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FOREWORD

The Bureau of Independent Review was established inside the Office of the Inspector General in 2004 as a linchpin in the reforms set out by the federal court to address the Department of Corrections and Rehabilitation's internal affairs and employee disciplinary processes. Created to closely oversee internal affairs investigations within state correctional entities, the bureau underwent rapid development in its first six months, setting up offices, hiring and training an expert staff of attorneys and investigators, and participating in the development of key policies and procedures affecting the department's internal affairs and employee disciplinary systems.

By the end of the current semi-annual reporting period—after its first full year of operations—the bureau has not only proven its value as an able independent monitor of those processes, but through its work has also amply demonstrated the need for continued vigilance to ensure that internal affairs investigations are carried out with a high degree of integrity and that the discipline meted out is sound, consistent, and just.

Although the Department of Corrections and Rehabilitation's executive management and the management of the Office of Internal Affairs are genuinely committed to achieving reforms, the experience of the past months illustrates that without the bureau's oversight and intervention, some of the cases monitored would not have been thoroughly investigated—and, in some instances, might not have been investigated at all.

Overall, during the six-month reporting period ended June 30, 2006, the bureau monitored 221 internal affairs investigations—46 percent of the internal affairs investigations opened by the department—with 63 percent of the cases involving allegations of administrative misconduct, 19 percent involving allegations of criminal misconduct, and 18 percent involving other allegations.

In addition to its monitoring role, the bureau has been a key participant in the department's central intake panel, which processes all requests for internal affairs investigations and disciplinary action, and in that capacity, has helped to develop the department's intake procedures. The bureau has also been actively involved in addressing other policy issues affecting the department, including the inmate death review process; access to in-prison records during criminal investigations; and inefficiencies in the State Personnel Board's disciplinary hearing process.

As Inspector General, I fully support the mission of the Bureau of Independent Review and welcome its integration into the Office of the Inspector General's correctional oversight responsibilities.

— MATTHEW L. CATE, INSPECTOR GENERAL

INTRODUCTION

I am pleased to present the third semi-annual report of the Bureau of Independent Review, which documents the bureau's case monitoring and oversight activities from January 1, through June 30, 2006. During this time, the bureau has actively assisted the California Department of Corrections and Rehabilitation in achieving its mandate to reform its employee investigative and disciplinary processes.

The bureau's primary goals are to promote integrity, accountability, and transparency in the department's processes while complying with applicable privacy laws. Consistent with that purpose, Penal Code section 6133 calls for the bureau to publish semi-annual reports detailing its work.

The bureau underwent important changes during the third semi-annual period, relocating its headquarters and northern regional office into a new facility, which is adjacent to the department's Office of Internal Affairs, and hiring additional professional and support personnel to staff each of its offices. In the meantime, the bureau has continued to develop and foster positive working relationships with the department's Office of Internal Affairs, Employment Advocacy and Prosecution Team, and hiring authorities.

I would like to thank a number of individuals for their support of the bureau. As always, the bureau has enjoyed the continued support of the Inspector General and his executive staff, who have made the bureau a top priority in the administration of the Office of the Inspector General. I would also like to thank my counterparts at the Department of Corrections and Rehabilitation, whose daily cooperation and support greatly assist the bureau in conducting its operations. The contributions of the federal court have been invaluable to the bureau's success.

It is my pleasure to supervise the bureau and to work closely with colleagues dedicated to improving the overall integrity of the department. They have undertaken this role in earnest and carry out their responsibilities with the utmost professionalism. I truly appreciate their dedication to the bureau's mission and thank them for their public service.

On behalf of the attorneys, investigators, and support staff of the bureau, I invite you to review this third semi-annual report at www.oig.ca.gov and provide us with your feedback.

