youth counselor accepted responsibility and policy provides the senior youth counselor was not solely responsible for preparing the questionnaire. The senior youth counselor filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement wherein the department agreed to withdraw the disciplinary action and the senior youth counselor agreed to resign without back pay. The OIG concurred with the settlement because the senior youth counselor waived back pay, the department had served a letter of intent to dismiss the senior youth counselor in an unrelated matter, and the settlement achieved the goal of ensuring the senior youth counselor did not work for the department.

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 serve the disciplinary actions in accordance with policy and the disciplinary actions did not include language required by 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 matter to the hiring authority on August 9, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 31, 2017, 83 days thereafter. The hiring authority continued the conference for the youth counselors to December 12, 2017, an additional 42 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 youth counselors and senior youth 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?**
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 against the senior youth counselor on October 31, 2017. However, the department did not serve the disciplinary action until January 22, 2018, 83 days later. The hiring authority decided to take disciplinary action against the youth counselors on December 12, 2017, but did not serve the last disciplinary action until March 12, 2018, 90 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-21	17-0022954-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On April 21, 2017, three officers allegedly failed to respond to an inmate's call for help. Two of the officers allegedly failed to conduct security checks, perform proper inmate counts, conduct counts according to policy, and falsely entered counts they did not conduct into the inmate confidential records system. On April 22, 2017, a fourth officer allegedly failed to conduct security checks. He and a fifth officer allegedly failed to initiate life-saving measures on an inmate. A sixth officer allegedly failed to conduct proper inmate counts and security checks and falsely entered counts he did not conduct into the inmate confidential records system, and a seventh officer allegedly failed to conduct security checks.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority delayed conducting the investigative findings conference.					
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 November 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 January 12, 2018, 59 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 allegations against the second and third officers for failing to conduct security checks and properly perform counts, but not the remaining allegations, and imposed a 5 percent salary reduction for six months and seven months, respectively. The hiring authority imposed a higher penalty for the third officer based on his length of service. The hiring authority sustained the allegations that the sixth officer failed to properly conduct an inmate count and security check, but not the remaining allegations, and imposed a 5 percent salary reduction for nine months. The hiring authority sustained an allegation the fourth and seventh officers failed to conduct security checks, but not the remaining allegation against the fourth officer, and imposed a 5 percent salary reduction for three months. The hiring authority found insufficient evidence to sustain the allegations against the first and fifth officers. The OIG concurred with the hiring authority's determinations. The third officer filed an appeal with the State Personnel Board but failed to appear for a pre-hearing settlement conference. The State Personnel Board deemed the appeal to be withdrawn. The other 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 hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary actions in accordance with policy and the department attorney did not prepare a thorough memorandum or disciplinary actions that included all required language.

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 November 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 12, 2018, 59 days thereafter.

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

The department attorney did not include all mitigating and aggravating factors discussed during the disciplinary findings conference.

- **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.

- **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 action. The hiring authority decided to take disciplinary action on January 12, 2018, but the department did not serve the disciplinary actions until February 22 and February 23, 2018, 41 and 42 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-21	17-0023026-IR	1. Neglect of Duty 2. Misuse of State Equipment or Property 3. Neglect of Duty 4. Traffic Related Incidents While On Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On April 21, 2017, a parole agent allegedly crashed a state car into a tree and between April 21, 2017, and May 2, 2017, allegedly provided inconsistent statements to outside law enforcement and a supervising parole agent.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs made an incorrect initial determination and the department attorney did not properly advise the hiring authority.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
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 added a dishonesty allegation because the statements the parole agent made to outside law enforcement and a supervisor were materially different.</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 and assistant chief counsel's advice that the hiring authority not sustain any allegations was incorrect because there was sufficient evidence to prove that the parole agent caused the accident.</i> 					
Case Disposition The hiring authority sustained the allegations that the parole agent misused state property and neglected her duty while operating a vehicle, but not the remaining allegations. The hiring authority imposed a 5 percent salary reduction for four months. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent agreeing to remove the disciplinary action from the parole agent's official personnel file after 18 months. The OIG concurred with the settlement because the penalty did not change and the parole agent accepted responsibility 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 disciplinary action did not include required language.					
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 parole agent 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 September 29, 2017. However, the hiring authority did not serve the disciplinary action until November 2, 2017, 34 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-25	17-0023856-IR	1. Dishonesty 2. Failure to Report 3. Over-Familiarity	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between April 25, 2017, and October 25, 2017, two officers allegedly lied and participated in a code of silence to provide false testimony during a State Personnel Board hearing on behalf of one of the officers, and the second officer allegedly signed a false declaration. Between June 24, 2017, and August 22, 2017, the first officer allegedly participated in a code of silence and conspired with inmates to provide false testimony during a State Personnel Board hearing and on June 30, 2017, caused a document that contained false information to be filed with the State Personnel Board. On October 25, 2017, both officers allegedly lied during their interviews with the Office of Internal Affairs.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against both officers and determined dismissal was the appropriate penalty. The OIG concurred. However, the first officer retired prior to the completion of the investigation, and the second officer resigned before the disciplinary action took effect. The hiring authority placed letters in both officers' official personnel files indicating the first officer retired and the second officer 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			Substantive Rating		
Insufficient			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 January 8, 2018. However, the department did not serve the disciplinary action until February 15, 2018, 38 days later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-02	17-0023087-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 2, 2017, four officers allegedly threw an inmate to the ground, resulting in a cut on the inmate's head, a concussion, and three broken ribs.					
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
2017-05-02	17-0023578-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 2, 2017, an officer allegedly engaged in sexual activity in public that resulted in an outside law enforcement investigation for alleged rape.					
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 31, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 24, 2017, 54 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> 					
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
2017-05-06	17-0023339-IR	1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On May 6, 2017, an officer allegedly falsely told a lieutenant she did not hear a radio announcement about a use-of-force incident, failed to submit a report and refused to submit a report without being ordered, and failed to submit an accurate report regarding a use-of-force incident.					
Investigative Phase Assessment Overall, the department sufficiently 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 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 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 April 3, 2018, 28 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 found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-06	17-0023577-IR	1. Use of Force 2. Neglect of Duty 3. Use of Force 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Letter of Reprimand	Letter of Instruction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On May 6, 2017, two officers allegedly physically forced an inmate down on a stretcher during a cell extraction and failed to thoroughly document their use of force.					

<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, the department attorney did not timely assess the deadline to take disciplinary action, and the hiring authority did not timely consult.</p>	
<p>Procedural Rating Insufficient</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 May 18, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 7, 2017, 50 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 August 4, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 11, 2017, 38 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 returned the matter to the hiring authority on August 2, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until September 13, 2017, 42 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 against one of the officers and served a letter of reprimand and found insufficient evidence to sustain the allegations against the second officer. The OIG concurred. The first officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department withdrew the letter of reprimand and issued a letter of instruction. The OIG concurred based on new information that water, urine, and feces the inmate threw at the officers affected the officer's ability to respond with measured force.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely consult and the department attorney did not prepare a written settlement agreement.</p>	
<p>Procedural Rating Insufficient</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 matter to the hiring authority on August 2, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until September 13, 2017, 42 days thereafter.
- **If there was a settlement agreement, did the settlement agreement comply with the factors outlined in policy?**
The hiring authority agreed with the department attorney's recommendation to reduce the penalty to a letter of instruction as a settlement, but the department attorney did not prepare a written settlement agreement.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-19	17-0023903-IR	1. Over-Familiarity 2. Misuse of Authority	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On May 19, 2017, an officer allegedly asked an inmate about a pending criminal case in which the inmate assaulted the officer and tried to pressure the inmate to accept a plea bargain from the district attorney's office.

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 the special agent did not 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 June 14, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 17, 2017, 64 days after the date of discovery.
- **In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG?**
The special agent scheduled all interviews without confirming the OIG's availability and was unwilling to discuss alternatives.
- **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
2017-05-25	17-0023717-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Use of Force 4. Failure to Report 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Letter of Instruction	Letter of Instruction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On May 25, 2017, an officer allegedly forced a non-resistive inmate to the ground during an escort. A second officer allegedly placed a spit mask on the inmate without justification. The officers and a third officer allegedly participated in a coordinated effort to not report the use of force and submitted false reports regarding the incident. A fourth officer allegedly failed to properly observe the escort.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent did not adequately cooperate with the department attorney, causing the department attorney to miss critical interviews.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 May 25, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 19, 2017, 55 days after the date of discovery.</i> ◦ Did the department attorney attend key witness interviews to assess witness demeanor and credibility? <i>The department attorney did not attend the interviews of the inmate or the sergeant who discovered the potential discrepancies in the officers' reports because the special agent failed to inform her of the interviews.</i> ◦ 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? <i>The special agent did not inform the department attorney of two critical witness interviews.</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 against the fourth officer, but not the allegations against the other officers, and issued a letter of instruction. The OIG concurred.</p>					
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>					

Procedural Rating Sufficient	Substantive Rating Sufficient
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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-30	17-0024157-IR	1. Neglect of Duty 2. Dishonesty 3. Use of Force 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary
 On May 30, 2017, a sergeant allegedly placed handcuffs too tightly and unreasonably pushed two wards, failed to report the incident, placed the handcuffed wards in vans and failed to supervise them, and failed to complete disciplinary reports for the wards. A second sergeant allegedly witnessed the incident and failed to report it, and a senior youth counselor was informed of the incident and allegedly failed to initiate an inquiry or report it. On July 19, 2018, the second sergeant 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 did not timely conclude the investigative findings conference. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.

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 June 1, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 15, 2017, more than three 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 an allegation the first sergeant was discourteous because there was sufficient evidence the sergeant used foul language toward the ward.
- **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 March 16, 2018. However, the hiring authority did not complete the first sergeant's investigative findings conference until May 9, 2018, 54 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 the first sergeant failed to document the incident, but not the remaining allegations against him, the second sergeant, or senior youth counselor, and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. During the *Skelly* hearing, the sergeant provided a policy and new information that established the sergeant was not required to document the incident. Based on the new information, the hiring authority withdrew the disciplinary action. The OIG concurred based on the information learned at the *Skelly* hearing.

Disciplinary Assessment

The department did comply with policies governing the disciplinary phase because the hiring authority did not timely conclude the first sergeant's disciplinary findings conference and the disciplinary action did not include required language.

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 returned the matter to the hiring authority on March 16, 2018. However, the hiring authority did not conclude the first sergeant's disciplinary findings conference until May 9, 2018, 54 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 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 delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-01	17-0024124-IR	1. Dishonesty	1. Unfounded	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On June 1, 2017, a department attorney allegedly lied when she told a warden she consulted with her supervisor and manager regarding a case when she had not done so.</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. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		
<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 July 13, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 5, 2017, nearly three months 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 a dishonesty allegation because there was sufficient evidence to investigate whether the department attorney lied to the hiring authority when she told him she consulted with her supervisors regarding a case. During the course of the investigation, the Office of Internal Affairs eventually added a dishonesty allegation.</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 determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred.</p>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-04	17-0023337-IR	1. Dishonesty 2. Intoxication 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					
<p>Incident Summary</p> <p>On June 4, 2017, outside law enforcement arrested an officer after he allegedly drove a vehicle while under the influence of alcohol, resulting in an accident, and punching his wife in the mouth. The officer also allegedly lied to outside law enforcement officers. On September 21, 2017, the officer suffered a misdemeanor conviction for driving under the influence.</p>					
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>					
Procedural Rating			Substantive Rating		
Sufficient			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 included a dishonesty allegation because evidence showed the officer lied to outside law enforcement when he denied punching his wife in the face.</i> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the officer wherein the officer agreed to resign in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of ensuring the officer did not work for the department.</p>					
<p>Disciplinary Assessment</p> <p>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"> ◦ 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
2017-06-05	17-0024447-IR	1. Neglect of Duty 2. Dishonesty 3. Insubordination 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 5, 2017, a medical technical assistant allegedly left a child unattended in a locked vehicle on institutional grounds, falsely told a sergeant she did not work for the department, disobeyed the sergeant's order to not leave the area, and drove her vehicle toward the sergeant.					
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, the department attorney did not correctly assess the deadline to take disciplinary action or provide appropriate legal advice to the hiring authority, and the hiring authority did not make an appropriate finding.					
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 June 5, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 17, 2017, 134 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 a criminal investigation based on evidence the medical technical assistant committed a crime on institutional grounds in the presence of a peace 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?**
In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action as June 4, 2020, when the deadline was actually June 5, 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 improperly advised the hiring authority that she could not sustain the allegation that the medical technical assistant failed to follow the sergeant's order to not leave the area based on the medical technical assistant's statement that she did not hear the order because she blacked out.
- **In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation?**
In the OIG's opinion, the hiring authority improperly did not sustain the allegation that the medical technical assistant disobeyed the sergeant's order to not leave the area so she would not have to impose a higher penalty, despite sufficient evidence of the misconduct.
- **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 that the medical technical assistant left a child unattended in a locked vehicle, but not the remaining allegations, and issued a letter of reprimand. The OIG did not concur with the hiring authority's decision to not sustain the allegation that the medical technical assistant disobeyed the sergeant's order or the penalty imposed. The OIG did not seek a higher level of review because the penalty the hiring authority imposed was not significantly lower than the penalty the OIG recommended. The medical technical assistant 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 a complete memorandum or disciplinary action. In the OIG's opinion, the department attorney provided incorrect legal advice to the hiring authority and the hiring authority made an incorrect determination.

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 improperly advised the hiring authority that she would be required to issue a salary reduction if she sustained the allegation for disobeying a sergeant's order and that the State Personnel Board would not take the penalty seriously.
- **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 the disciplinary matrix allegation for failing to follow a lawful instruction.
- **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 selected a salary reduction instead of a letter of reprimand but did not do so because she selected an inappropriate disciplinary matrix allegation.
- **Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG?**
The written confirmation did not include all mitigating and aggravating factors the hiring authority identified.
- **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 medical technical assistant of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-13	17-0023576-IR	1. Threat/Intimidation 2. Discourteous Treatment	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On June 13, 2017, an officer allegedly made racist comments to an inmate and threatened to smash the inmate's head.

Investigative Phase Assessment

The department did not comply with policies governing the investigative phase because the department attorney did not make a timely entry into the case management system confirming relevant dates.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **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 4, 2017, but did not make an entry into the case management system confirming relevant dates until January 31, 2018, 180 days after assignment.

Case Disposition

The hiring authority sustained the allegation that the officer threatened the inmate, but not the remaining allegation, and imposed a 5 percent salary reduction for 12 months. The OIG concurred. During the *Skelly* hearing, the officer accepted responsibility for his actions. Due to this mitigating information, the hiring authority entered into a settlement agreement with the officer reducing the penalty to 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations based on the information learned at the *Skelly* hearing.

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

- **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 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 November 13, 2017. However, the department did not serve the disciplinary action until January 5, 2018, 53 days later.

Incident Date 2017-06-16	OIG Case Number 17-0023714-IR	Allegations 1. Neglect of Duty 2. Dishonesty	Findings 1. Sustained 2. Not Sustained	Initial Penalty Letter of Reprimand	Final Penalty Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On June 16, 2017, a sergeant allegedly lied when he denied that two officers told him one of the officers used physical force on an inmate and failed to supervise the officers when informed the inmate was hostile.					
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 the sergeant failed to supervise the officers, but not that he was dishonest, and issued a letter of reprimand. The OIG concurred. However, the sergeant retired before the letter of reprimand took effect. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because it 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, 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 23, 2018. However, the department did not serve the disciplinary action until April 19, 2018, 86 days later.</i> 					

Incident Date 2017-06-17	OIG Case Number 17-0023501-IR	Allegations 1. Other Failure of Good Behavior 2. Other Failure of Good Behavior	Findings 1. Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 17, 2017, outside law enforcement arrested an officer after she allegedly argued with, hit, scratched, and bit her boyfriend.					
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, except one that was improperly worded, but did not impose discipline because there was insufficient evidence to establish the officer's behavior constituted misconduct. The OIG concurred because there was insufficient evidence to establish the officer was the aggressor.					
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
2017-06-17	17-0023802-IR	1. Failure to Report 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On June 17, 2017, an officer allegedly failed to handcuff an inmate before opening the inmate's cell door and attempted to dissuade the use-of-force coordinator from reporting his misconduct.					
Investigative Phase Assessment The department sufficiently complied with policies governing the investigative phase. Also, the special agent displayed sound judgment and initiative. The Office of Internal Affairs initially only agreed to interview the officer. After the officer's interview and consultation with the OIG, the special agent determined additional interviews were necessary, obtained approval to conduct a full investigation, and conducted witness interviews that provided the hiring authority sufficient evidence to make an informed decision and appropriate findings.					
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
2017-06-19	17-0023639-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On June 19, 2017, two officers allegedly failed to ensure an inmate was alive during welfare checks, and a sergeant and two other officers allegedly did not immediately request an emergency response when they found the inmate unresponsive in a cell.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not make any entry into the case management system confirming relevant dates. In the OIG's opinion, the department attorney provided inappropriate 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 did not make any entry into the case management system confirming relevant dates.

- **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 the hiring authority not sustain any allegation despite a preponderance of evidence that one officer neglected to confirm the inmate was alive during welfare checks.

Case Disposition

The hiring authority sustained the allegation against one officer that he failed to ensure an inmate was alive during welfare checks and imposed a 5 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the allegations against the sergeant and other officers. The OIG concurred with the hiring authority's determinations. After a *Skelly* hearing, the department entered into a settlement with the officer reducing the penalty to a 5 percent salary reduction for four months. The OIG concurred with the settlement because the officer expressed remorse for his misconduct.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the department did not serve the disciplinary action accordance with policy, the disciplinary action did not include required language, and the department attorney did not provide the OIG with a case settlement report. In the OIG's opinion, the department attorney gave inappropriate advice to the hiring authority.

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 inappropriately advised the hiring authority not to impose any discipline despite the hiring authority sustaining an allegation. Although the hiring authority considered imposing a letter of reprimand, the department attorney inappropriately advised the hiring authority that this level of discipline would require a lot of work in exchange for little 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 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 provide a case settlement report 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 March 13, 2018. However, the department did not serve the disciplinary action until April 20, 2018, 38 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-25	17-0023503-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On June 25, 2017, outside law enforcement arrested an officer after he allegedly grabbed his wife by the throat and pushed her. The officer also allegedly possessed an unregistered assault rifle.					
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 allegation that the officer was in possession of an unregistered assault rifle, but not the remaining allegations, and determined a 5 percent salary reduction for 12 months 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 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
2017-06-25	17-0023793-IR	<ol style="list-style-type: none"> Use of Force Use of Force 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On June 25, 2017, an officer allegedly inappropriately struck an inmate on the lower leg with a baton and failed to submit a report before the end of his shift.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not timely assess critical dates 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 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 September 12, 2017, but did not make an entry into the case management system regarding the deadline to take disciplinary action until October 4, 2017, 22 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 case to the hiring authority on August 23, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until November 16, 2017, 85 days thereafter, at which time the department attorney asked to postpone the conference to allow time for him to consult his supervisor. The hiring authority conducted the final consultation on December 18, 2017, nearly four months after the Office of Internal Affairs returned the case.

- **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 that the officer failed to document his use of force before the end of his shift, but not the remaining allegation, and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer accepted responsibility for his actions. Therefore, the hiring authority reduced the penalty to a 5 percent salary reduction for 20 months and agreed to remove the disciplinary action from the officer's official personnel file after 18 months provided no new disciplinary action is taken against him. Based on the officer's acceptance of responsibility, the OIG concurred with the settlement.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority delayed conducting the disciplinary findings conference, the department did not serve the disciplinary action in compliance with policy, and the disciplinary action did not include required language.

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 August 23, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until November 16, 2017, 85 days thereafter, at which time the department attorney asked to postpone the conference to allow time for him to consult his supervisor. The hiring authority conducted the final consultation on December 18, 2017, nearly four months after the Office of Internal Affairs returned the case.

- **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. 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 December 18, 2017. However, the department did not serve the disciplinary action until February 2, 2018, 46 days later.

Incident Date 2017-07-10	OIG Case Number 17-0023902-IR	Allegations 1. Use of Force 2. Dishonesty	Findings 1. Sustained 2. Not Sustained	Initial Penalty Letter of Reprimand	Final Penalty Letter of Instruction
Case Type: Administrative Investigation					
Incident Summary On July 10, 2017, an officer allegedly continued deploying pepper spray on an inmate as the inmate complied with orders to get down on the ground. The officer allegedly lied about the incident.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs should have added a lieutenant, captain, and associate warden as subjects of the investigation.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
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 added a lieutenant, captain, and associate warden as subjects of the investigation for failing to identify the use of force did not comply with policy despite a visual recording of the incident documenting the unreasonable use of force.</i> 					
Case Disposition The hiring authority sustained the allegation that the officer used unreasonable force, but not that she was dishonest, and issued a letter of reprimand. The OIG concurred. During the <i>Skelly</i> hearing, the hiring authority learned for the first time that the officer, who was familiar with the inmate, believed the inmate was behaving in an unusual and dangerous manner. Due to this mitigating information, the hiring authority withdrew the letter of reprimand and issued a letter of instruction. The OIG concurred with the hiring authority's determinations based on the facts 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		
Assessment Questions <ul style="list-style-type: none"> ◦ 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 March 13, 2017. However, the department did not serve the disciplinary action until April 17, 2017, 35 days later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-11	17-0023857-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Use of Force 3. Failure to Report 4. Neglect of Duty 5. Dishonesty 6. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 	Dismissal	Suspension
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On July 11, 2017, a sergeant allegedly forcefully pulled an inmate's wrist restraints through a food port causing injury to the inmate's wrists, completed a false report, and participated in a code of silence with two officers to not report the force. Two officers allegedly submitted dishonest reports and participated in a code of silence with the sergeant to not report the force, and one of the officers allegedly wrote an incomplete report. On October 10, 2017, the sergeant allegedly lied during his interview with the Office of Internal Affairs.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the sergeant and dismissed him. The hiring authority sustained the allegation against the first officer for submitting an incomplete report and verbally counseled her. The hiring authority found insufficient evidence to sustain the remaining allegations against the first officer and all of the allegations against the second officer. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department attorney recommended that the hiring authority enter into a settlement with the sergeant to reduce the penalty to a demotion and suspension without pay for four months. The department attorney recommended settlement based on the first officer stating she would not testify at the State Personnel Board hearing because she was concerned about other officers retaliating. The hiring authority decided to enter into the settlement. The OIG did not agree with the basis for the settlement because the department attorney had not prepared the witness for testimony or determined what actions could be taken to alleviate the officer's concerns, and requested a higher level of review. Prior to the higher level of review, the OIG recommended that the hiring authority instruct a manager to meet with the officer to discuss her concerns. An associate warden met with the officer and the officer said she was willing to testify. The hiring authority decided not to enter into a settlement and the higher level of review was cancelled. At the State Personnel Board hearing, the department attorney recommended a settlement reducing the penalty to a one-year suspension without pay, demoting the sergeant to officer, and the sergeant agreed that in the future he would be dismissed and would waive his appeal rights if similar allegations were sustained against him. The OIG did not concur and sought a higher level of review. After further negotiations, the department added a settlement term that the sergeant agreed never to seek promotion again. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the sergeant acknowledged his wrongdoing, the penalty was severe, and the sergeant agreed to never seek a supervisory role in the department again.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not adequately cooperate with the OIG or adequately prepare the most critical witness, recommended a settlement without sufficient cause, and prepared an incomplete disciplinary action. The department did not serve the disciplinary action in compliance with policy. In the OIG's opinion, the hiring authority should not have settled the case because the misconduct was serious and the sergeant waited until the day of the State Personnel Board hearing to acknowledge his misconduct.</p>					

Procedural Rating Insufficient	Substantive Rating Insufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> <li data-bbox="131 352 1317 443"> <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 sergeant of the right to respond to an uninvolved manager.</i></p> <li data-bbox="131 470 1360 560"> <p>◦ Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed? <i>The department attorney did not provide a draft pre-hearing settlement conference statement for the OIG to review until 30 minutes before the filing deadline.</i></p> <li data-bbox="131 588 1263 678"> <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 misconduct was serious and the sergeant did not timely acknowledge his misconduct.</i></p> <li data-bbox="131 705 1354 884"> <p>◦ In the OIG's opinion, did the department's advocate timely subpoena necessary witnesses and thoroughly prepare the witnesses for the hearing? <i>The department attorney did not provide a transcript of the first officer's Office of Internal Affairs interview to the officer during witness preparation or before hearing. This would have allowed the most critical witness to review her prior statement, refresh her recollection about what she told the special agent, and enable the department attorney to know about any corrections the officer might want to make to her previous statement before testifying at the State Personnel Board hearing.</i></p> <li data-bbox="131 911 1344 1121"> <p>◦ Did the OIG request the executive review? <i>The hiring authority decided to settle with the sergeant because the first officer informed the department attorney after she received her subpoena that she would not testify at the State Personnel Board hearing due to retaliation concerns. The OIG sought a higher level of review because an employed officer cannot refuse to obey a subpoena and the department should not settle based on a refusal to truthfully testify due to retaliation concerns. The OIG sought a higher level of review a second time after the hiring authority decided to enter into a settlement without any significant change in circumstances. After the sergeant finally acknowledged wrong doing and agreed to a longer suspension, to demote to officer, and never promote within the department, the OIG withdrew its request for a higher level of review.</i></p> <li data-bbox="131 1148 1328 1268"> <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 refused to tell the OIG when and where she was going to conduct the first officer's witness preparation until an assistant chief counsel ordered her to do so.</i></p> <li data-bbox="131 1295 1357 1415"> <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 November 13, 2017. However, the department did not serve the disciplinary action until January 9, 2018, almost two months later.</i></p> 	

Incident Date 2017-07-12	OIG Case Number 17-0023801-IR	Allegations 1. Controlled Substances	Findings 1. Sustained	Initial Penalty Dismissal	Final Penalty Retirement
Case Type: Direct Action (No Subject Interview)					
Incident Summary On July 12, 2017, 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 served the officer a notice of dismissal. The OIG concurred. However, the officer retired before the disciplinary action took effect, but the department mistakenly entered a dismissal in his official personnel record. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement wherein the officer's retirement became effective prior to the effective date of the dismissal. The OIG concurred because the officer will no longer work for the department.					
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"> ◦ Did the department attorney provide written confirmation of penalty discussions to the hiring authority and the OIG? <i>The written confirmation of penalty discussions did not include a summary of mitigating and aggravating factors discussed at the disciplinary findings conference.</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> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-18	17-0024107-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Use of Force 3. Neglect of Duty 4. Dishonesty 5. Use of Force 6. Failure to Report 7. Neglect of Duty 8. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained 	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On July 18, 2017, a lieutenant and three officers allegedly deployed pepper spray on an inmate because the inmate refused to let officers close his food port, and allegedly submitted false reports. The lieutenant and a sergeant allegedly conducted an inadequate review of the officers' incident reports. The lieutenant, sergeant, and officers allegedly engaged in a code of silence to conceal their use of force. The third officer and a fourth officer allegedly banged the inmate's cell door, and the sergeant allegedly failed to properly address and report the officers' actions. On December 12, 2017, the lieutenant was allegedly dishonest during his interview with the Office of Internal Affairs.</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, the department attorney did not timely provide feedback regarding the investigative report, and the hiring authority did not timely consult regarding the investigative findings.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 July 18, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 11, 2017, 55 days after the date of discovery.</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>The special agent provided the draft investigative report on April 18, 2018, but the department attorney did not provide feedback until May 10, 2018, 22 days 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 May 18, 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 25, 2018, 38 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 against the lieutenant for unreasonably deploying pepper spray, submitting a false report, and dishonesty during his interview with the Office of Internal Affairs, and dismissed him. The hiring authority found insufficient evidence to sustain the remaining allegations against the lieutenant, sergeant, and officers. The OIG concurred. The lieutenant retired before the dismissal could be served. The hiring authority placed a letter in the lieutenant'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 May 18, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 25, 2018, 38 days thereafter. However, this delay does not affect the OIG's assessment of the disciplinary phase as it was previously assessed in the investigative phase.

- **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
2017-08-02	17-0024606-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On August 2, 2017, an officer allegedly choked a ward, two other officers allegedly punched and kicked the ward, and one of the second two officers allegedly deployed pepper spray on the ward, all without cause.</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. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		
<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 November 9, 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 allegations that the officers failed to accurately report the incident because there was evidence the officers' reports were not accurate.</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.</p>					

Incident Date 2017-08-03	OIG Case Number 17-0024532-IR	Allegations 1. Weapons 2. Other Failure of Good Behavior	Findings 1. Sustained 2. Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On August 3, 2017, an officer allegedly brought a personal firearm, ammunition, and knife onto institution grounds and left them in his unlocked vehicle with the engine running in the parking lot.					
Investigative Phase Assessment Overall, 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 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> 					
Case Disposition The hiring authority sustained the allegations and determined a 10 percent salary reduction for 12 months was the appropriate penalty. The OIG concurred. However, the officer retired before the hiring authority could impose discipline. The hiring authority placed a letter in the officer's official personnel file indicating he retired with disciplinary action pending.					
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
2017-08-09	17-0023751-IR	1. Discourteous Treatment 2. Discourteous Treatment	1. Sustained 2. Not Sustained	Counseling	Counseling
Case Type: Administrative Investigation					
Incident Summary On August 9, 2017, a warden allegedly threatened to use the OIG to diminish the authority of medical staff at the institution and also used derogatory terms to refer to the chief executive officer.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination regarding the hiring authority's request.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
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 added neglect of duty and retaliation allegations as there was evidence that the warden moved an investigative services unit officer from the unit after the officer provided information supporting medical staff and evidence that the warden threatened to reassign an associate warden who engaged in a procurement process the warden did not favor.</i> 					
Case Disposition The hiring authority sustained the allegation that the warden referred to the chief executive officer in derogatory language, but not the other allegation, and provided counseling to the warden. The OIG concurred.					
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
2017-08-28	17-0024352-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary</p> <p>On August 28, 2017, outside law enforcement arrested an officer because he allegedly took a mobile phone from a private citizen by force. Between August 28, 2017, and September 20, 2017, the officer allegedly lied to outside law enforcement and on September 20, 2017, allegedly failed to report his arrest to the hiring authority.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned prior to completion of the investigation. 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>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Incident Date 2017-09-11	OIG Case Number 17-0024155-IR	Allegations 1. Neglect of Duty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On September 11, 2017, a captain allegedly made a comment to an inmate that placed a second inmate's safety in jeopardy. A lieutenant allegedly overheard the captain's comment and failed to report the misconduct.					
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 <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 lieutenant as a subject of the investigation because there was sufficient evidence the lieutenant failed to timely report the captain's inappropriate comments to the inmate. After the department attorney and the OIG elevated the matter, a special agent-in charge added the lieutenant.</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
2017-09-13	17-0024265-IR	1. Dishonesty 2. Confidential Information	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary Between September 13, 2017, and September 15, 2017, an officer allegedly allowed inmates to view another inmate's commitment offense records and on September 15, 2017, allegedly lied to a sergeant regarding his actions.					
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
2017-09-15	17-0024260-IR	1. Controlled Substances 2. Neglect of Duty 3. Controlled Substances 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 15, 2017, a captain allegedly failed to immediately report for a random drug test and on September 18, 2017, tested positive for amphetamine and methamphetamine.					
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 improperly worded allegations, and served a notice of dismissal. The OIG concurred. After the disciplinary action took effect, the department entered into a settlement agreement wherein the captain resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of ensuring the captain did not work for the department.					

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because neither the department attorney nor the hiring authority notified the OIG of the *Skelly* hearing. Also, the disciplinary action did not include language required by policy and the hiring authority did not 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 captain 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 notify the OIG of the Skelly hearing, 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 hiring authority did not notify the OIG of the Skelly hearing, preventing the OIG from attending.
- **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 November 16, 2017. However, the department did not serve the disciplinary action until January 16, 2018, 61 days later.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-21	17-0024208-IR	1. Weapons 2. Weapons	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On September 21, 2017, an officer allegedly negligently discharged a firearm as he attempted to pick it up off a bed.

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 delayed assessing relevant dates.

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 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 15, 2017, 26 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 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 5, 2017, 48 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, but not an improperly worded allegation, and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority delayed conducting the disciplinary findings conference, did not serve the disciplinary action in accordance with policy, and the department attorney did not include required language in the disciplinary action.

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 October 18, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 5, 2017, 48 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 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 5, 2017. However, the department did not serve the disciplinary action until February 13, 2018, 70 days later. The other delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-09-23	17-0024443-IR	1. Dishonesty 2. Use of Force	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On September 23, 2017, two officers allegedly physically forced an inmate to the ground while escorting the inmate and lied in their reports when they claimed the inmate tried to spit on one of the officers. A third officer also allegedly lied in his report regarding the incident.</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 found insufficient evidence to sustain the allegations. The OIG concurred.</p>					

Incident Date 2017-10-07	OIG Case Number 17-0024500-IR	Allegations 1. Neglect of Duty	Findings 1. Sustained	Initial Penalty Salary Reduction	Final Penalty Modified Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On October 7, 2017, an officer allegedly failed to ensure an inmate was alive during welfare checks and failed to ensure the cell window was not obstructed.					
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 imposed a 10 percent salary reduction for 12 months. The OIG concurred. During the <i>Skelly</i> hearing, the officer expressed remorse and regret that he did not recognize the inmate needed help and stated that in the future, he will wake inmates to prevent similar incidents. The hiring authority entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 12 months. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.					
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 officer of the right to respond to an uninvolved manager.</i> 					

Incident Date 2017-10-07	OIG Case Number 18-0024914-IR	Allegations 1. Threat/Intimidation 2. Failure to Report	Findings 1. Not Sustained 2. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On October 7, 2017, a sergeant allegedly challenged an inmate to a fight and two medical technical assistants allegedly witnessed the incident 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 provide written confirmation regarding the investigative report to the special agent or the OIG, and the hiring authority did not timely conduct the investigative findings conference.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the 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 25, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 20, 2017, 56 days after the date of discovery.</i> ◦ Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.</i> ◦ Did the 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 April 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 May 29, 2018, 40 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 found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-11	17-0024598-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 11, 2017, an officer allegedly failed to pay a traffic fine that resulted in a change in driving privileges and failed to report the loss of driving privileges to the hiring authority.					
Investigative Phase Assessment Overall, 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 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> 					
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
2017-10-20	17-0024535-IR	1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Failure to Report	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On October 20, 2017, a lieutenant allegedly failed to ensure that an officer assisted an inmate during a rules violation hearing, falsely documented the officer's presence at the hearing, and attempted to persuade the officer to falsely state he attended the hearing. On October 26, 2017, the lieutenant allegedly attempted to persuade the officer to falsely state he was present at the hearing.					
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 delayed conducting the investigative findings conference.					