— **DAVID SHAW, CHIEF ASSISTANT INSPECTOR GENERAL,
BUREAU OF INDEPENDENT REVIEW**

OPERATIONS OF THE BUREAU OF INDEPENDENT REVIEW

This report is presented in accordance with the provisions of California Penal Code section 6133, which mandates reporting by the Bureau of Independent Review on a semi-annual basis. The bureau's attorneys and investigators¹ are committed to improving the Department of Corrections and Rehabilitation's efforts in the prevention and discipline of employee misconduct by promoting integrity and fairness in the entire department and thus maintaining public trust in California's government. This report offers all interested stakeholders, including the public, an independent analysis of the department's employee disciplinary system and outlines a series of professional checks and balances on that system.

At this writing the department holds jurisdiction over approximately 170,500 adult inmates in custody, 116,500 adult offenders under parole supervision, and 8,000 juvenile offenders in custody and under parole supervision. To manage this sizeable and complex system, the department employs approximately 56,500 employees, including more than 35,000 sworn peace officers. The Office of Internal Affairs is responsible for conducting investigations into serious misconduct by the department's peace officers and non-peace officer staff. The Employment Advocacy and Prosecution Team consists of department staff attorneys who advise the department on internal affairs and employee disciplinary matters and litigate employee appeals of disciplinary actions. The bureau works closely with both the Office of Internal Affairs and the Employment Advocacy and Prosecution Team to ensure that internal investigations and any resulting employee disciplinary cases are conducted in a thorough, timely, and unbiased manner.

During this reporting period, even though it was not yet fully staffed, the bureau fulfilled its statutory mandate to monitor the quality and timeliness of each internal affairs investigation meeting specified bureau criteria, and any resulting disciplinary actions. In fulfilling this mandate, the bureau made recommendations in each monitored case related to investigative strategy and techniques, whether the evidence supported the allegations, the decision whether to impose discipline and the appropriate discipline. In addition to monitoring internal affairs investigations, the bureau assessed the performance of the staff attorneys of the department's Employment Advocacy and Prosecution Team. The bureau assessed the disposition of each case, the level of discipline actually imposed, any settlement agreement, and the final outcome of the appellate process. This analysis is reflected in the selected cases of significance and the tables of monitored cases included in this report.

Although evaluation of the vertical advocacy process used by the Employment Advocacy and Prosecution Team had originally been envisioned by the federal court as a primary bureau function, significant monitoring of the team was not fully launched until this reporting period. This was due largely to the team's limited staff and consequent inability to assign staff attorneys to cases. Moreover, the team has been challenged in asserting its position as a vital component in the disciplinary system, particularly in the investigative process. Although the team is still developing, it has made measurable strides in representing the department in the majority of bureau-monitored cases and is becoming a fundamental resource for the department.

¹ See Appendix A for biographies of the attorneys and investigators employed by the bureau and Appendix B for the bureau's organization chart.

MAJOR PROJECTS OF THE BUREAU

Central intake. Now in its second year, the central intake unit processes all requests from the department's hiring authorities for internal affairs investigations and direct disciplinary action. The central intake panel is comprised of internal affairs special agents and management staff, department management, and hiring authorities. The panel meets weekly to discuss all requests. Cases are then accepted for investigation, approved for direct action by the hiring authorities, or returned to the hiring authorities without investigation or approval to take action against named staff.

The bureau's continued attendance at the central intake panel meetings has yielded quantifiable benefits for the department, as well as provided the bureau with a benchmark for measuring its impact on the department's disciplinary process. As a key participant in the formation of the central intake process, the bureau has been influential in helping to shape intake procedures and processes. This ground-floor insight has enabled the bureau to gauge trends, assess friction points, and determine whether specific institutions or hiring authorities are complying with the department regulations. Contributing an independent voice concerning the department's intake decisions has also enhanced the bureau's efforts to identify at-risk or problem employees.