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 provide appropriate substantive feedback addressing the thoroughness and clarity of the draft investigative report within 21 calendar days of receipt of the report?</p> <p><i>The Office of Internal Affairs provided the draft report to the department attorney on February 9, 2018, but the department attorney did not document in the case management system that he reviewed the report and did not provide feedback regarding the report until March 8, 2017, 27 days 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 March 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 April 26, 2018, 49 days thereafter.</i></p> <p>In the OIG's opinion, did the department conduct the investigative phase with due diligence?</p> <p><i>The delays are addressed in prior questions.</i></p> 	
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except improperly worded allegations, and determined that dismissal was the appropriate penalty. The OIG concurred. However, the lieutenant retired prior to the completion of the investigation. Therefore, disciplinary action was not taken. The hiring authority placed a letter in the lieutenant'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>	
Procedural Rating Sufficient	Substantive Rating Sufficient
<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 March 8, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 26, 2018, 49 days thereafter. However, this delay does not affect the OIG's assessment of the disciplinary phase as it was previously assessed in the investigative phase.</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 2017-10-26	OIG Case Number 17-0024775-IR	Allegations 1. Use of Force	Findings 1. Sustained	Initial Penalty Suspension	Final Penalty Modified Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 26, 2017, an officer used physical force on an inmate and allegedly failed to report it before leaving the institution.					
Investigative Phase Assessment In the OIG's opinion, the department attorney incorrectly assessed the deadline to take disciplinary action.					
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 identified November 6, 2017, as the date of discovery when evidence showed the hiring authority learned of the alleged misconduct on October 26, 2017.</i> 					
Case Disposition The hiring authority sustained the allegation and imposed a 12-working-day suspension. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. Prior to the hearing, based on new information regarding the officer's understanding of the use-of-force policy and his interaction with the inmate, the department entered into a settlement agreement reducing the penalty to an eight-working-day suspension. The OIG concurred based on the new information.					
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 officer of the right to respond to an uninvolved manager.</i> ◦ Did the department provide the case settlement report to the OIG and if so, was the form complete and accurate? <i>The department attorney did not provide the OIG a copy of the case settlement report.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-31	18-0025403-IR	1. Contraband 2. Intoxication 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On October 31, 2017, an officer allegedly possessed alcohol inside an institution, was intoxicated while on duty, and negligently opened a door that allowed an unrestrained inmate access to staff members. Outside law enforcement arrested the officer at the institution for allegedly driving under the influence of alcohol.</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 allegations and served a notice of dismissal. The OIG concurred. However, the officer retired before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating she retired 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 serve the disciplinary action in accordance with policy.</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 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 11, 2018. However, the department did not serve the disciplinary action until June 15, 2018, 35 days later.</i> 					

Incident Date 2017-11-07	OIG Case Number 17-0024668-IR	Allegations 1. Neglect of Duty	Findings 1. Sustained	Initial Penalty Salary Reduction	Final Penalty Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 7, 2017, an officer allegedly consumed alcohol before reporting to work and fell asleep while armed and providing coverage of an inmate at an outside hospital. A second officer allegedly failed to report that the first officer smelled of alcohol while at work.					
Investigative Phase Assessment Overall, 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 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> 					
Case Disposition The hiring authority sustained the allegations against both officers and imposed a 10 percent salary reduction for 24 months against the first officer. The hiring authority determined the second officer was less culpable and issued a letter of instruction. The OIG concurred. At the <i>Skelly</i> hearing, the first officer presented evidence that he started and was undergoing treatment for alcohol abuse and sought counseling through the employee assistance program. Based on this mitigating information, the department entered into a settlement agreement wherein the officer agreed to continue treatment and random drug and alcohol testing. The department agreed that, after the officer received a 10 percent salary reduction for 6 of the 24 months, if the officer continued to comply with treatment and testing, the department would reduce the penalty to a 5 percent salary reduction for the remaining 18 months and, if at any time the officer failed to comply with the settlement terms, the original penalty would be reinstated. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.					
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 officer of the right to respond to an uninvolved manager.</i> 					

Incident Date 2017-11-11	OIG Case Number 18-0025573-IR	Allegations 1. Sexual Misconduct 2. Over-Familiarity	Findings 1. Sustained 2. Sustained	Initial Penalty Dismissal	Final Penalty Dismissal
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 11, 2017, an office assistant allegedly wrote personal letters to and engaged in sexual misconduct with an inmate.					
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 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.					
Disciplinary Assessment The department sufficiently complied with policies governing the disciplinary phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date 2017-11-15	OIG Case Number 18-0024982-IR	Allegations 1. Neglect of Duty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On November 15, 2017, an officer allegedly failed to immediately notify a supervisor that an inmate reported his cellmate sexually assaulted the inmate.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely consult.					
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 February 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 March 14, 2018, 33 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 found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date 2017-11-18	OIG Case Number 18-0024981-IR	Allegations 1. Neglect of Duty	Findings 1. Sustained	Initial Penalty Salary Reduction	Final Penalty Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 18, 2017, an officer allegedly entered inmate count information into a confidential records database without ensuring the count was properly completed.					
Investigative Phase Assessment Overall, 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 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> 					
Case Disposition The hiring authority sustained the allegation and imposed a 5 percent salary reduction for six months. The OIG did not concur because the hiring authority should have added and sustained a dishonesty allegation and imposed a greater salary reduction. The OIG did not seek a higher level of review because the officer was forthright on the day of the incident and no serious harm resulted from the misconduct. At the <i>Skelly</i> hearing, the officer accepted responsibility. The department entered into a settlement with the officer reducing the penalty to a 5 percent salary reduction for three months. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.					
Disciplinary Assessment In the OIG's opinion, the hiring authority did not make appropriate disciplinary determinations. The disciplinary action did not contain all language required by policy.					
Procedural Rating Sufficient			Substantive Rating Insufficient		
Assessment Questions <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 greater salary reduction based on 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 advise the officer of the right to respond to an uninvolved manager.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-11-21	17-0024771-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Other Failure of Good Behavior 4. Attendance 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Dismissal
Case Type: Direct Action (No Subject Interview)					
<p>Incident Summary</p> <p>On November 21, 2017, outside law enforcement arrested a medical technical assistant after the medical technical assistant allegedly conspired with a private citizen and burglarized an assisted living facility. The medical technical assistant allegedly failed to report his arrest. On November 22, 2017, the medical technical assistant allegedly failed to report for duty and failed to notify the institution. On November 23, 2017, the medical technical assistant allegedly lied to a senior medical technical assistant, claiming he would be out sick when he was actually incarcerated. Between November 23, 2017, and November 26, 2017, the medical technical assistant allegedly was absent from work without permission.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not confirm an exception to 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"> ◦ 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, the department attorney did not confirm an exception to the deadline based on tolling due to a criminal investigation.</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 asked the Office of Internal Affairs to interview the medical technical assistant because statute precludes the department from taking action based solely on an arrest report. However, the hiring authority's failure to request the interview did not affect the OIG's assessment.</i> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and served a notice of dismissal and rejection during probation. The OIG concurred. However, the medical technical assistant resigned before the disciplinary action took effect. The hiring authority placed a letter in the medical technical assistant'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>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating 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 advise the medical technical assistant of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-04	17-0024770-IR	1. Weapons	1. Sustained	Letter of Reprimand	Letter of Reprimand

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On December 4, 2017, a sergeant allegedly failed to ensure a firearm was not loaded while conducting an inventory in preparation for transportation duties, resulting in an unintended discharge of a round into a clearing barrel.

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 allegation and imposed a letter of reprimand. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.

Disciplinary Assessment
 Overall, the department sufficiently complied with policies 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 sergeant of the right to respond to an uninvolved manager.

Incident Date 2017-12-04	OIG Case Number 18-0024913-IR	Allegations 1. Intoxication 2. Other Failure of Good Behavior	Findings 1. Sustained 2. Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 4, 2017, outside law enforcement arrested an officer after he allegedly drove a vehicle while under the influence of alcohol. The officer was also allegedly in possession of a firearm while intoxicated.					
Investigative Phase Assessment Overall, 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 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 made an entry into the case management system. However, she merely stated she assessed the date of incident, discovery date, and the deadline to take disciplinary action without indicating the actual dates.</i> 					
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.					
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 officer of the right to respond to an uninvolved manager.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-11	18-0025357-IR	1. Controlled Substances	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 11, 2017, an officer allegedly tested positive for morphine.					
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.					
Procedural Rating Insufficient			Substantive Rating 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 approved an interview of the officer to determine the circumstances that led to the officer testing positive for morphine.</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 February 14, 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 6, 2018, 51 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 found insufficient evidence to sustain the allegations because the officer had a valid prescription for the medication. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-17	18-0024847-IR	1. Weapons	1. Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 17, 2017, an officer allegedly failed to ensure a firearm was fully unloaded before securing the firearm, resulting in an unintended discharge of a round into a clearing area.					
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"> ◦ 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 January 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 January 31, 2018, 28 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>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"> ◦ 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 January 3, 2018. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determination until January 31, 2018, 28 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 delay is addressed in a prior question.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-12-26	18-0025475-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On December 26, 2017, an officer allegedly saw an inmate attack a second inmate and failed to timely report it. A second officer allegedly witnessed another officer use force on the first inmate and failed to timely report it. A third officer allegedly submitted a false report, and on December 28, 2017, one of the first two officers allegedly submitted a false report.</p>					
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination regarding the hiring authority's request. The hiring authority did not conduct the investigative findings conference in a timely manner.</p>					
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 an allegation for the third officer for failure to report use of force witnessed because there was evidence the officer lied by reporting he did not witness any force used.</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 May 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 June 18, 2018, 28 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 found insufficient evidence to sustain the allegations. The OIG concurred.</p>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-04	18-0025304-IR	1. Weapons	1. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On January 4, 2018, a sergeant allegedly negligently discharged a handgun in a storage shed at the firing range.					
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. At the <i>Skelly</i> hearing, the sergeant accepted responsibility for his actions. The hiring authority entered into a settlement reducing the penalty to a 5 percent salary reduction for one month and agreed to remove the disciplinary action from the sergeant's official personnel file in 18 months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the modified penalty was within departmental guidelines and the disciplinary action could be used for progressive discipline.					
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 disciplinary action did not include required language. In the OIG's opinion, the penalty modification did not reflect the seriousness of the misconduct.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
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 sergeant of the right to respond to an uninvolved manager.</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 of the potential for serious harm and the sergeant's position as a firearms instructor.</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 February 28, 2018. However, the department did not serve the disciplinary action until April 10, 2018, 41 days later.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2018-01-10	18-0025405-IR	1. Controlled Substances	1. Sustained	Dismissal	No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On January 10, 2018, an officer allegedly tested positive for marijuana.					
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 served the officer with a notice of dismissal. The OIG concurred. During the <i>Skelly</i> hearing, the officer credibly denied knowingly using marijuana and presented an affidavit from a friend who attested that she provided the officer marijuana-infused chocolates without telling the officer the chocolates contained marijuana. Based on this information, the hiring authority entered into settlement agreement withdrawing the disciplinary action and the officer agreed to participate in random drug testing for 18 months. If, during the 18 months, the officer refused to submit to testing or tested positive for a controlled substance while at work, the hiring authority would dismiss the officer. The OIG concurred with the settlement based on the information presented during the <i>Skelly</i> hearing and the settlement terms.					
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 or include required language in the disciplinary action.					
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 March 7, 2018. However, the department did not serve the disciplinary action until May 14, 2018, 68 days later.</i> 					

Incident Date 2018-01-12	OIG Case Number 18-0025536-IR	Allegations 1. Neglect of Duty	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On January 12, 2018, three officers allegedly failed to properly supervise inmates, allowing two inmates to enter a third inmate's cell and kill him.					
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.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
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 not have eliminated information that the officers' alleged misconduct resulted in the inmate's death from the written allegations because the matter should have been thoroughly investigated.</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 May 4, 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 19, 2018, 46 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 found insufficient evidence to sustain the allegations. The OIG concurred.					

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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-11-01	17-0024015-IR	1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity 4. Contraband 5. Insubordination 6. Dishonesty 7. Over-Familiarity 8. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between November 1, 2014, and January 19, 2015, an automobile mechanic allegedly engaged in sexual misconduct with an inmate and between February 6, 2016, and June 21, 2017, spoke with the inmate on the telephone numerous times. Between January 29, 2017, and May 2, 2017, and on May 31, 2017, the automobile mechanic allegedly deposited money into the inmate's account. Between June 11, 2016, and July 12, 2017, the automobile mechanic allegedly brought jewelry and tobacco into the institution in exchange for nude photographs of a second inmate. Between December 28, 2016, and March 16, 2017, the automobile mechanic allegedly received text messages with nude photographs of a third inmate in exchange for buying data time for the inmate's contraband mobile phone. On July 12, 2017, the automobile mechanic allegedly brought cigarettes into the institution and lied during his interview with the Office of Internal Affairs. On December 13, 2017, the automobile mechanic allegedly refused a special agent's order to attend a second interview and lied about his reason for not attending the interview.</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 for taking disciplinary action or timely consult with the special agent and the OIG.</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 was assigned on October 6, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 7, 2017, 32 days after assignment.</i> ◦ No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct? <i>The department attorney was assigned on October 6, 2017, but did not consult with the special agent and the OIG until November 8, 2017, 33 days after assignment.</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, except for dishonesty regarding the possession of cigarettes and incorrectly worded allegations, and served a notice of dismissal. The OIG concurred. The automobile mechanic 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>					
<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 automobile mechanic of the right to respond to an uninvolved manager.</i> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-06-01	16-0001817-IR	1. Neglect of Duty 2. Dishonesty 3. Insubordination 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Salary Reduction
<p>Case Type: Administrative Investigation</p>					
<p>Incident Summary</p> <p>Between June 1, 2015, and May 31, 2016, a parole agent allegedly falsely documented records of supervision and meeting her minimum contact requirements with parolees. Between August 1, 2015, and May 31, 2016, the parole agent allegedly failed to complete her assigned caseload specifications for parolees, conduct the minimum required parolee contacts, properly document records of supervision, and conduct reviews of parolees monitored by the global positioning system. On June 1, 2016, and June 2, 2016, the parole agent allegedly failed to report to her supervisor as instructed.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not provide the OIG with a copy of feedback regarding the investigative report and the department entered incorrect information on the investigative findings form. In the OIG's opinion, the department attorney incorrectly assessed the deadline to take disciplinary action.</p>					
<p>Procedural Rating Insufficient</p>			<p>Substantive Rating Insufficient</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?**

In the OIG's opinion, the department attorney incorrectly assessed the deadline for taking disciplinary action as June 1, 2017, when the deadline was actually June 6, 2017.

- **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 failed to provide the OIG with a copy of the feedback regarding the investigative report.

- **In the OIG's opinion, did the department completely and correctly complete the form documenting the investigative findings?**

The form listed an incorrect deadline to take disciplinary action.

Case Disposition

The hiring authority sustained the allegations, except dishonesty, insubordination, and failing to conduct reviews of parolees monitored by the global positioning system, and imposed a 10 percent salary reduction for 12 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent agreeing to remove the disciplinary action from the parole agent's official personnel file after one year. The OIG did not concur because the department did not identify any new evidence, flaws, or risks justifying the modification but did not seek a higher level of review because the modification did not change the monetary penalty.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the disciplinary action did not contain all required language and the hiring authority did not identify any new evidence, flaws, or risks justifying the settlement.

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 parole agent 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 warrant a 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 warrant a modification.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-01	16-0002002-IR	1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity 4. Sexual Misconduct 5. Over-Familiarity	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
Incident Summary Between November 1, 2015, and August 31, 2016, an officer allegedly engaged in sexual misconduct with four inmates. On February 9, 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 two allegations of over-familiarity, a sexual misconduct allegation, and a dishonesty allegation, all involving one inmate, but not the remaining allegations. The hiring authority served a notice of dismissal. The OIG concurred with the hiring authority's decision to sustain the allegations involving one inmate and the penalty imposed but not with the hiring authority's determination not to sustain the remaining allegations. The OIG did not seek a higher level of review due to a conflict in evidence. The officer filed an appeal with the State Personnel Board. During State Personnel Board proceedings, the department entered into a settlement agreement with the officer allowing the officer to resign in lieu of dismissal and agreeing to remove the disciplinary action from the officer's official personnel file upon request. The OIG did not concur with removing the disciplinary action early because no new facts warranted the modification. However, the OIG did not seek a higher level of review because the settlement achieved the ultimate goal of ensuring the officer did not work for the department.					
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.
- **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 support the modification.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
In the OIG's opinion, the hiring authority should not have agreed to reduce the officer's penalty because the department did not identify any new evidence, flaws, or risks to support the modification.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-01	16-0001813-IR	1. Dishonesty 2. Failure to Report 3. Discourteous Treatment 4. Failure to Report 5. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

Between April 1, 2016, and November 1, 2016, an officer allegedly failed to report allegations that officers were destroying inmate complaint forms, using foul language, and displaying sexual intimacy in front of inmates. On June 19, 2016, the officer allegedly destroyed inmate complaint forms about a second officer, the first and second officers allegedly used foul language toward each other, and the second officer and a third officer allegedly inappropriately touched each other in front of inmates. On November 16, 2016, the first officer allegedly lied during an 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 conduct the investigative findings conference.

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 February 23, 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 March 29, 2017, 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 allegations against the first officer, except destroying inmate complaint forms, and dismissed the officer. The hiring authority sustained an allegation the second officer was discourteous, but not the remaining allegations, and issued a letter of instruction. The hiring authority found insufficient evidence to sustain the allegation against the third officer. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

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 disciplinary actions did not contain all required language, and the department attorney did not provide the OIG with a draft pre-hearing settlement conference statement for review.

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 February 23, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until March 29, 2017, 34 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 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 the OIG with a copy of the draft pre-hearing settlement conference statement.

- **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
2016-06-01	17-0023825-IR	1. Over-Familiarity 2. Insubordination 3. Neglect of Duty 4. Over-Familiarity 5. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

Between June 1, 2016, and March 2, 2017, an officer allegedly engaged in sexual misconduct with an inmate and sent the inmate personal letters. On October 11, 2017, the officer allegedly failed to appear for 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 the allegations, except for duplicate allegations with incorrect dates, 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 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
2016-07-01	16-0002158-IR	1. Dishonesty 2. Insubordination 3. Neglect of Duty 4. Dishonesty 5. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Resignation in Lieu of Termination

Case Type: Administrative Investigation

Incident Summary

Between July 1, 2016, and September 30, 2016, a parole agent allegedly falsified caseload rosters regarding minimum contact requirements for 7 parolees and failed to timely update the confidential records for 12 parolees. Between August 1, 2016, and September 30, 2016, the parole agent allegedly failed to document drug testing for six parolees. Between September 1, 2016, and September 30, 2016, the parole agent allegedly failed to document that a parolee was released from prison and failed to conduct a required initial home visit of the parolee. On October 21, 2016, the parole agent allegedly failed to properly store his field book and on October 26, 2016, allegedly lost his field book, lied to his supervisor, and failed to follow a direct order to try to find the field book. On November 1, 2016, the parole agent allegedly failed to issue a travel permit to a parolee and on February 15, 2107, allegedly lied during his interview with the Office of Internal Affairs.

Investigative Phase Assessment

In the OIG's opinion, the hiring authority did not make a correct finding.

Procedural Rating

Sufficient

Substantive Rating

Insufficient

Assessment Questions

- **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 dishonesty allegation.

Case Disposition

The hiring authority sustained the allegations, except allegations for falsifying caseload rosters for four parolees, one allegation for failing to document drug testing, and one allegation for failing to timely update confidential records, and dismissed the parole agent. The OIG concurred except for the decision to not sustain the allegation for falsifying the caseload roster for one parolee. The OIG did not seek a higher level of review because the hiring authority imposed an appropriate penalty. The parole agent filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent wherein the parole agent resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of ensuring the parole agent did not work for the department.

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 parole agent of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-17	16-0001928-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Suspension	Suspension
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary</p> <p>On July 17, 2016, outside law enforcement arrested an officer after he allegedly choked, pushed, and threatened to kill his wife. The officer also allegedly lied to outside law enforcement.</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 allegations, except that the officer lied and choked his wife, and imposed a 60-working-day suspension. 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 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
2016-10-03	17-0023630-IR	<ol style="list-style-type: none"> Misuse of Authority Discourteous Treatment Retaliation Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained 	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between October 3, 2016, and October 28, 2016, a chief deputy warden allegedly retaliated against an office technician by denying a work order she requested. Between January 2, 2017, and February 15, 2017, the chief deputy warden allegedly told the office technician that rules do not apply to him and between February 20, 2017, and February 28, 2017, allegedly pulled the office technician's hair. Between March 1, 2017, and March 17, 2017, the chief deputy warden allegedly called the office technician a derogatory term.</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 prepare for the investigative findings conference, causing it to be delayed. In the OIG's opinion, the department attorney provided incorrect advice to the hiring authority and the hiring authority did not make appropriate findings.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Insufficient</p>
<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 completed its investigation and referred the matter to the hiring authority on February 12, 2018, and the hiring authority scheduled the investigative findings conference for February 23, 2018. However, the department attorney did not timely prepare a memorandum with recommendations regarding the sufficiency of the investigation and the findings, causing the consultation to be delayed until March 8, 2018.</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 incorrectly advised the hiring authority to sustain the misuse of authority allegation because the statement was not a misuse of authority when it was made and to not sustain the retaliation allegation when the correct finding was unfounded because the investigation conclusively proved the alleged misconduct did not occur.</i> ◦ In the OIG's opinion, did the hiring authority correctly determine the findings for each allegation? <i>In the OIG's opinion, the hiring authority should have determined the retaliation allegation was unfounded instead of not sustained because the investigation conclusively proved the alleged misconduct did not occur and should not have sustained the misuse of authority allegation because the chief deputy warden's statement standing alone was not a misuse of authority.</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 the chief deputy warden misused his authority and called the office technician a derogatory term, but not the other allegations, and issued a letter of reprimand. The OIG did not concur with the decisions to not sustain the retaliation allegation or the decision to sustain the allegation the chief deputy warden misused his authority because the hiring authority should have determined both allegations were unfounded. The OIG did not seek a higher level of review because it did not affect the penalty. The chief deputy warden voluntarily demoted to an associate warden position at another institution and 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 timely prepare for the disciplinary findings conference, causing it to be delayed, and the disciplinary action did not contain all required language.</p>	
<p>Procedural Rating Insufficient</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 February 12, 2018, and the hiring authority scheduled the disciplinary findings conference on February 23, 2018. However, the department attorney did not timely prepare a memorandum with recommendations regarding the disciplinary determinations, causing the conference to be delayed until March 8, 2018.

- **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 chief deputy warden 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
2016-10-12	18-0024835-IR	1. Dishonesty 2. Threat/Intimidation 3. Over-Familiarity 4. Neglect of Duty 5. Discourteous Treatment	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary Between October 12, 2016, and March 2, 2017, a carpenter allegedly shared food and candy with an inmate. On November 8, 2017, the carpenter allegedly threatened to kill a lieutenant and on November 27, 2017, 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 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 Sufficient			Substantive Rating Sufficient		
Assessment Questions <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
2016-10-27	17-0000121-IR	1. Controlled Substances 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction
Case Type: Administrative Investigation					
Incident Summary On October 27, 2016, an officer allegedly tested positive for codeine and on February 8, 2017, allegedly lied during an 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 delayed referring 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 November 3, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 20, 2016, 47 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> 					
Case Disposition The hiring authority sustained the allegation for using a controlled substance, but not the dishonesty allegation, and imposed a 10 percent salary reduction for 20 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 agreeing to remove the disciplinary action from the officer's official personnel file after two years. The OIG concurred because the monetary penalty remained the same.					
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 cite the correct statutes regarding peace officer confidentiality or advise the officer of the right to respond to an uninvolved manager.</i> 					

Incident Date 2016-12-01	OIG Case Number 17-0021827-IR	Allegations 1. Over-Familiarity 2. Over-Familiarity	Findings 1. Sustained 2. Not Sustained	Initial Penalty Salary Reduction	Final Penalty Salary Reduction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between December 1, 2016, and January 3, 2017, a parole agent allegedly bought food for a parolee and her children, reviewed the parolee's social media account, told the parolee details about his personal life, and informed the parolee someone reported seeing them kissing. On December 21, 2016, the parole agent allegedly kissed the parolee.</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"> ◦ 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 May 3, 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 June 20, 2017, 48 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, except that the parole agent kissed the parolee, and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board sustained the penalty.</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 prepared a disciplinary action that referenced incorrect statutes and did not include all required language.</p>					
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 May 3, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 20, 2017, 48 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 statutes regarding peace officer confidentiality or advise the parole agent 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
2016-12-21	17-0021721-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 December 21, 2016, an officer allegedly failed to accurately report his use of force on an inmate, a second officer allegedly failed to accurately report his observations of the use of force, and a nurse allegedly failed to completely and accurately document the inmate's injuries.

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 document assessing the deadline for taking 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?**
The department attorney made an entry into the case management system. However, he merely stated that he assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.
- **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 nurse on June 20, 2017, but the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until August 16, 2017, 57 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 for the nurse sustained the allegations and decided to impose a 10 percent salary reduction for 24 months. However, the nurse resigned before the disciplinary action could be imposed. The hiring authority placed a letter in the nurse's official personnel file indicating he resigned pending disciplinary action. The hiring authority for the officers found insufficient evidence to sustain the allegations against them. The OIG concurred with the hiring authority's determinations.

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 for the nurse on June 20, 2017, but the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 16, 2017, 57 days thereafter. However, this delay does not affect the OIG's assessment of the disciplinary phase as it was previously assessed in the investigative phase.
- **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
2017-01-03	17-0022473-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	Letter of Reprimand

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On January 3, 2017, a female officer allegedly conducted an unclothed body search of a male inmate and a second officer allegedly failed to stop the improper search.

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

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

Case Disposition
 The hiring authority sustained the allegations and imposed a letter of reprimand on each officer. The OIG concurred. However, the second officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she retired with disciplinary action pending. The first officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the letter of reprimand.

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
2017-01-20	17-0022399-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

Case Type: Direct Action with Subject-Only Interview

Incident Summary

On January 20, 2017, seven officers allegedly left their assigned posts without a sergeant's approval and loitered in a control booth, the control booth officer allegedly allowed the seven officers to loiter in the control booth, and a sergeant allegedly failed to ensure the officers did not loiter in the control booth. Also, the sergeant's written report was not consistent with other accounts of the incident.

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 hiring authority's request and the employee relations officer did not make an entry into the case management system confirming relevant dates. 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 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 March 16, 2017, but did not take action until April 19, 2017, 34 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 a dishonesty allegation for the sergeant and opened a full investigation because there was evidence the sergeant was dishonest in his report and an investigation was necessary to thoroughly address the scope of the alleged misconduct.
- **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.
- **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 all allegations except for an allegation against one officer for abandoning his post. The hiring authority imposed a 5 percent salary reduction for six months on the control booth officer, 5 percent salary reductions for 12 months on three officers, 5 percent salary reductions for three months on three other officers, and 5 percent salary reductions for six months on the seventh officer and the sergeant. The different penalties for the seven officers reflected the length of time each remained in the control booth. The OIG concurred with the hiring authority's determinations. At the officers' *Skelly* hearings, the officers accepted responsibility. Based on this information, the hiring authority entered into settlement agreements modifying the penalty for the control booth officer and six of the remaining officers. The hiring authority reduced the 5 percent salary reductions for 12 months for three officers to 5 percent salary reductions for nine months, reduced the 5 percent salary reductions for three months for three officers to letters of instruction for two of the officers, withdrew the disciplinary action issued to the third officer who denied misconduct, and reduced the penalty for the control booth officer from a 5 percent salary reduction for six months to a 5 percent salary reduction for three months. The OIG concurred with the hiring authority's determinations except for the decision to withdraw the one disciplinary action because the hiring authority did not identify sufficient changed circumstances to warrant the withdrawal. A sergeant and one officer filed appeals with the State Personnel Board. Prior to the hearing, the department entered into settlement agreements with the sergeant and officer agreeing to remove the disciplinary action from the sergeant's personnel file after one year and reducing the officer's penalty from a 5 percent salary reduction for six months to a 5 percent salary reduction for five months. The OIG did not concur with the settlements because there were insufficient changed circumstances. However, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines for the misconduct.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority entered into settlement agreements and withdrew a disciplinary action without sufficient justification and the disciplinary actions did not contain all required language.

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.

- **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 settlement agreements in the sergeant’s and one officer’s cases.

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

In the OIG’s opinion the sergeant’s and one officer’s settlement agreements and the withdrawal of the disciplinary action for another officer were incorrect because the hiring authority did not identify sufficient new evidence, flaws, or risks justifying the modifications.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-05	17-0023642-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On February 5, 2017, a sergeant allegedly inappropriately completed a housing compatibility form for two inmates and failed to ensure officers completed rules violation reports after the two inmates fought and on March 9, 2017, again allegedly inappropriately completed a housing compatibility form for the same inmates. On March 10, 2017, a second sergeant allegedly inappropriately completed a housing compatibility form for the same inmates and a lieutenant allegedly failed to ensure the second sergeant appropriately completed the form. On April 17, 2017, a third sergeant allegedly inappropriately completed a housing compatibility form for the same inmates, failed to ensure that officers completed rules violation and incident reports, failed to ensure that officers properly housed the inmate who attacked the other inmate, and wrote a false memorandum about the incident. On April 17, 2017, a second lieutenant allegedly failed to ensure officers completed rules violation and incident reports and failed to ensure that officers properly housed the inmate who attacked the other inmate. On May 17, 2017, a fourth sergeant allegedly inappropriately completed a housing compatibility form for the same inmates, and the second lieutenant allegedly failed to ensure the fourth sergeant appropriately completed the form. On April 18, 2017, a captain allegedly failed to ensure that officers completed rules violation and incident reports after one of the inmates attacked the other inmate and failed to ensure that officers properly housed the inmate who attacked the other inmate. On June 25, 2017, a fifth sergeant allegedly inappropriately completed a housing compatibility form.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
<p>Case Disposition</p> <p>The hiring authority found insufficient evidence to sustain the allegations but revised the local operational procedure for housing requests. The OIG concurred with the hiring authority's determination.</p>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-19	17-0022192-IR	1. Discrimination/Harassment 2. Neglect of Duty	1. Sustained 2. Sustained	Suspension	Modified Suspension
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On February 19, 2017, an officer allegedly asked an inmate to show her his genitals, and a sergeant allegedly failed to report the misconduct after becoming aware of the officer's alleged misconduct.</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 consult and the special agent and department attorney did not notify the OIG of a critical discussion regarding a witness. In the OIG's opinion, the hiring authority should have requested and the Office of Internal Affairs should have obtained additional evidence.</p>					

Procedural Rating Insufficient	Substantive Rating Insufficient
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG? <i>The special agent did not notify the OIG of a meeting with the department attorney to discuss whether to interview a lieutenant as a witness or subject of the investigation.</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 should have obtained all building sign-in sheets.</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 March 29, 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 May 26, 2017, 58 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 additional building sign-in sheets.</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 requested additional building sign-in sheets.</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 issued a 60-working-day suspension to the officer and a letter of instruction to the sergeant. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board's proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 30-working-day suspension. The OIG did not concur with the settlement but did not seek a higher level of review because the penalty was within departmental guidelines for the misconduct.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority did not timely consult, did not notify the department attorney or the OIG of the <i>Skelly</i> hearing, and entered into a settlement agreement without sufficient justification. The department attorney did not include a required clause in the settlement agreement.</p>	
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 March 29, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 26, 2017, 58 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 and officer of the right to respond to an uninvolved manager.

- **Did a department attorney attend the Skelly hearing?**

The employee relations officer did not notify the department attorney of the officer's Skelly hearing, preventing the department attorney from attending.

- **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 settlement with the officer.

- **If there was a settlement agreement, did the settlement agreement include the key clauses policy requires?**

The settlement agreement failed to include a required key clause authorizing and ordering the officer's representative to withdraw the appeal with the State Personnel Board.

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

In the OIG's opinion the hiring authority should not have modified the officer's penalty because there was no new evidence, flaws, or risks justifying the settlement.

- **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 employee relations officer did not notify the OIG of the officer's Skelly hearing, preventing the OIG from attending.

- **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
2017-02-20	17-0023724-IR	1. Insubordination 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Administrative Investigation

Incident Summary

On February 20, 2017, an officer allegedly failed to search an inmate or the inmate's cell and failed to issue a rules violation report to the inmate after discovering suspected methamphetamine. The officer also allegedly failed to secure the suspected methamphetamine as evidence, disobeyed a sergeant's order to do so, and failed to document or notify his supervisor of the destruction of the methamphetamine. The officer and a second officer allegedly lied to a second sergeant regarding the incident.

<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>	
<p>Procedural Rating Insufficient</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 21, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 21, 2017, 150 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</p> <p>The hiring authority sustained the allegations against the first officer, except for failing to issue a rules violation report and dishonesty, and imposed a 10 percent salary reduction for 13 months. The hiring authority found insufficient evidence to sustain the allegations against the second officer. The OIG concurred with the hiring authority's determinations. At the <i>Skelly</i> hearing, the first officer provided mitigating evidence that he had minimal experience regarding proper evidence collection and preservation, and the hiring authority entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for 13 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 the appropriate range for the misconduct.</p>	
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not adequately consult with the OIG, include required language in the disciplinary action, or complete a case settlement report and the hiring authority modified the penalty without any changed circumstances.</p>	
<p>Procedural Rating Insufficient</p>	<p>Substantive Rating Sufficient</p>

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 served the disciplinary action before the OIG provided 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 or insubordination as a cause of action 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 the reduction.
- **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 a case settlement report.
- **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 attorney cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**
The department served the disciplinary action before the OIG provided feedback.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-23	17-0022398-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Unfounded	Demotion	Demotion
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On February 23, 2017, an officer and a sergeant allegedly falsified a temperature log for a housing unit and a second sergeant allegedly failed to tell oncoming officers about the false temperature entries.					
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 officer and first sergeant and imposed a 60-working-day suspension on the officer and demoted the first sergeant to officer for three years. The hiring authority did not dismiss the officer or first sergeant because the hiring authority believed the misconduct would not recur, the officer had a past commendation, and there was no personal gain from their actions. The hiring authority found the investigation conclusively proved the second sergeant was not involved. The OIG concurred with the hiring authority's determinations except for the officer's and the sergeant's penalties but did not seek a higher level of review because the penalties were within the department's disciplinary guidelines. After the officer's <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement modifying the penalty to a two-working-day suspension followed by a 10 percent salary reduction for 29 months. The OIG concurred. The first sergeant filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board upheld the demotion.					
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.					
Procedural Rating			Substantive Rating		
Insufficient			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 actions did not advise the sergeant and 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 for the officer within 30 days of the decision to take disciplinary action. The hiring authority decided to take disciplinary action on July 12, 2017. However, the department did not serve the disciplinary action on the officer until August 24, 2017, 43 days thereafter.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-25	17-0022485-IR	1. Discourteous Treatment 2. Battery	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Administrative Investigation					
Incident Summary On February 25, 2017, outside law enforcement arrested an officer after he allegedly pushed and argued with his girlfriend while drunk in public.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the department attorney did not make a timely entry into the case management system or timely review the investigative report.					
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 on April 27, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until May 25, 2017, 28 days after assignment.</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>The department attorney received the investigative report on February 5, 2018, but did not provide feedback until February 28, 2018, 23 days later.</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 the allegation the officer argued with his girlfriend while drunk in public, but not the remaining allegation, and issued a letter of reprimand. The OIG concurred. After the officer's <i>Skelly</i> hearing, the hiring authority determined the officer accepted responsibility for his misconduct and reached a settlement with the officer wherein the hiring authority agreed to withdraw the letter of reprimand from the officer's official personnel file one year after the effective date. The OIG concurred based on the factors learned at the <i>Skelly</i> 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
2017-03-15	17-0023894-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 March 15, 2017, and May 18, 2017, an officer allegedly lied in two reports regarding an inmate he did not supervise and on July 3, 2017, allegedly lied to a sergeant regarding the reports.