Federal court review. To enhance its own performance and provide suggestions to the special master in *Madrid v. Woodford*, the bureau is participating in a peer review conducted by the Los Angeles Sheriff's Department's Office of Independent Review that began in June 2006. The bureau embraces this process and any resulting suggestions that will assist in executing the bureau's statutory mandates in a comprehensive and efficient manner. The peer review process began with the bureau's central region office in Bakersfield. The Office of Independent Review reviewed a representative group of bureau-monitored cases, including administrative and criminal investigations, as well as critical incidents.

The bureau supplied case information and a complete activity description for each case. The Office of Independent Review interviewed bureau staff members assigned to specific cases relative to their individual duties and overall understanding of the bureau's mission. The Office of Independent Review observed bureau staff perform monitoring activities as they interacted with a range of department staff members, including correctional officers, hiring authorities, staff attorneys, and employee relations officers. The Office of Independent Review also interviewed a sampling of special agents, wardens, staff attorneys, other department staff, and third parties who maintain regular contact with bureau staff members.

During the upcoming reporting period, the Office of Independent Review will turn to the bureau's northern and southern regional offices to complete its peer review.

Monitoring medical issues. At the request of the federal court, the bureau has engaged in limited monitoring of two components of the department's health care system that relate to safety and security issues: its statewide emergency medical care system and the death review committee process.

After the Office of the Inspector General published its *Special Review into the Death of Correctional Officer Manuel A. Gonzalez, Jr. on January 10, 2005, at the California Institution for Men*, the department adopted a corrective action plan that included creating a medical emergency response capabilities focus improvement team. The team was launched in the fall of 2005 and the bureau has overseen its

functions since inception. Over the course of this monitoring, the bureau has identified and made recommendations to remedy numerous shortfalls within the department's current emergency medical system. A summary of the major issues is addressed in a separate report.

In December 2005, the court's expert in *Plata v. Schwarzenegger* requested that the bureau monitor the operations of the department's newly created death review committee. Beginning January 1, 2006, the committee was assigned to review every in-custody death, including the quality of health care provided prior to death. As a result of the bureau's involvement in the death review process, significant problems and trends have been more readily detected. Further discussion of this committee is presented later in this report.

Outreach. During this reporting period, the bureau met frequently with wardens, superintendents, executive management, internal affairs supervisory and investigative staff, legal office personnel, and parole staff. The bureau also worked to bring the Division of Juvenile Justice, formerly the California Youth Authority, into the key investigative and employment law processes mandated by the department's operations manual. The bureau has continued to meet with key external stakeholders, such as the California District Attorneys Association, the California Sheriffs' Association, the Prison Law Office, community advocacy groups, and local law enforcement and prosecutorial agencies in all jurisdictions where the department's institutions are located. In addition, the Inspector General continues to discuss the bureau's activities with the Governor's Office, labor organizations, and the courts. Through these liaison efforts, the bureau has facilitated outside law enforcement agencies' criminal investigations.

The road ahead. As the bureau moves into the fourth reporting period, it will focus on enhancing communications with the department's hiring authorities within the Divisions of Correctional Health Care, Juvenile Justice, and Adult Parole Operations, where contact with bureau staff has thus far been minimal. The bureau's overarching goal remains to work with the department in minimizing employee misconduct by improving the quality of the employee disciplinary process. The bureau looks forward to continuing its positive monitoring relationship with the department to ensure that its employee disciplinary process is thorough, unbiased, and transparent.

SELECTED CASES OF SIGNIFICANCE

The two cases described below demonstrate that although the department has significantly improved its investigatory and disciplinary processes, there are still important matters requiring the bureau's oversight. This continued vigilance is necessary to ensure that critical investigations are handled in a professional and timely manner and that employees are held accountable for their misconduct. In the first case, an inmate died of starvation without appropriate medical attention despite staff's awareness of his deteriorating condition over a prolonged period of time. The second case – the so-called “rat trap” case - involves what is referred to as the code of silence; a practice in which employees fail to report misconduct or deter others from reporting it, thus adversely affecting department investigations.