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 June 20, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 10, 2017, 51 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 case 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 19, 2018, 37 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
2017-03-28	17-0022715-IR	1. Use of Force 2. Dishonesty 3. Use of Force	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Letter of Instruction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On March 28, 2017, an officer allegedly pulled an inmate's wheelchair backwards, causing the inmate to fall. A second officer allegedly failed to document the first officer's use of force and on April 16, 2017, allegedly lied when he documented he did not see any 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 conduct the investigative findings conference in a timely manner. In the OIG's opinion, the Office of Internal Affairs made an incorrect initial determination.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 for the first officer because his report was not consistent with a visual recording of the incident.</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 August 10, 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 September 11, 2017, 32 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 the first officer pulled an inmate's wheelchair backwards causing the inmate to fall, but not the remaining allegations, and imposed a 5 percent salary reduction for three months. The OIG concurred. After the <i>Skelly</i> hearing, the hiring authority determined the officer was less culpable and reduced the penalty to a letter of reprimand without consulting the department attorney or the OIG. The officer filed an appeal with the State Personnel Board. Before the State Personnel Board proceedings, the hiring authority discovered that the officer's training had not included a specific prohibition against the force he used, withdrew the letter of reprimand, and issued a letter of instruction. The OIG did not concur but did not seek a higher level of review because the officer's use of force conformed with his training.</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, reduced the penalty without a settlement agreement and without identifying any changed circumstances, and did not adequately consult with the OIG. The employee relations officer did not adequately consult with the department attorney or the OIG, and the department attorney did not prepare 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>◦ 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 August 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until September 11, 2017, 32 days thereafter.</i></p> <p>◦ Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG? <i>After the Skelly hearing, the employee relations officer modified the disciplinary action without providing the revised disciplinary action to the department attorney or the OIG for review.</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 advise the officer of the right to respond to an uninvolved manager.</i></p> <p>◦ Did the hiring authority consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement? <i>After the Skelly hearing, the hiring authority reduced the salary reduction to a letter of reprimand without consulting the OIG and failed to secure a written settlement agreement.</i></p> <p>◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>In the OIG's opinion, the hiring authority should not have reduced the penalty to a letter of reprimand 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 hiring authority did not consult with the OIG before modifying the penalty after the Skelly hearing.</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
2017-03-31	17-0023834-IR	1. Threat/Intimidation 2. Use of Force 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On March 31, 2017, an officer allegedly punched a handcuffed inmate, and the officer and two other officers allegedly failed to report the use of force. On July 21, 2017, the first officer allegedly planted a weapon in a second inmate's cell. On April 3, 2017, a social worker allegedly failed to confiscate a broken handcuff key from the first inmate.</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>					
Procedural Rating			Substantive Rating		
Insufficient			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 April 3, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 22, 2017, 49 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</p> <p>The hiring authority found insufficient evidence to sustain the allegations against the officers. The hiring authority for the social worker found insufficient evidence to sustain the allegation but issued a letter of instruction. The OIG concurred with the hiring authorities' determinations.</p>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-03	17-0024409-IR	1. Use of Force 2. Failure to Report 3. Discourteous Treatment	1. Sustained 2. Not Sustained 3. Not Sustained	Work Improvement Discussion	Work Improvement Discussion
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On April 3, 2017, a lieutenant allegedly grabbed a ward's arm and forced the ward to the ground, breaking the ward's wrist, and called the ward a derogatory name. Two officers allegedly threatened the ward and dissuaded him from reporting 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. In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>					
Procedural Rating Insufficient			Substantive Rating Insufficient		
<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 April 5, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 9, 2017, 65 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 opened an administrative investigation because evidence showed the officer used force and the ward's wrist was injured, but there were questions regarding the facts.</i> ◦ Would the Office of Internal Affairs have made an appropriate initial or appeal determination without OIG intervention? <i>The Office of Internal Affairs did not open an investigation until the OIG elevated the matter to a deputy director in the Office of Internal Affairs.</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 the lieutenant used unreasonable force, but not that he was discourteous, and issued a work improvement discussion. The hiring authority found insufficient evidence to sustain the allegations against the officers. The OIG concurred with the hiring authority's determinations.</p>					
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>					
Procedural Rating Sufficient			Substantive Rating Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-26	17-0023332-IR	1. Neglect of Duty 2. Discourteous Treatment	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On April 26, 2017, an officer allegedly failed to act on anonymous notes warning that officers would be stabbed and told a nurse that he does not like those who report misconduct.					
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 hiring authority's request.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on June 5, 2017, but did not take action until July 12, 2017, 37 days after receipt of the request.</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 imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for four months. The OIG did not concur because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction. However, the OIG could not seek a higher level of review because the hiring authority did not consult before entering into the settlement agreement.					
Disciplinary Assessment The department did not comply with policies governing the disciplinary phase because the disciplinary action did not cite the correct statutes and did not include all required language, the hiring authority entered into a settlement agreement without consulting the OIG, and the settlement agreement did not comply 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 action did not cite the correct statutes governing peace officer confidentiality 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 settlement agreement did not comply with factors outlined in policy because the hiring authority did not identify any new evidence, flaws, or risks justifying 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 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 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 entering into a settlement agreement.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-26	18-0025472-IR	1. Discrimination/Harassment	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary Between April 26, 2017, and April 28, 2017, an officer allegedly looked salaciously at an inmate and on May 11, 2017, stood close to the inmate and told her he wanted to see her. Between October 5, 2017, and October 6, 2017, the officer allegedly made sexually suggestive gestures and comments and said he was happy to be able to touch a second inmate and on October 15, 2017, allegedly looked salaciously at the second inmate while licking his lips. On February 1, 2018, the officer allegedly told a third inmate to open her legs.					
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 4, 2017, but did not refer the matter to the Office of Internal Affairs until August 28, 2017, 116 days after the date of discovery. The department learned of additional alleged misconduct on October 15, 2017, but did not refer the matter to the Office of Internal Affairs until February 13, 2018, 121 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> 					
Case Disposition The hiring authority found insufficient evidence to sustain the allegations but provided training to the officer regarding proper staff and inmate interactions. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-01	17-0023199-IR	1. Controlled Substances	1. Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On May 1, 2017, an officer allegedly tested positive for barbiturates.					
Investigative Phase Assessment In the OIG's opinion, the Office of Internal Affairs did not conduct a thorough investigation or prepare a complete final report.					
Procedural Rating Sufficient			Substantive Rating Insufficient		

Assessment Questions

- **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 opened an investigation to interview a medical expert to address the validity of the officer's explanation.
- **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 investigative report did not include medical expert evidence to determine the validity of the officer's explanation.
- **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 and despite the department attorney's and OIG's recommendations, the Office of Internal Affairs refused to interview a medical expert to determine the validity of the officer's explanation.

Case Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for 22 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 salary reduction for 15 months and agreeing to remove the disciplinary action from the officer's official personnel file after 15 months. The OIG concurred because of evidentiary problems that arose in preparation for the State Personnel Board 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 cite the correct statutes governing peace officer confidentiality and 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
2017-05-08	17-0023277-IR	1. Confidential Information 2. Neglect of Duty 3. Misuse of Authority	1. Sustained 2. Sustained 3. Not Sustained	Suspension	Suspension

Case Type: Administrative Investigation

Incident Summary

On May 8, 2017, an officer allegedly provided a sergeant with his confidential computer user identification and password to allow the sergeant to access and change the officer's report, and the sergeant allegedly requested, obtained, and used the officer's computer user identification and password to change the officer's report.

<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. 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 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 because the sergeant's and officer's statements were inconsistent with each other.</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 December 22, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until January 26, 2018, 35 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, except that the sergeant misused his authority, and issued a two-working-day suspension to the officer and a 5 percent salary reduction for six months to the sergeant. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. At the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant reducing the penalty to 5 percent salary reduction for three months and agreeing to remove the disciplinary action from the sergeant's official personnel file after 12 months. The OIG did not concur because the hiring authority did not identify any changed circumstances justifying a reduced penalty. The OIG did not seek a higher level of review because the penalty was within departmental guidelines. 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 reduced the penalty without sufficient justification and the department attorney did not prepare disciplinary actions in accordance with policy.</p>	
<p>Procedural Rating Insufficient</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 returned the matter to the hiring authority on December 22, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 26, 2018, 35 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 statutes governing peace officer confidentiality and failed to advise the sergeant and 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 to support 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?**
This delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-19	17-0024215-IR	1. Dishonesty 2. Insubordination 3. Other Failure of Good Behavior 4. Misuse of State Equipment or Property 5. Dishonesty 6. Misuse of State Equipment or Property 7. Dishonesty 8. Misuse of Authority	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. No Finding 8. No Finding	Demotion	Demotion

Case Type: Administrative Investigation

Incident Summary

From May 19, 2017, to September 8, 2017, an associate warden and an office technician whom he directly supervised allegedly communicated via state email regarding their romantic relationship. From July 7, 2017, to September 8, 2017, the associate warden was allegedly involved in a romantic relationship with the office technician and this relationship adversely effected another employee’s morale. On July 13, 2017, and August 1, 2017, the associate warden allegedly lied to a chief deputy warden when he denied the relationship and in August 2017, intentionally reset a state mobile phone to destroy evidence of the relationship. On November 6, 2017, the associate warden and office technician allegedly violated an order from the Office of Internal Affairs to not discuss the investigation. On November 7, 2017, the associate warden allegedly lied during an 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 or timely conduct the investigative findings conference.

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 misconduct on July 13, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 29, 2017, 78 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 December 15, 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 February 2, 2018, 49 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, except for duplicate allegations and one of the allegations that the associate warden lied to a chief deputy warden. The hiring authority imposed a 24-working-day suspension on the office technician and demoted the associate warden to counselor and transferred him to another institution. The OIG concurred. The office technician filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the office technician reducing the penalty to an 18-working-day suspension, paying six days of back pay without interest, and immediately removing the disciplinary action and settlement agreement from her official personnel file. 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. The associate warden 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 delayed conducting the disciplinary findings conference and reduced the penalty without sufficient justification and the disciplinary actions did not include all required language.</p>	
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 December 15, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until February 2, 2018, 49 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 associate warden and office technician 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 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 the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlement and did not seek a waiver of back pay.

- **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
2017-05-25	17-0023497-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Neglect of Duty 3. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Letter of Instruction	Letter of Instruction
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On May 25, 2017, an officer allegedly improperly locked a union-designated state mobile phone with a personal code, made phone calls from the phone during times he documented conducting security checks, and allowed coworkers to use the phone for non-union purposes.</p>					
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>					
Procedural Rating			Substantive Rating		
Sufficient			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? <p><i>In the OIG's opinion, the Office of Internal Affairs should have added a dishonesty allegation because of evidence the officer documented conducting security checks at the same time he was on the phone and could not have been conducting the security checks.</i></p>					
<p>Case Disposition</p> <p>The hiring authority sustained an allegation for allowing other employees to use the mobile phone for non-union purposes, but not the remaining allegations, and issued a letter of instruction. The OIG concurred.</p>					
<p>Disciplinary Assessment</p> <p>The department sufficiently complied with policies governing the disciplinary phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-26	17-0024224-IR	1. Dishonesty 2. Sexual Misconduct 3. Failure to Report	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary</p> <p>On May 26, 2017, an officer allegedly engaged in sexual misconduct with an inmate and performed a sex act in an employee restroom. Between May 26, 2017, and June 15, 2017, the officer allegedly failed to report the inmate asked him to bring a mobile phone and on November 3, 2017, was allegedly dishonest during his interview with the Office of Internal Affairs.</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 allegations and dismissed the officer. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</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"> ◦ 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 and failed to advise the officer of the right to respond to an uninvolved manager.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-18	17-0023636-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On June 18, 2017, outside law enforcement arrested an officer after she allegedly slapped her boyfriend.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the hiring authority did not timely consult regarding the investigative findings.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ 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 February 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 March 20, 2018, 42 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 found insufficient evidence to sustain the allegation. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-02	17-0023811-IR	<ol style="list-style-type: none"> Dishonesty Discourteous Treatment Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Dismissal
Case Type: Administrative Investigation					
Incident Summary On July 2, 2017, outside law enforcement arrested a sergeant because he allegedly slapped his girlfriend and pulled her off a bed by the hair and wrist. The sergeant allegedly lied to outside law enforcement and called an outside law enforcement officer a derogatory term.					
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 dismissed the sergeant. The OIG concurred. However, the sergeant retired before the disciplinary action took effect. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action.					
Disciplinary Assessment The department 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
2017-07-09	17-0024078-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Suspension	Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
Incident Summary On July 9, 2017, an officer allegedly failed to document conducting a cell search and the discovery of a tattoo gun on a rules violation report. On July 10, 2017, a second officer allegedly falsified a rules violation report, stating he conducted the cell search and discovered the tattoo gun.					
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.					
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 14, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 1, 2017, 49 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 for dishonesty against the first officer and failing to write incident reports and opened a full investigation because sufficient evidence supported the allegations but there were questions regarding the facts warranting an 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 sustained the allegation against the second officer and imposed a 60-working-day suspension but found insufficient evidence to sustain the allegation against the first officer. The hiring authority did not dismiss the second officer because the officer accepted responsibility, submitted a memorandum correcting his error before his interview with the Office of Internal Affairs, was forthright during his interview, and had no prior discipline. The OIG concurred with the hiring authority's determinations except the penalty but did not seek a higher level of review because the penalty was within departmental guidelines. After the *Skelly* hearing, the hiring authority entered into a settlement agreement which converted the suspension to a 10 percent salary reduction for 30 months. The OIG concurred because the modified penalty had the same monetary effect.

Disciplinary Assessment

In the OIG's opinion, the hiring authority did not select the appropriate penalty. The disciplinary action did not include all required language.

Procedural Rating

Sufficient

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 officer based on the misconduct rather than impose a suspension.
- **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
2017-08-05	17-0023895-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On August 5, 2017, outside law enforcement arrested a lieutenant after he allegedly threw a plastic cup at his former wife, striking her in the mouth.

<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the Office of Internal Affairs did not make an appropriate initial determination.</p>					
<p>Procedural Rating Sufficient</p>			<p>Substantive Rating 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 added a dishonesty allegation because the lieutenant denied throwing the cup when evidence indicated otherwise, and an allegation for battery because there was an injury on the ex-wife's lip. The Office of Internal Affairs also should have opened an investigation to interview the ex-wife and lieutenant to address inconsistencies in the reports.</i></p> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegation and issued a 10 percent salary reduction for five months. The OIG concurred except for the penalty because the misconduct warranted a greater salary reduction. The OIG did not seek a higher level of review because the penalty was within departmental guidelines for the misconduct. After the <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement with the lieutenant reducing the penalty to a 10 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.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not properly prepare the disciplinary action or case settlement report. In the OIG's opinion, the hiring authority did not select an appropriate penalty.</p>					
<p>Procedural Rating Insufficient</p>			<p>Substantive Rating Insufficient</p>		
<p>Assessment Questions</p> <ul style="list-style-type: none"> <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, the hiring authority should have selected a higher salary reduction based on the serious nature of the misconduct and aggravating factors.</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 and failed to advise the lieutenant of the right to respond to an uninvolved manager.</i></p> <p>Did the department provide the case settlement report to the OIG and if so, was the form complete and accurate?</p> <p><i>The department attorney did not reference consulting with the OIG in the case settlement report and included that the lieutenant expressed remorse although this was not a new factor and was previously considered at the disciplinary findings conference.</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 penalty because the misconduct warranted a greater salary reduction.</i></p> 					
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-06	17-0023990-IR	1. Weapons	1. Sustained	Suspension	Suspension

Case Type: Direct Action (No Subject Interview)	
Incident Summary On August 6, 2017, while preparing for transportation duties, an officer allegedly negligently slapped the bottom of a firearm ammunition magazine after inserting the magazine into the firearm, resulting in an unintended discharge of a round into a clearing barrel.	
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.	
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 returned the case to the hiring authority on September 20, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until October 23, 2017, 33 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 allegation and imposed a one-working-day suspension. 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 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 or cite the correct statutes.	
Procedural Rating Insufficient	Substantive Rating 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 September 20, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 23, 2017, 33 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 statutes governing peace officer confidentiality and failed to 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
2017-08-11	17-0024222-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary</p> <p>On August 11, 2017, two sergeants were allegedly informed of a Prison Rape Elimination Act allegation and failed to take any action, and one of the sergeants allegedly falsely told a third sergeant and a lieutenant he was not informed of the incident.</p>					
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the department attorney did not provide timely feedback regarding the thoroughness of the investigative report. In the OIG's opinion, the Office of Internal Affairs did not interview a key witness, the hiring authority incorrectly deemed the investigation sufficient, resulting in no action being taken against a sergeant, and the department attorney did not adequately cooperate with the OIG.</p>					
Procedural Rating Insufficient			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 special agent complete all necessary and relevant interviews? <i>In the OIG's opinion, the Office of Internal Affairs refused to interview a key witness.</i></p> <p>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>The department attorney received the draft investigative report on December 7, 2017, but did not provide feedback until January 11, 2018, 35 days after receipt.</i></p> <p>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 failed to interview all key witnesses.</i></p> <p>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 deemed the investigation sufficient even though the department attorney and the OIG recommended additional investigation.</i></p> <p>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 did not request additional investigation even though it was warranted.</i></p> <p>If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation? <i>In the OIG's opinion, the hiring authority could not sustain an allegation against one sergeant because the Office of Internal Affairs did not interview a key witness.</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 failed to notify the OIG of a meeting with the Office of Internal Affairs regarding expanding the investigation.</i></p> 					

Case Disposition

The hiring authority sustained the allegation that one sergeant failed to take action regarding the alleged Prison Rape Elimination Act violation, but not the remaining allegations against him or the second sergeant, and imposed a 5 percent salary reduction for eight months. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the hiring authority entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for six months. The OIG concurred because the sergeant showed remorse, completed additional self-study Prison Rape Elimination Act training, had since properly responded to a similar incident, and the penalty remained within the specified range for the conduct.

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 and failed to advise the sergeant of the right to respond to an uninvolved manager.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-18	18-0024997-IR	<ol style="list-style-type: none"> Dishonesty Sexual Misconduct Insubordination Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	Dismissal
Case Type: Direct Action with Subject-Only Interview					
Incident Summary <p>On August 18, 2017, an officer allegedly exposed his genitals to a woman, took the woman's vehicle without permission, and crashed and abandoned the vehicle. On November 30, 2017, the officer allegedly lied to outside law enforcement and a lieutenant regarding the incident. Between December 1, 2017, and December 6, 2017, the officer allegedly failed to notify a lieutenant and captain that outside law enforcement interviewed him regarding alleged vehicle theft and sexual assault.</p>					
Investigative Phase Assessment <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Case Disposition <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the department non-punitively separated the officer from employment before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating his separation was pending disciplinary action.</p>					
Disciplinary Assessment <p>The department sufficiently complied with policies governing the disciplinary phase.</p>					
Procedural Rating Sufficient			Substantive Rating Sufficient		
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-30	17-0024469-IR	<ol style="list-style-type: none"> Weapons 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					
Incident Summary <p>On August 30, 2017, an officer allegedly negligently discharged a firearm at his residence.</p>					
Investigative Phase Assessment <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 consult with the OIG. The employee relations officer did not confirm relevant dates in the case management system.</p>					
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 30, 2017, but the hiring authority did not refer the matter until October 27, 2017, 58 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 November 15, 2017. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until February 13, 2018, nearly three 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 allegation and imposed a 10 percent salary reduction for six months. The OIG concurred. After the *Skelly* hearing, the hiring authority determined the officer accepted responsibility and reduced the penalty to a letter of reprimand. The OIG concurred 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

- **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 November 15, 2017. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until February 13, 2018, nearly three months 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 statutes governing peace officer confidentiality and failed to 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
2017-09-14	17-0024738-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On September 14, 2017, an officer allegedly failed to accurately report the number of times he struck an inmate with a baton, and a second officer allegedly failed to accurately report the number of times he punched 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 and the department attorney did not make a timely entry into the case management system.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions					
<ul style="list-style-type: none"> ◦ 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 September 14, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 22, 2017, 69 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 December 26, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until January 17, 2018, 22 days after assignment.</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
2017-09-19	17-0024414-IR	1. Use of Force	1. Sustained	Letter of Reprimand	Letter of Reprimand
Case Type: Direct Action (No Subject Interview)					
Incident Summary On September 19, 2017, an officer allegedly inappropriately grabbed an inmate's hand and wrist and forced the inmate to the ground.					
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
<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 case to the hiring authority on November 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 January 5, 2018, 58 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 concurred with the hiring authority's findings but not with the penalty. The OIG did not seek a higher level of review because the penalty was within the disciplinary guidelines for the misconduct. 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 consult regarding the disciplinary determinations and the disciplinary action did not include the correct statutes or all required language. In the OIG's opinion, the department attorney did not provide appropriate legal advice and the hiring authority did not make the appropriate determinations.</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 case to the hiring authority on November 8, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 5, 2018, 58 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 incorrectly advised the hiring authority that the disciplinary guideline for failure to comply with training did not apply.
- **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 the disciplinary guideline for failure to comply with training but instead selected the disciplinary guideline for unreasonable use of force, which justified a lower penalty.
- **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 suspension instead of a letter of reprimand based on 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 statutes governing peace officer confidentiality and failed to 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
2017-10-02	17-0024629-IR	1. Dishonesty 2. Sexual Misconduct 3. Sexual Misconduct	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On October 2, 2017, an officer allegedly provided falsified military orders for time off from work and, on October 30, 2017, allegedly entered a cell and engaged in sexual misconduct with two inmates.</p>					
<p>Investigative Phase Assessment</p> <p>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"> ◦ 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 regarding the deadline to take disciplinary action but did not reference the incident date or date of discovery.</i> 					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations, except for allegations that were incorrectly worded, and dismissed the officer. 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		
<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 cite the correct statutes governing peace officer confidentiality and failed to advise the officer of the right to respond to an uninvolved manager.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-10-16	17-0024685-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Intoxication 3. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Suspension	Salary Reduction
Case Type: Direct Action with Subject-Only Interview					
<p>Incident Summary</p> <p>On October 16, 2017, outside law enforcement arrested an officer after the officer allegedly drove a vehicle while under the influence of alcohol, struck a parked vehicle, and left the scene. The officer also allegedly lied to outside law enforcement.</p>					
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigative phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months. The OIG did not concur with the penalty and sought a higher level of review because dismissal was the more appropriate penalty. The hiring authority's supervisor sustained the allegations and imposed a 49-working-day suspension. 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 disciplinary guidelines. Following a <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement modifying the suspension to a 10 percent salary reduction for 24 months, followed by a 5 percent salary reduction for one month. The OIG did not concur because there were no changed circumstances warranting the modification. The OIG did not seek a higher level of review because the modification caused a substantially similar financial repercussion to the officer.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the hiring authority entered into a settlement agreement without sufficient justification and served a disciplinary action that did not reference the correct statutes or comply with policy. In the OIG's opinion, the hiring authority did not identify the proper disciplinary matrix guidelines or appropriate mitigating and aggravating factors and imposed a penalty outside departmental guidelines, and the hiring authority's supervisor did not impose the appropriate penalty.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 identified the disciplinary guideline for lying to outside law enforcement.
- **In the OIG's opinion, did the hiring authority make the appropriate determination regarding the penalty?**
In the OIG's opinion, the hiring authority applied inapplicable mitigating factors and failed to apply applicable aggravating factors, resulting in the imposition of a salary reduction when dismissal was more appropriate 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 statutes governing peace officer confidentiality and failed to 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 to warrant a penalty modification.
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**
The OIG did not concur because the hiring authority did not identify any new evidence, flaws, or risks justifying the modification.
- **Did the OIG request the executive review?**
The OIG sought a higher level of review because the hiring authority did not apply the appropriate disciplinary guideline or mitigating and aggravating factors and imposed a penalty that was outside departmental guidelines.
- **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 failed to properly identify mitigating and aggravating factors and imposed a suspension when a dismissal was the more appropriate penalty.

Incident Date 2017-10-18	OIG Case Number 18-0024916-IR	Allegations 1. Use of Force	Findings 1. Sustained	Initial Penalty Salary Reduction	Final Penalty Modified Salary Reduction
Case Type: Direct Action (No Subject Interview)					
Incident Summary On October 18, 2017, a counselor allegedly witnessed an officer use physical force on an inmate and failed to report it.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the employee relations officer did not make a required entry into the case management system and the hiring authority did not timely consult with the OIG.					
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?**

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 January 10, 2018. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until February 13, 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 imposed a 10 percent salary reduction for six months. The OIG concurred. At the *Skelly* hearing, the counselor accepted responsibility, and the hiring authority entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for three 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 employee relations officer did not include required language in the disciplinary action and referenced an incorrect statute and the hiring authority did not timely consult with the OIG.

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 January 10, 2018. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until February 13, 2018, 34 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 statutes governing peace officer confidentiality and failed to 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 delay is addressed in a prior question.

Incident Date 2017-11-10	OIG Case Number 18-0024917-IR	Allegations 1. Sexual Misconduct	Findings 1. Not Sustained	Initial Penalty No Penalty Imposed	Final Penalty No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On November 10, 2017, and November 11, 2017, an officer allegedly forcibly fondled and kissed an office technician.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the Office of Internal Affairs did not timely make a determination regarding the hiring authority's request.					
Procedural Rating Insufficient			Substantive Rating Sufficient		
Assessment Questions <ul style="list-style-type: none"> ◦ Did the Office of Internal Affairs make a determination regarding the referral within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on December 7, 2017, but did not take action until January 10, 2018, 34 days after receipt of the request.</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
2017-12-22	18-0025243-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On December 22, 2017, outside law enforcement issued a citation to a parole agent after the parole agent allegedly punched her daughter-in-law.					
Investigative Phase Assessment Overall, 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 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 an entry into the case management system assessing the deadline for taking disciplinary action.</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	18-0025741-IR	1. Over-Familiarity 2. Over-Familiarity	1. Sustained 2. Not Sustained	Suspension	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between January 1, 2018, and January 31, 2018, a counselor allegedly allowed an inmate to sew a dress and tablecloth for her and on January 26, 2018, allegedly allowed inmates to paint her nails.					
Investigative Phase Assessment The department did not comply with policies governing the investigative phase because the employee relations officer did not make an entry into the case management system confirming relevant dates and the hiring authority did not timely consult with the OIG regarding the investigative findings.					
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?**

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 April 4, 2018. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until June 4, 2018, 61 days thereafter.

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

This delay is addressed in a prior question.

Case Disposition

The hiring authority sustained the allegation the counselor allowed an inmate to sew personal items for her, but not the remaining allegation, and imposed a 30-working-day suspension. The OIG concurred. However, the counselor retired before the disciplinary action took effect. The hiring authority placed a letter in the counselor’s official personnel file indicating she retired pending disciplinary action.

Disciplinary Assessment

Overall, the department sufficiently complied with policies 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 case to the hiring authority on April 4, 2018. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until June 4, 2018, 61 days thereafter. However, this delay does not affect the OIG's assessment of the disciplinary phase as it was previously assessed in the investigative phase.

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

The delay is addressed in a prior question.

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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

Central

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-03-19	16-0000208-IR	1. Dishonesty	1. Sustained	Dismissal	Resignation in Lieu of Termination
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>Between March 19, 2015, and November 28, 2015, an officer was allegedly dishonest when he claimed family medical leave to care for a spouse when he was not legally married. On July 29, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. Thereafter, the department entered into a settlement agreement allowing the officer to resign in lieu of dismissal in exchange for the officer agreeing never to seek employment with the department in the future. The OIG did not concur but did not seek a higher level of review because the settlement achieved the goal of ensuring the officer did not work for the department.</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. In the OIG's opinion, the hiring authority entered into a settlement agreement without sufficient justification.</p>					
Procedural Rating			Substantive Rating		
Insufficient			Insufficient		
<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 cite the correct legal authority governing peace officer confidentiality or 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 support withdrawing the disciplinary action after the State Personnel Board upheld the dismissal.</i> ◦ If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks to support withdrawing the disciplinary action after the State Personnel Board upheld the dismissal.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-26	16-0000400-IR	1. Dishonesty 2. Dishonesty 3. Failure to Report 4. Dishonesty	1. Sustained 2. Not Sustained 3. Not Sustained 4. No Finding	Dismissal	Suspension
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On November 26, 2015, a lieutenant allegedly caused a false timesheet to be generated to reflect that a second lieutenant worked a shift he did not work, signed the second lieutenant's signature on the timesheet, and worked an overtime shift instead of the regular shift she was scheduled to work. On December 2, 2015, the second lieutenant allegedly falsely documented working a shift he did not work and failed to report the first lieutenant signed his signature on the timesheet. On December 23, 2015, the first lieutenant allegedly falsified her timesheet regarding the hours she actually worked.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the first lieutenant, except improperly worded allegations, and dismissed the first lieutenant. The hiring authority found insufficient evidence to sustain the allegations against the second lieutenant. The OIG concurred with the hiring authority's determinations. The first lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board found the lieutenant was grossly negligent and willfully disobedient, but not dishonest, and imposed an 18-month suspension.</p>					
<p>Disciplinary Assessment</p> <p>The department did not comply with policies governing the disciplinary phase because the department attorney did not provide draft documents to the OIG in a timely manner. Also, the disciplinary action did not contain all required notices. However, the department attorney prepared an exceptionally well-written legal brief for the State Personnel Board.</p>					
Procedural Rating			Substantive Rating		
Insufficient			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 lieutenant of her right to respond to an uninvolved manager.</i> ◦ Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed? <i>The department attorney only provided the OIG two hours to review the draft pre-hearing settlement conference statement, which was not a sufficient amount of time for review.</i> ◦ 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 provided the OIG only two hours to review the draft pre-hearing settlement conference statement before it had to be filed and provided the department's opposition to the officer's motion to dismiss late in the evening before it had to be filed the next day.</i> 					

North

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-04-25	15-0001208-IR	1. Dishonesty 2. Failure to Report 3. Unreasonable Use of Force 4. Failure to Report Use of Force 5. Insubordination/Willful Disobedience 6. Insubordination 7. Failure to Report 8. Unreasonable Use of Force 9. Failure to Report Use of Force 10. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Not Sustained 8. Not Sustained 9. Not Sustained 10. Not Sustained	Dismissal	Dismissal
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On April 25, 2015, seven officers allegedly physically picked an inmate up from his wheelchair, threw him into a cell, and threw the wheelchair against the cell door. The seven officers and an eighth officer allegedly failed to report their own and the others' uses of force, and one of the seven officers allegedly failed to address the inmate's safety concerns. On September 14, 2015, and September 15, 2015, three of the officers allegedly lied during their interviews with the Office of Internal Affairs. On April 15, 2016, one of these officers allegedly lied during an interview with the Office of Internal Affairs and on March 12, 2016, that officer and one of the other officers allegedly violated an order from the Office of Internal Affairs to not discuss the investigation.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegation against two officers for picking up the inmate and throwing him into a cell and failing to report the force. The hiring authority sustained the allegations one of these officers was dishonest during his interview with the Office of Internal Affairs and the second officer violated an order not to discuss the investigation. The hiring authority also sustained allegations that four other officers failed to report the other officers' uses of force, two of these officers lied during interviews with the Office of Internal Affairs, and one of these officers violated an order not to discuss the investigation. The hiring authority found insufficient evidence to sustain the remaining allegations, including any allegations against the seventh and eighth officers. The hiring authority dismissed the six officers against whom allegations were sustained. The OIG concurred with the hiring authority's determinations. All six officers filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissals.</p>					
<p>Disciplinary Assessment</p> <p>Overall, the department sufficiently complied with policies governing the disciplinary phase.</p>					
Procedural Rating			Substantive Rating		
Sufficient			Sufficient		

Assessment Questions

- **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 did not adequately respond to the administrative law judge's opinion that the disciplinary actions for two of the officers failed to allege excessive use of force and that therefore, the hearing did not pertain to excessive use of force.

South

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-02-17	15-0001215-IR	1. Unreasonable Use of Force	1. Sustained	Suspension	No Penalty Imposed
Case Type: Administrative Investigation					
Incident Summary On February 17, 2015, a sergeant allegedly slammed an inmate to the ground after the inmate hit the sergeant with a door.					
Case Disposition The hiring authority sustained the allegation and imposed a 24-working-day suspension. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the suspension. The administrative law judge made a credibility determination and ruled the evidence was insufficient to sustain the allegation.					
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 disciplinary action did not comply with policy, and the department attorney failed to appear at the pre-hearing settlement conference. In the OIG's opinion, the employee relations officer did not have full familiarity with the case.					
Procedural Rating Insufficient			Substantive Rating Insufficient		
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 December 16, 2015. However, the hiring authority did not consult with the OIG regarding the sufficiency of the disciplinary determinations until January 22, 2016, 37 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 sergeant of the right to respond to an uninvolved manager.</i> In the OIG's opinion, did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case? <i>The department attorney unexpectedly failed to appear at the pre-hearing settlement conference, resulting in an unprepared employee relations officer appearing. In the OIG's opinion, the employee relations officer was unable to adequately answer the administrative law judge's questions regarding basic facts of the case.</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. In addition, in the OIG's opinion, the department attorney did not adequately represent the department during the appeal process because the department attorney unexpectedly failed to appear for the pre-hearing settlement conference, resulting in an unprepared employee relations officer appearing who was unable to adequately respond to the administrative law judge's questions.</i> 					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-06-03	15-0002049-IR	1. Failure to Report Use of Force	1. Sustained	Suspension	Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On June 3, 2015, a sergeant allegedly failed to notify a lieutenant that he had used force on an inmate, and an officer allegedly failed to timely document his use of force on the same inmate.					
Case Disposition The hiring authority sustained the allegations and imposed a 10 percent salary reduction for four months against the officer and a 30-working-day suspension against the sergeant. The OIG concurred. After the officer's <i>Skelly</i> hearing, the hiring authority discovered that the officer did not notify his supervisor of the use of force and submitted his report before the end of his shift. Due to this mitigating information, the hiring authority withdrew the disciplinary action against the officer. The OIG concurred with the hiring authority's determination based on the new information learned at the <i>Skelly</i> hearing. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the suspension.					
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 disciplinary action did not comply with policy, and the department attorney was not adequately familiar with the case.					
Procedural Rating Insufficient			Substantive Rating 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 October 7, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until February 19, 2016, 135 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 sergeant of the right to respond to an uninvolved manager.</i> ◦ In the OIG's opinion, did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case? <i>The department attorney was unable to adequately respond to the administrative law judge's questions regarding the basic facts of the case and departmental policies.</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
2015-07-29	15-0002113-IR	1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty 4. Neglect of Duty 5. Neglect of Duty 6. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Exonerated 6. Unfounded	Dismissal	No Penalty Imposed
Case Type: Administrative Investigation					
<p>Incident Summary</p> <p>On July 29, 2015, an officer allegedly struck an inmate multiple times in the head with a baton, failed to accurately document the incident, and was dishonest in his report regarding the incident. A sergeant allegedly failed to ensure that team members for a cell extraction clearly understood their roles and the use-of-force policy, conduct a video-recorded interview of the inmate after the extraction, or ensure continual observation of the inmate. A captain and lieutenant allegedly failed to ensure that a proper plan was developed for a cell extraction and that team members clearly understood their roles, ensure a video-recorded interview of the inmate was conducted, and ensure continual observation of the inmate. On October 4, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.</p>					
<p>Case Disposition</p> <p>The hiring authority sustained the allegations against the officer and dismissed him. The hiring authority determined that the investigation conclusively proved the sergeant and captain did ensure staff were aware of their roles in the extraction process, determined that although the captain failed to have the inmate video recorded after the incident, the investigation revealed the actions were justified, lawful, and proper, and found insufficient evidence to sustain the remaining allegations against the captain, lieutenant, or sergeant. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal. The administrative law judge made a credibility determination and ruled that the force used was necessary and not excessive, and that the officer was not dishonest.</p>					
<p>Disciplinary Assessment</p> <p>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 completed its investigation for the officer and referred the matter to the hiring authority on October 26, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations for the officer until December 9, 2016, 44 days thereafter. However, this delay not affect the OIG's assessment of the disciplinary phase as it was previously assessed in the investigative phase.</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 2015-11-20	OIG Case Number 16-0000391-IR	Allegations 1. Neglect of Duty	Findings 1. Sustained	Initial Penalty Suspension	Final Penalty Suspension
Case Type: Direct Action (No Subject Interview)					
Incident Summary On November 20, 2015, an officer allegedly failed to notify the department of a firearms prohibition.					
Case Disposition The hiring authority sustained the allegation and imposed a 12-working-day suspension. 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 agreeing to remove the disciplinary action from the officer's official personnel file upon the State Personnel Board's approval of the settlement agreement. The OIG concurred because the penalty remained the same.					
Disciplinary Assessment The department sufficiently complied with policies governing the disciplinary phase.					
Procedural Rating Sufficient			Substantive Rating Sufficient		

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Appendix C: Criminal Investigations

Appendix C contains the assessment of 42 criminal investigations monitored and concluded during the reporting period.