INMATE STARVATION CASE

In this case, an elderly inmate died from starvation even though members of the department's medical and custody staff were aware he had refused meals over a prolonged period of time and despite department policy requirements to take specific action in response to such behavior.

The deceased inmate was a priest who spoke only Punjabi. He had been incarcerated since August 14, 2001, at which time he weighed 110 pounds and was confined to a wheelchair because of a deformed leg. Beginning one month after his incarceration and continuing until death, department medical, mental health, and custody staff observed and documented that he was regularly refusing meals and sometimes not eating for long periods of time. The inmate's refusal to eat appeared to stem from his religious beliefs, which restricted him to a vegetarian diet.

During the four months preceding the inmate's death, medical and custody staff repeatedly noticed and documented the inmate's refusal to eat and attempted to have him seen at the medical clinic. The inmate also was routinely failing to appear for clinic appointments. Members of the custody and mental health staff reported the inmate's deteriorating condition to the yard physician and the supervising physician, and requested that he be seen at the living unit. Neither of the physicians took action, each refusing to evaluate the inmate unless he came to the clinic. It is not clear whether the inmate refused to go to the medical clinic or if he failed to understand he had medical appointments because he spoke only Punjabi.

Two months before his death, custody staff documented that the inmate's refusal to eat was becoming more frequent and that he “looked very feeble.” The department's records reflect he refused 24 meals during the month of December 2003. On December 20, 2003, the custody staff submitted a psychiatric referral. Three days later, medical technical assistants, registered nurses and a psychologist reported the inmate's condition to the yard physician; the psychologist personally asked the yard physician to examine the inmate at the living unit. The yard physician did not do so, but instead simply stopped placing the inmate on the medical appointment list. A medical technical assistant then appealed to the supervising physician to examine the inmate and the supervising physician agreed to do so, but only if the inmate came to the clinic.

In January 2004, department records reflect the inmate refused to eat another 33 meals and fasted for up to 84 hours on four occasions. He began a 5½ day fast on February 4, 2004, and a 60-hour fast on February 11, 2004. The inmate was found unconscious in his cell on February 14, 2004, and died on February 16, 2004.

Under department policy, the inmate should have been examined by a physician at least three times between December 7, 2003, and his death. He also should have been seen and assessed by a registered nurse at least 13 times. Instead, he was last examined by a physician on May 2, 2003, and his last visit to the medical clinic, when he was assessed by a registered nurse, took place on October 13, 2003.

A nine-month criminal investigation into the circumstances surrounding the inmate's death was conducted by the Office of Internal Affairs and the case was referred to the district attorney's office in November 2004. In February 2005, the district attorney's office concluded there was not enough evidence to support criminal charges against department physicians. An administrative investigation was subsequently conducted and completed in May 2005, which is when the bureau began monitoring the case.

The bureau met with department officials to discuss this case at least 13 times between July 2005 and March 2006, which is when department legal staff completed an analysis of the case and made recommendations for disciplinary action. Specifically, in early January 2006, the bureau met with the staff attorney and hiring authority representatives to discuss the sufficiency of evidence to support allegations and disciplinary action against specific members of the medical staff. In February 2006, the bureau staff conferred again with the staff attorney to discuss progress on crafting disciplinary actions. However, the staff attorney did not present draft case findings and recommended disciplinary actions to the bureau until March 7, 2006, 287 days after completion of the administrative investigation.

During a case conference on August 7, 2006, hiring authority representatives advised the bureau that disciplinary action against one of the registered nurses involved had been agreed upon, but that the yard physician had resigned and the department was no longer considering disciplinary action against the supervising physician. At this writing, hiring authority representatives have advised the bureau that disciplinary action against another of the registered nurses involved is pending. The three-year statutory deadline for disciplinary action against medical staff, including the supervising physician, expires on February 28, 2007. The bureau continues to monitor this case and advocate for a final and fair disposition of this case by the department within the statutory timeframe. The bureau will report on the final outcome of the case when it is concluded.