Appendix C Criminal Investigation Cases

Central

Incident Date	OIG Case Number	Case Type	Allegations
2014-02-01	17-0000055-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between February 1, 2014, and December 15, 2016, a recreational therapist allegedly engaged in sexual acts with two inmates and on December 15, 2016, allegedly received bribes and conspired with inmates to introduce methamphetamine, mobile phones, pornographic magazines, and shoes 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 did not file charges. 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
2014-12-01	17-0022856-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between December 1, 2014, and May 17, 2017, a materials and stores supervisor allegedly engaged in sexual acts with an inmate and accepted bribes from and conspired with the inmate and the inmate's family to bring mobile phone chargers 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 materials and stores supervisor retired during the investigation. The department placed a letter in the materials and stores supervisor's official personnel file indicating that she retired under adverse circumstances.</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 obtain a search warrant for relevant documents.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was the special agent prepared to conduct all aspects of the investigation? <i>Before interviewing the inmate's daughter, the special agent failed to obtain a search warrant for records from a store for her alleged purchases of mobile phone chargers.</i> ◦ 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>The special agent did not obtain a search warrant for records from a store for the mobile phone charger purchases the inmate's daughter allegedly made.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs conduct a thorough investigation that addressed all relevant information? <i>The special agent did not obtain a search warrant for records from a store for the mobile phone charger purchases the inmate's daughter allegedly made.</i> 			
Incident Date	OIG Case Number	Case Type	Allegations
2015-12-01	17-0021997-IR	Criminal Investigation	1. Other Criminal Act

Incident Summary

Between December 1, 2015, and March 7, 2017, an officer allegedly engaged in sexual acts with two inmates. Between October 1, 2016, and March 7, 2017, the officer allegedly accepted bribes and conspired with inmates to smuggle tobacco and mobile phones into an 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 retired during the investigation. The department placed a letter in the officer's official personnel file indicating he retired under adverse circumstances.

Procedural Rating

Insufficient

Substantive Rating

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. In the OIG's opinion, the special agent did not complete a timely or thorough investigation and the delay impacted an inmate's ability to recall details.

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 12, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 7, 2017, over five months after the date of discovery.
- **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, the special agent should have asked an inmate to provide the notes she stated she wrote that documented her sexual relationship with the officer.
- **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 neglected to ask an inmate to provide notes she stated she wrote that documented her sexual relationship with the officer.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
One delay is addressed in a prior question. In addition, the special agent delayed more than six months before interviewing a second inmate who allegedly engaged in sexual acts with the officer. The special agent learned the identity of the second inmate on June 19, 2017, but did not interview the inmate until January 3, 2018, at which time the inmate had difficulty remembering specific dates of alleged sexual activity with the officer.

Incident Date 2015-12-15	OIG Case Number 16-0001916-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between December 15, 2015, and April 1, 2016, a supervising cook allegedly engaged in sexual acts with an inmate and conspired with and received bribes from inmates to bring mobile phones and narcotics into an 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 filed a felony complaint, and the supervising cook suffered a felony conviction. The Office of Internal Affairs did not open an administrative investigation because the supervising cook resigned. A letter was placed in the supervising cook's official personnel file indicating she resigned under adverse circumstances.</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. In addition, the special agent conducted numerous inmate interviews and discovered digital evidence, resulting in the filing of a criminal complaint.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was the special agent prepared to conduct all aspects of the investigation? <i>In the OIG's opinion, the special agent should have sought a search warrant for the supervising cook's residence and mobile phone after she admitted criminal acts during her interview.</i> 			

Incident Date 2016-02-18	OIG Case Number 17-0023434-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On February 18, 2016, an officer allegedly conspired with an inmate to attack a second inmate and failed to intervene when the inmate stabbed the second 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 officer resigned before the conclusion of the investigation. The hiring authority placed a letter in the officer's official personnel file indicating he resigned under adverse circumstances.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating 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 March 14, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 26, 2017, 104 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> 			

Incident Date 2016-05-01	OIG Case Number 17-0000128-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between May 1, 2016, and December 28, 2016, an officer allegedly conspired with inmates to smuggle methamphetamine, mobile phones, tobacco, and unauthorized food into the institution, and allegedly smuggled those items 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.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the department did not comply with policies governing the investigation because the special agent did not adequately cooperate and consult with the OIG.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan? <i>In the OIG's opinion, the special agent should have consulted with and provided his investigative plan to the OIG before conducting interviews.</i> ◦ In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG? <i>In the OIG's opinion, the special agent was not adequately prepared to discuss investigative progress with the OIG and scheduled interviews without consulting the OIG.</i> 			

Incident Date	OIG Case Number	Case Type	Allegations
2016-08-01	17-0023819-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between August 1, 2016, and July 16, 2017, an officer allegedly conspired with and received bribes from inmates to introduce mobile phones and methamphetamine into an institution, introduced mobile phones into the institution, and engaged in sexual acts with two inmates. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs 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>			
<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. In addition, the hiring authority promptly requested an investigation after finding an inmate possessed mobile phones after meeting with the officer and insisted on a timely investigation. The special agent obtained and served a search warrant for the officer, her residence, and her mobile phone, which yielded significant evidence, and also obtained a confession from the officer.</p>			

Incident Date	OIG Case Number	Case Type	Allegations
2016-09-16	16-0002154-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between September 16, 2016, and February 2, 2017, an officer allegedly communicated with inmates by telephone, conspired with inmates to introduce and introduced marijuana and mobile phones into the institution, and sought and received a bribe from 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 a felony complaint. 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>			
<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. In addition, the hiring authority promptly requested an investigation after discovering inappropriate communications between the officer and an inmate, timely notified the special agent when new evidence was discovered, and insisted on a timely investigation. The special agent obtained and served a search warrant for the officer, her residence, and her mobile phone within ten days, which yielded significant evidence, and obtained a confession from the officer.</p>			

Incident Date 2016-10-01	OIG Case Number 17-0022126-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between October 1, 2016, and May 3, 2017, a supervising cook allegedly received bribes from and conspired with a parolee and an inmate to introduce marijuana and methamphetamine into an institution, possessed methamphetamine for sale, engaged in sexual acts with the parolee, and communicated by mobile phone 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 supervising cook resigned. The hiring authority placed a letter in the supervising cook's official personnel file indicating she resigned under adverse circumstances.</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 prepared an investigative report which contained a well-organized presentation of a complicated case.</p>			

Incident Date 2016-10-07	OIG Case Number 17-0000131-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between October 7, 2016, and December 12, 2016, a psychologist allegedly engaged in sexual acts with an inmate. On December 7, 2016, the psychologist allegedly introduced a mobile phone into the institution and on December 7 and December 14, 2016, allegedly communicated with the inmate via 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 district attorney filed a felony complaint. The psychologist suffered a misdemeanor conviction for unlawfully communicating with an inmate. 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 Insufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department's handling of the investigation was substantively insufficient because the Office of Internal Affairs did not timely submit the case to the district attorney, resulting in the inability to file misdemeanor charges.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The Office of Internal Affairs did not submit the case to the district attorney's office until three days before the deadline for filing misdemeanor charges.</i> 			

Incident Date 2016-11-05	OIG Case Number 17-0024118-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between November 5, 2016, and July 9, 2017, an officer allegedly engaged in sexual acts with an inmate, conspired to bring mobile phones into the institution, received bribes, and communicated with the inmate and his family members by telephone. 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 the officer's official personnel file indicating she resigned under adverse circumstances.</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 hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not timely complete the investigation for unlawful communication. However, the special agent conducted a thorough investigation, the investigative report provided an excellent summary of a complicated case, and the Office of Internal Affairs completed the investigation with sufficient time to refer the matter to the district attorney's office for other criminal charges.</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 July 9, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 18, 2017, 71 days after the date of discovery.</i> ◦ Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation? <i>The deadline to file criminal charges for unlawful communications on November 10, 2016, expired on November 10, 2017, but the Office of Internal Affairs did not complete its investigation until April 26, 2018.</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> 			

Incident Date 2017-01-03	OIG Case Number 17-0023334-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On January 3, 2017, a contract officer at a private contract facility allegedly communicated with an inmate by mobile phone and conspired with inmates and an inmate’s acquaintance to smuggle a mobile phone into the institution. Between January 28, 2017, and January 25, 2018, the contract officer allegedly communicated with another inmate by telephone and engaged in sexual acts with him. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the contract officer worked for a private contract facility and resigned her employment.</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 complete its investigation in a timely manner. In the OIG's opinion, the investigative report was not thorough.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ 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's report should have referenced communications the officer engaged in between January 3, 2017, and January 28, 2017.</i> ◦ Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation? <i>The deadline to file criminal charges for unlawful communications between January 3, 2017, and January 28, 2017, expired on January 3, 2018, but the Office of Internal Affairs did not complete its investigation until March 26, 2018.</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
2017-07-04	17-0024014-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between July 4, 2017, and September 19, 2017, an officer allegedly engaged in sexual acts with a parolee and allowed the parolee to live with 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 did not open an administrative investigation because the officer resigned pending disciplinary action in an unrelated matter. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</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
2017-07-15	17-0024621-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On July 15, 2017, an officer allegedly exposed himself to a female officer, kissed her, and unzipped and put his hand inside her jumpsuit. 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. However, the Office of Internal Affairs submitted the matter to the district attorney's office for review. The district attorney's office did not file a criminal complaint. 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 2017-09-01	OIG Case Number 17-0024156-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On September 1, 2017, an officer allegedly kicked a cat, causing serious injuries to the cat. 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. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
Procedural Rating Sufficient		Substantive Rating Sufficient	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation. In addition, the special agent conducted a very thorough investigation by interviewing all possible witnesses to the alleged crime.</p>			
Incident Date 2017-10-01	OIG Case Number 17-0024619-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On October 1, 2017, an officer allegedly solicited an informant to transport methamphetamine from one city to another. 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 Sufficient		Substantive Rating Sufficient	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>			

North

Incident Date 2016-02-01	OIG Case Number 17-0022894-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between February 1, 2016, and June 2, 2017, an officer allegedly accepted bribes and conspired with inmates to introduce mobile phones and tobacco into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney did not file criminal 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>			

Incident Date 2016-12-11	OIG Case Number 17-0023638-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between December 11, 2016, and June 16, 2017, an officer allegedly unlawfully communicated with an inmate. Between May 30, 2017, and June 16, 2017, the officer allegedly provided confidential inmate records to an inmate, conspired with the inmate to coordinate an attack on two other inmates, knew the inmate had attacked the other inmates with weapons, and concealed the attack. 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. The officer suffered a felony conviction for conspiracy and a misdemeanor conviction for unlawful communication. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Investigative 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.</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 June 26, 2017, but did not take action until August 9, 2017, 44 days after receipt of the request.</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 2016-12-22	OIG Case Number 17-0024602-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between December 22, 2016, and December 30, 2016, an officer allegedly conspired with and received bribes from an inmate and an inmate's visitor 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 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>			

Incident Date 2017-03-04	OIG Case Number 17-0024080-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>From March 4, 2017, to August 9, 2017, a case records technician allegedly engaged in a sexual acts with an inmate and spoke with the inmate and the inmate's attorney via telephone without authorization. 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 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 special agent did not adequately prepare for or conduct a thorough interview of the only witness.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, was the special agent prepared to conduct all aspects of the investigation? <i>In the OIG's opinion, the special agent should have prepared written questions or an outline to use during the inmate's interview and, during the interview, was not prepared to play audio recordings of the inmate discussing sexual activity.</i> ◦ In the OIG's opinion, did the Office of Internal Affairs special agent conduct thorough interviews and conduct the interviews in a professional manner? <i>In the OIG's opinion, the special agent asked the inmate leading questions and did not play the audio recordings of the inmate discussing sexual activity in order to counter the inmate's denials.</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 asked leading questions and did not adequately interview the inmate or use audio recordings.</i> 			

Incident Date 2017-05-30	OIG Case Number 18-0025302-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On May 30, 2017, an officer allegedly revealed confidential information regarding one inmate to a second inmate, thereby endangering the first inmate. On June 7, 2017, the officer allegedly revealed confidential information regarding a third inmate to a fourth inmate, thereby endangering the third 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 did not 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 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 request.</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 until 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 an administrative investigation on July 31, 2017, but did not take action until September 27, 2017, 58 days after receipt of the request. The hiring authority provided more information to the Office of Internal Affairs that supported a criminal investigation on November 14, 2017, but the Office of Internal Affairs did not begin the criminal investigation until January 26, 2018, 73 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> 			

Incident Date	OIG Case Number	Case Type	Allegations
2017-06-12	17-0024205-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between June 12, 2017, and July 14, 2017, a certified nursing assistant allegedly touched an inmate's genitals through his clothing. 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 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>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
2017-06-21	17-0023342-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On June 21, 2017, a supervising cook allegedly engaged in sexual acts with an inmate and slapped the inmate on the back of his head. 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 misdemeanor complaint against the supervising cook for slapping the inmate. The Office of Internal Affairs 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>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
2017-08-23	17-0024259-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On August 23, 2017, an officer allegedly conspired with inmates to introduce mobile phones and tobacco into the institution and provide them to 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.</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
2017-10-20	17-0024536-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between October 20, 2017, and November 11, 2017, an office technician 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 did not file criminal charges. The Office of Internal Affairs 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</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 2017-10-31	OIG Case Number 18-0024853-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On October 31, 2017, an officer allegedly possessed alcohol inside an 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 filed a felony complaint. 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>			

South

Incident Date 2014-07-23	OIG Case Number 16-0002025-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On July 23, 2014, a plumber allegedly engaged in sexual acts with an inmate and on February 18, 2016, allegedly engaged in sexual acts with a second 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.</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 timely complete the investigation.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation? <i>The deadline for filing criminal charges for one of the potential crimes expired July 23, 2017, but the Office of Internal Affairs did not complete its investigation until December 11, 2017, 141 days after the deadline.</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 2015-01-01	OIG Case Number 17-0022861-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between January 1, 2015, and April 24, 2017, an officer allegedly conspired with an inmate and accepted a bribe to smuggle tobacco, mobile phones, and heroin into an institution. The Office of Internal Affairs and an outside law enforcement agency conducted a joint investigation and found sufficient evidence for a probable cause referral to a prosecuting agency. The OIG concurred with the probable cause determination. A prosecuting agency filed criminal charges. The Office of Internal Affairs did not open an administrative investigation because 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 under adverse circumstances.</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>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG? <i>The special agent did not to keep the OIG informed of investigative activity.</i> 			

Incident Date 2015-11-01	OIG Case Number 16-0001404-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between November 2015 and August 2016, an officer allegedly engaged in sexual acts with four 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. 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>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan? <i>The OIG first contacted the special agent on May 13, 2016, but the special agent interviewed a key inmate witness on June 8, 2016, without consulting to finalize the investigative plan or advising the OIG.</i> 			

Incident Date 2016-03-05	OIG Case Number 17-0023953-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On March 5, 2016, an investigative services unit officer allegedly aided, conspired with, and accepted a bribe from an inmate's visitor to introduce marijuana into the institution. The officer also allegedly submitted a false report regarding his involvement in introducing 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.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating 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 May 18, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 18, 2017, three months 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> 			

Incident Date 2016-06-11	OIG Case Number 16-0002027-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>Between June 11, 2016, and March 31, 2017, an automobile mechanic allegedly smuggled methamphetamine and heroin into an institution, engaged in sexual acts with an inmate, and illegally communicated with the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed a misdemeanor complaint for illegal communication with an inmate. 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 Insufficient</p>	
<p>Investigative Phase Assessment</p> <p>In the OIG's opinion, the department's handling of the investigation was substantively insufficient because the Office of Internal Affairs did not timely conduct the investigation, allowing the automobile mechanic to remain on paid administrative leave for an extended time while the investigation was pending.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The special agent became unavailable on July 18, 2017, but the Office of Internal Affairs delayed reassigning the investigation to a new special agent until October 10, 2017, nearly three months thereafter, and failed to perform substantive work on the case from July 18, 2017, through November 15, 2017, nearly four months. During this delay, the automobile mechanic remained on paid administrative leave. The department paid the automobile mechanic for a total of eight months and nine days during the pendency of the administrative and criminal investigations, during which time he was not working.</i> 			

Incident Date	OIG Case Number	Case Type	Allegations
2016-08-23	16-0001887-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On August 23, 2016, an officer allegedly received a bribe from and conspired with an inmate to bring mobile phones into an institution and engaged in sexual acts with the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed a felony complaint. The Office of Internal Affairs did not open an administrative investigation because the officer retired. The hiring authority placed a letter in the officer's official personnel file indicating she retired under adverse circumstances.</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
2016-09-01	16-0002102-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between September 1, 2016, and October 12, 2016, an officer allegedly conspired with an inmate to obtain mobile phones for inmates and on October 12, 2016, accepted a bribe from the inmate to purchase a mobile phone. The Office of Internal Affairs conducted an investigation, which failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating</p> <p>Sufficient</p>		<p>Substantive Rating</p> <p>Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>			

Incident Date	OIG Case Number	Case Type	Allegations
2016-10-01	17-0023423-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between October 1, 2016, and May 18, 2017, two custodians and a nurse allegedly received bribes from and conspired with an inmate to introduce mobile phones and tobacco into an institution, and the nurse 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 did not open an administrative investigation due to lack of evidence.</p>			
Procedural Rating		Substantive Rating	
Sufficient		Sufficient	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>			

Incident Date	OIG Case Number	Case Type	Allegations
2016-11-01	17-0023198-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between November 1, 2016, and June 19, 2017, an officer allegedly conspired with inmates and introduced heroin and mobile phones 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 did not open an administrative investigation due to lack of evidence.</p>			
Procedural Rating		Substantive Rating	
Sufficient		Sufficient	
<p>Investigative Phase Assessment</p> <p>Overall, the department sufficiently complied with policies and procedures governing the investigative process.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The Office of Internal Affairs completed its investigative activity on August 25, 2017, but did not complete the nine-page investigative report until March 21, 2018, almost seven months thereafter.</i> 			

Incident Date	OIG Case Number	Case Type	Allegations
2017-02-21	17-0022600-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On February 21, 2017, an officer allegedly smuggled heroin 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 did not open an administrative investigation due to lack of evidence.</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
2017-03-18	17-0023200-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On March 18, 2017, an officer allegedly conspired with inmates to introduce and introduced heroin, methamphetamine, and mobile phones 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 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 March 20, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 30, 2017, 71 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> 			

Incident Date	OIG Case Number	Case Type	Allegations
2017-03-24	17-0023422-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>Between March 24, 2017, and June 12, 2017, a carpenter allegedly engaged in sexual acts with an inmate, provided methamphetamine to the inmate, and introduced a mobile phone, lighter, designer bag, wireless ear devices, and tattoo ink 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 Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
Procedural Rating		Substantive Rating	
Sufficient		Sufficient	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>			
Incident Date	OIG Case Number	Case Type	Allegations
2017-05-26	17-0023053-IR	Criminal Investigation	1. Other Criminal Act
<p>Incident Summary</p> <p>On May 26, 2017, 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 filed a felony complaint. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
Procedural Rating		Substantive Rating	
Sufficient		Sufficient	
<p>Investigative Phase Assessment</p> <p>The department sufficiently complied with policies governing the investigation.</p>			

Incident Date 2017-09-21	OIG Case Number 17-0024158-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On September 21, 2017, a case records technician allegedly brought a mobile phone into the institution and engaged in sexual acts with an inmate, and a counselor allegedly conspired to bring a mobile phone into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence against the case records technician, but not the counselor, for a probable cause referral to the district attorney. The OIG concurred with the probable cause determinations. The Office of Internal Affairs did not open an administrative investigation because the case records technician resigned and the counselor retired from the department. The hiring authority placed a letter in the case records technician's official personnel file indicating she resigned under adverse circumstances.</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>			

Incident Date 2017-10-30	OIG Case Number 17-0024275-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On October 30, 2017, an officer allegedly engaged in sexual acts with two 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 criminal complaint. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Sufficient</p>	
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigation because the Office of Internal Affairs did not adequately consult with the OIG.</p>			
<p>Assessment Questions</p> <ul style="list-style-type: none"> ◦ 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? <i>The special agent did not provide the draft investigative report to the OIG for review before forwarding the report to the district attorney.</i> ◦ In the OIG's opinion, did the special agent cooperate and provide continual real-time consultation with the OIG? <i>The special agent failed to consult with the OIG regarding his investigative report and did not notify the OIG of an additional interview.</i> 			

Incident Date 2017-11-08	OIG Case Number 17-0024519-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p>Incident Summary</p> <p>On November 8, 2017, a carpenter allegedly made a death threat against a lieutenant and other unnamed staff members at the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney did not file a criminal complaint. 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>			

Appendix D: Deadly Force Administrative Cases and Criminal Investigations

Appendix D contains the assessment of nine deadly force cases monitored and concluded during the reporting period, listed by geographic region.

Appendix D DEADLY FORCE INCIDENT CASE SUMMARIES

Central

Incident Date	OIG Case Number	Case Type	
2016-06-11	16-0001735-IR	Use of Deadly Force Administrative	
<p>Incident Summary</p> <p>On June 11, 2016, an officer discharged two rounds from a firearm at a private citizen, a former parolee, riding a motorcycle on his property, striking him in the back. Between June 11, 2016, and August 11, 2016, the officer allegedly accessed the former parolee's records on the department's computer system.</p>			
Allegations	Findings	Initial Penalty	Final Penalty
1. Battery	1. Sustained	Suspension	Suspension
2. Misuse of Authority	2. Sustained		
3. Discourteous Treatment	3. Sustained		
4. Other Failure of Good Behavior	4. Sustained		
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely notify the Office of Internal Affairs of the incident or conduct a timely investigative findings conference. In the OIG's opinion, the special agent did not adequately prepare for the investigation or conduct a thorough investigation and the department attorney provided inadequate feedback regarding the draft investigative report and inadequate legal advice to the hiring authority.</p>			
Procedural Rating		Substantive Rating	
Insufficient		Insufficient	
<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 notified the Office of Internal Affairs three hours after being advised of the incident by outside law enforcement.</i> ◦ In the OIG's opinion, was the special agent prepared to conduct all aspects of the investigation? <i>In the OIG's opinion, the special agent was not adequately prepared to conduct all aspects of the investigation because the special agent did not inspect the location where the incident occurred or obtain an accurate diagram of the area prior to interviewing the officer.</i> ◦ 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, the special agent did not conduct thorough interviews because the special agent did not use an accurate diagram of the location when questioning the officer and did not adequately question the officer regarding the inconsistencies between his statements and the former parolee's injuries.

- **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 provide appropriate substantive feedback to the special agent addressing the investigative report because the department attorney neglected to recommend the special agent include the officer's admission he inappropriately accessed the department's confidential records regarding the former parolee. The department attorney also did not recommend the special agent remove references to unrelated use-of-force articles, an inaccurate aerial photograph of the location, and the former parolee's criminal history information from the exhibits.

- **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 was not thorough or accurate because it did not address conflicts in the evidence and included an inaccurate aerial photograph of the incident site and former parolee's criminal history information as exhibits to the investigative report.

- **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 did not conduct a thorough investigation because the special agent did not inspect the location of the incident, obtain accurate photographs or diagrams of the area, or investigate inconsistencies between the officer's description of the incident and the medical records of the former parolee's injury.

- **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 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until April 19, 2017, 40 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 provided the hiring authority with inadequate legal advice when advocating against finding the officer committed battery.

- **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 the officer's use of deadly force did not comply with policy. Additionally, the hiring authority sustained the allegation of improper access to the department's confidential records and added and sustained an additional allegation for battery. However, before the hiring authority made a disciplinary determination, the department attorney sought a higher level of review of the hiring authority's decision to add and sustain a battery allegation. At the higher level of review, the hiring authority's supervisor agreed with the decision to add the battery allegation and imposed a 44-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the suspension.

Disciplinary Assessment

The department did not comply with policies governing the disciplinary phase because the hiring authority delayed conducting the disciplinary findings conference and did not serve the disciplinary action in accordance with policy. In the OIG's opinion, the department attorney provided inadequate legal advice to the hiring authority.

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 case to the hiring authority on March 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 19, 2017, 40 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 provided inadequate legal advice when advocating against adding a disciplinary matrix allegation for battery.

- **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 May 8, 2017. However, the department did not serve the disciplinary actions until June 30, 2017, 53 days later.

Incident Date

2017-08-08

OIG Case Number

17-0023670-IR

Case Type

Use of Deadly Force Administrative

Incident Summary

On August 8, 2017, an inmate repeatedly stabbed an officer in the neck and shoulder with a weapon. A control booth officer fired three less-lethal rounds, and three other officers allegedly inappropriately struck the inmate in the head and body with batons. The department transported the injured officer and the inmate to outside hospitals, and the injured officer was released later that day. The inmate was treated for a fractured skull and orbital fracture and transported to a different institution three days later. The control booth officer and a nurse allegedly failed to complete their incident reports before leaving the institution, and a lieutenant allegedly authorized the officer and nurse to leave without completing reports. 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 did not file a criminal complaint. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Allegations

1. Neglect of Duty
2. Neglect of Duty
3. Weapons

Findings

1. Sustained
2. Not Sustained
3. Exonerated

Initial Penalty

Letter of Instruction

Final Penalty

Letter of Instruction

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.

Procedural Rating

Insufficient

Substantive Rating

Sufficient

Assessment Questions

- **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. The incident took place on August 8, 2017, but the Office of Internal Affairs did not complete the investigation until November 22, 2017, 106 days thereafter.

Disposition

The Deadly Force Review Board found that the officers' alleged use of deadly force complied with policy. The hiring authority subsequently exonerated those officers, and the OIG concurred. The hiring authority for the control booth officer and lieutenant sustained the allegations and provided training to the control booth officer and issued a letter of instruction to the lieutenant. The hiring authority for the nurse found insufficient evidence to sustain the allegation against the nurse. The OIG concurred with the hiring authorities' determinations.

Disciplinary Assessment

The department sufficiently complied with policies governing the disciplinary phase.

Procedural Rating Sufficient	Substantive Rating Sufficient
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Incident Date 2018-03-25	OIG Case Number 18-0025706-IR	Case Type Use of Deadly Force Criminal
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Incident Summary

On March 25, 2018, approximately 69 inmates participated in a riot on the exercise yard. An officer fired six less-lethal rounds, two warning shots, and one round for effect from a Mini-14 rifle, striking an inmate in the buttocks. The department transferred the inmate who was shot with the Mini-14 rifle to an outside hospital, and he returned to the institution on April 1, 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 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 the department did not timely obtain a public safety statement or timely complete the interviews.

Procedural Rating Insufficient	Substantive Rating Insufficient
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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?**
In the OIG's opinion, the department did not comply with legal authority regarding public safety statements because the hiring authority did not obtain the officer's public safety statement until three hours after 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 complete all interviews until 30 days after the incident.
- **In the OIG's opinion, did the department conduct the investigative phase with due diligence?**
The delays are addressed in prior questions.

North

Incident Date	OIG Case Number	Case Type	
2017-01-01	17-0000039-IR	Use of Deadly Force Administrative	
<p>Incident Summary</p> <p>On January 1, 2017, outside law enforcement arrested an officer after he allegedly discharged a firearm outside of his residence. The officer also allegedly refused to cooperate with and lied to outside law enforcement. On January 3, 2017, the officer allegedly submitted a false memorandum to the investigative services unit and, on November 20, 2017, allegedly lied in an interview with the Office of Internal Affairs.</p>			
Allegations	Findings	Initial Penalty	Final Penalty
1. Dishonesty	1. Sustained	Dismissal	Dismissal
2. Weapons	2. Sustained		
3. Other Failure of Good Behavior	3. Sustained		
<p>Investigative Phase Assessment</p> <p>The department did not comply with policies governing the investigative phase because the hiring authority did not timely notify the OIG or the Office of Internal Affairs regarding the incident and the Office of Internal Affairs did not complete the investigation in a timely manner.</p>			
Procedural Rating		Substantive Rating	
Insufficient		Sufficient	
<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>A departmental representative did not notify the Office of Internal Affairs until nearly 12 hours after the incident.</i> ◦ Did the department timely notify the OIG of the critical incident? <i>The department did not notify the OIG until nearly 12 hours after outside law enforcement contacted the department.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The Office of Internal Affairs opened the investigation and forwarded the case to a regional office on January 11, 2017, but did not complete the investigation until December 18, 2017, 11 months thereafter. The delay was due to an ongoing criminal investigation and prosecution.</i> 			

<p>Disposition</p> <p>The Deadly Force Review Board found the officer's use of deadly force did not comply with policy. The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, before imposing discipline, the hiring authority non-punitively separated the officer for being absent without leave. The hiring authority placed a letter in the officer's official personnel file indicating he separated under adverse circumstances.</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>

<p>Incident Date</p> <p>2017-05-24</p>	<p>OIG Case Number</p> <p>17-0022798-IR</p>	<p>Case Type</p> <p>Use of Deadly Force Administrative</p>	
<p>Incident Summary</p> <p>On May 24, 2017, five officers and a sergeant deployed a pepper spray grenade and used baton strikes and physical force to stop two inmates from fighting on the exercise yard. When the two inmates stopped fighting, nearly 100 inmates ran in the direction of the officers and a sergeant, punching and kicking them, as well as two other officers who responded to the scene. Three officers fired 15 warning shots and four shots for effect from Mini-14 rifles. The officers were unable to determine whether the rounds struck the intended targets. A fourth officer fired three less-lethal rounds. The seven officers and sergeant who were attacked were taken to an outside hospital for non-life-threatening injuries and were released the same day. Six inmates were taken to an outside hospital for non-life-threatening injuries, two from Mini-14 rifle rounds, one from a baton strike, and three for injuries due to the fight. Four returned to the institution the same day, one returned on May 29, 2017, and one returned on June 3, 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. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p>Allegations</p> <p>1. Weapons</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 identify a known exception to the deadline to take disciplinary action and the Office of Internal Affairs did not timely complete its investigation. In the OIG's opinion, the Office of Internal Affairs and the hiring authority did not add allegations the evidence supported.</p>			
<p>Procedural Rating</p> <p>Insufficient</p>		<p>Substantive Rating</p> <p>Insufficient</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 made an entry into the case management system. However, she did not identify and note the exception to the deadline due to the concurrent criminal investigation.

- **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 Office of Internal Affairs should have added use-of-deadly force allegations against four other officers who used less-lethal force in a lethal manner. Additionally, based on the Deadly Force Review Board's recommendation, the hiring authority should have added an allegation for one of the other four officers for using less-lethal force in a lethal manner.

- **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. The incident took place on May 24, 2017, but the Office of Internal Affairs did not complete the investigation until September 13, 2017, 112 days thereafter.

Disposition

The Deadly Force Review Board found that the three officers' uses of deadly force with Mini-14 rifles complied with policy. The hiring authority subsequently exonerated the officers, and the OIG concurred.

Incident Date 2017-10-20	OIG Case Number 17-0024240-IR	Case Type Use of Deadly Force Criminal
<p>Incident Summary</p> <p>On October 20, 2017, two inmates attacked a third inmate with inmate-manufactured weapons. Officers deployed multiple pepper spray grenades and less-lethal rounds, but the attack continued. An officer fired a warning shot from a Mini-14 rifle. The officer then fired a round for effect from the Mini-14 rifle, striking and allegedly fatally wounding the third inmate. Another officer fired a round for effect from a Mini-14 rifle, striking a second inmate, one of the inmates who had been attacking 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. 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 accordance with policy and the special agent submitted an inaccurate investigative report to the district attorney's office.</p>		
<p>Procedural Rating Insufficient</p>		<p>Substantive Rating Insufficient</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 special agents did not complete all interviews until October 25, 2017, five days after the incident because an officer was unavailable due to a family medical leave.</i> ◦ 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>The final investigative report misstated that the forensic analysis laboratory tested the accuracy of the firearms when it did not test whether the bullets impacted at the point the sights are adjusted.</i> ◦ In the OIG's opinion, did the department conduct the investigative phase with due diligence? <i>The Office of Internal Affairs assigned a special agent on October 20, 2017, but the special agent did not complete the investigation until February 20, 2018, four months thereafter.</i> 		

Incident Date 2018-01-26	OIG Case Number 18-0025214-IR	Case Type Use of Deadly Force Criminal
<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. 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 Sufficient</p>		<p>Substantive Rating Sufficient</p>

South

Incident Date 2018-01-16	OIG Case Number 18-0025047-IR	Case Type Use of Deadly Force Criminal
<p>Incident Summary</p> <p>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 responded to the scene. The OIG also responded. 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.</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 Insufficient</p>		<p>Substantive Rating 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 special agent delayed five weeks before interviewing one of the parole agents.</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 2018-02-08	OIG Case Number 18-0025336-IR	Case Type Use of Deadly Force Criminal
Incident Summary 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.		
Investigative Phase Assessment The department sufficiently complied with policies governing the investigation.		
Procedural Rating Sufficient		Substantive Rating Sufficient

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the Employee Disciplinary Process of the
California Department of Corrections
and Rehabilitation

Semi-Annual Report
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Appendices

OFFICE *of the* INSPECTOR GENERAL

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Inspector General

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Chief Deputy Inspector General

STATE *of* CALIFORNIA
November 2018

OIG