THE RAT TRAP CASE

On April 6, 2005, a medical technical assistant was assaulted by an African American inmate. After the inmate was brought under control and was lying face down on the floor, the medical technical assistant allegedly kicked him. The inmate was then escorted to a holding cell where an officer and a sergeant also allegedly kicked him and pressed his face into a wall as he resisted being searched. A facility captain who witnessed the incident reported staff's use of force to the warden and all three staff involved were placed on administrative leave pending investigation. That evening, a labor union

official employed at the institution criticized the warden's decision and made disparaging remarks about the captain, suggesting he was biased in favor of African American inmates and otherwise not credible.

The next day a staff member criticized the captain for reporting the incident and allegedly told the captain that in the past he would have been beaten in the parking lot for it. Other staff members avoided the captain and excluded him from conversations and then, on April 8, 2005, the captain's official management photo was stolen from the lobby of administration building.

A week later, while the captain and the warden were both on vacation, the same labor union official mounted a rat trap on the union's bulletin board in the institution lobby, along with a statement reading:

ATTENTION ALL [UNION] MEMBERS

The . . . Chapter Representatives have been trying to locate [the warden and the captain] to attempt to talk to them about their inappropriate actions, threats and false allegations; however, we have been unable to locate them to discuss the matters.

Since they appear to be on the run, . . . [the union] will attempt [sic] catch them so that we can confront them about these issues.

(Note: If you see any traps like the one below, please avoid them as they can be dangerous.)

Before the above message was posted, the labor union official showed it to the institution's employee relations officer and the public information officer, as required by the labor agreement, but neither prevented him from posting it. It was removed four days later but only after a special agent from the Office of Internal Affairs indicated the posting could deter witnesses from cooperating with investigators (because department employees use the term "rat" as a synonym for "snitch"). In its place, the labor union official posted a memorandum encouraging members to cooperate in general with investigations involving use of force.

Soon thereafter, the assistant secretary for the Office of Internal Affairs requested an investigation of the labor union official for posting the rat trap message. The case was opened, but languished for months and was almost closed prematurely on two occasions based on a misapprehension of both department policy and the applicable legal standards. On both occasions, the bureau intervened and convinced the department that based on applicable laws and the department's own policies the matter required a full investigation. The Office of Internal Affairs eventually reassigned the investigation to another special agent and the investigation was completed. During the course of the case additional allegations surfaced against other staff for attempting to impede the investigation. The other staff were subsequently investigated for their alleged misconduct. The allegations against the labor union official were ultimately sustained and he was suspended without pay for 60 days. The matter is presently on appeal and the bureau will continue to monitor the case and report on its final outcome.

ASSESSMENT OF THE *MADRID V. WOODFORD* REFORMS

At the close of the first 18 months of the Bureau of Independent Review's operations, the *Madrid v. Woodford*² reforms continue to have a positive impact on the quality and fairness of the employee discipline process at the California Department of Corrections and Rehabilitation. As with any reform implemented at a complex bureaucracy, some components of the system have adapted more quickly than others. The following summary provides a general assessment of the key entities involved in investigating, prosecuting and implementing the employee disciplinary process. The tables presented later in this report provide a more detailed assessment of the individual cases monitored by the bureau during this reporting period.

Department executive management. The department's executive management staff has willingly integrated the bureau's monitoring activities into the employee disciplinary process. The department's executive management, and in particular the management of the Division of Adult Operations, has continued to enhance its working relationship with the bureau as it performs its mandated duties. During this reporting period, the department underwent significant executive and senior staff changes at all levels, from headquarters to the institutions. These changes, some due to retirements, planned or otherwise; some due to the new warden vetting process; and some due to disciplinary actions and other factors; have created a shortfall of senior personnel intimately familiar with the *Madrid v. Woodford* court orders and the bureau's oversight role. As a result, the bureau continues to expend considerable effort training the department's executive management staff on the reforms to the employee disciplinary process and the requirements of bureau monitoring.

Office of Internal Affairs. The professional relationship between the bureau and the department's Office of Internal Affairs continues to mature at both the headquarters and the regional levels. The Office of Internal Affairs management team continues to actively support the bureau's monitoring and oversight role and has repeatedly voiced this support to the supervisors and special agents in the field. Communication and cooperation between the bureau and the Office of Internal Affairs at the executive and senior staff levels is excellent. The bureau commends the executive and senior staff of the Office of Internal Affairs. Without their continued support and good will, the cooperative relationship between the bureau and the Office of Internal Affairs would not be possible.

The bureau also has found that a majority of the Office of Internal Affairs special agents consider the bureau to have a positive influence on the employee disciplinary process. As required by the department's policy and the federal court, many special agents now regularly confer with bureau attorneys in both criminal and administrative investigations to ensure that they are conducted in a lawful, procedurally correct, and timely manner.

When disagreements arise between bureau attorneys and special agents, they most frequently involve the following: the thoroughness of each investigation; the adequacy of preparation for subject and witness interviews; the proper techniques employed to question individuals during interviews; the reliance on hearsay evidence when documentary evidence is available; and the failure to make timely notification of key case events to bureau attorneys. In general, however, the bureau attorneys and

² Please refer to the bureau's first semi-annual report (January – June 2005) at www.oig.ca.gov for a full discussion of the *Madrid v. Woodford* litigation (now referred to as *Madrid v. Tilton*), including a synopsis of the court's ruling.

special agents usually find common ground and reach consensus on case-specific issues. When they are unable resolve such issues, the matters are elevated to management and are typically resolved at that level.

Office of Internal Affairs, Northern Region. The relationship between the bureau and the Office of Internal Affairs, northern region, was mostly positive during this reporting period. The special agent-in-charge, supervisors, and special agents routinely notify the bureau in a timely manner of critical incidents and important events in bureau-monitored cases. Also, the special agents routinely consulted with the bureau concerning key aspects of monitored investigations and completed their cases within the applicable statute of limitations.

Furthermore, special agents in the northern region have significantly improved their working relationships with outside law enforcement agencies, including sheriff's departments, district attorney's offices, and the California Department of Justice. Consequently, investigations into illegal activities such as narcotics trafficking on prison grounds are typically well coordinated with outside peace officers and prosecutors. Cooperation and collaboration with outside law enforcement agencies before the service of search warrants and during the arrest of criminal suspects has also greatly improved in the past six months.

During this reporting period, the bureau's attorneys and the special agents in the northern region moved into a new office building with adjacent offices, which allows for easy face-to-face communication and case consultation. In sum, compliance with the reforms set forth in *Madrid v. Woodford* and outlined in the Department Operations Manual, Article 22 is improving and the bureau is optimistic there will be even greater compliance in the future.

Office of Internal Affairs, Central Region. Overall, cooperation and communication between the bureau and the Office of Internal Affairs, central region, was good during this reporting period. The special agents routinely consulted with the bureau concerning key aspects of monitored investigations and typically completed their cases within the applicable statute of limitations. In some areas, including flow of information, the working relationship has significantly improved from the last reporting period.

In a few instances, internal affairs supervisors in the central region were required to intervene with certain special agents in relation to particular issues. One such issue was the need to remind special agents of their responsibility to provide the bureau with timely notification of significant case events. Another such issue concerned resistance on the part of a special agent and supervisor to bureau monitoring. These issues were resolved satisfactorily at the regional level between the senior assistant inspector general and the special agent in-charge. Subsequently, and in the vast majority of cases, the special agents in the central region have maintained a cooperative relationship with the bureau.

During this reporting period, the bureau's office relocated into an office suite in the same building as the Office of Internal Affairs, thus allowing bureau attorneys and special agents greater interaction on monitored cases.

Office of Internal Affairs, Southern Region. Despite some early difficulties, the Office of Internal Affairs, southern region, has made steady progress toward compliance with the requirements of the Department's Operations Manual, Article 22. During this reporting period the bureau saw real improvements by most special agents in the areas of case consultation with the bureau, timely notification of interviews, and timely referral of completed investigative reports. The special agent in-charge, southern region, is working cooperatively with the bureau to remedy any persistent problems. One remedy proposed by the southern region, in consultation with the bureau, has been the adoption of a new procedure in which the Office of Internal Affairs will interview all complainants and victims in a case within 30 days of a new case assignment to better assess the investigative resources needed to complete the case in a timely manner. The bureau will report on the impact of this new procedure at the conclusion of the next semi-annual period.

One recurring problem in the southern region has been the timely completion of investigations, with too many cases completed near the expiration of the statute of limitations. The failure to complete investigations in a timely manner often results in witnesses failing to recall critical information due to the passage of time, the wasting of valuable resources expended trying to locate witnesses who have moved or been reassigned since the incident occurred, and the resulting inability of bureau attorneys to provide meaningful monitoring of the case. The difficulty of the southern region to complete investigations in a timely manner also compromises the ability of the department's staff attorneys and hiring authorities to adequately evaluate the investigative file and take appropriate disciplinary action.

To its credit, the southern region, in consultation with the bureau, has proposed a remedy for this issue in which special agents will meet with their supervisors and bureau attorneys 60 days and 30 days before the expiration of the statute of limitations in all pending cases. During these status meetings the special agents, in consultation with their supervisors, will determine by what means the investigation will be concluded in an expeditious manner. While these procedures will certainly be helpful in focusing attention on the need to expedite untimely investigations, the bureau strongly recommends that the southern region improve its case management practices by holding accountable special agents and supervisors who fail to complete their investigations in a timely manner. The bureau will report on the impact of this new procedure and the overall timeliness of investigations in the southern region at the conclusion of the next semi-annual period.

Finally, substantive improvements are still needed in the quality of investigations conducted by a number of special agents in the southern region. For example, best investigative practices include the gathering of all basic documentary evidence before conducting critical interviews; the establishment of a timeline of events during the questioning of witnesses; the use of open-ended, follow-up and appropriate foundational questions during interviews; the proper identification of exhibits; avoiding leading questions; and the confrontation of witnesses and subjects with contradictory evidence. Several special agents in the southern region fail to regularly practice these basic investigative skills, and the bureau recommends that the issue be addressed promptly through a comprehensive training program.

Employment Advocacy and Prosecution Team, Office of Legal Affairs. In the last semi-annual report the bureau reported that the Employment Advocacy and Prosecution Team's vertical advocacy model was still in its infancy and had had little interaction with the bureau to date. The bureau, therefore, did not comment upon the effectiveness of this unit or its cooperation with the bureau's oversight role. This is the bureau's first review of department's vertical advocacy model and the work of the staff attorneys assigned to the team.

In summary, the Department Operations Manual, Article 22, mandates that the staff attorneys play a key role in the investigation and prosecution of employee discipline cases. During this reporting period, the Employment Advocacy and Prosecution Team assigned a staff attorney to almost all of the cases the bureau accepted for monitoring. However, despite considerable effort by the team's leader staff attorneys performed only some of their mandated duties as described in Article 22 and did not do so on a consistent basis. The issues identified below remain problematic.

Structure of the Employment Advocacy and Prosecution Team. The existing structure of the team requires that the assistant general counsel provide direct supervision over too many staff attorneys to provide effective leadership. Instead of having a full complement of supervisory attorneys to manage all subordinate counsel, more than half the staff attorneys directly report to the assistant general counsel. This management structure likely overtaxes the assistant general counsel, who currently attends every policy meeting, executive review, and central intake panel meeting because she has no senior management staff with authority to respond for the team. It should be noted that the department is working on establishing a different supervisory model for the Employment Advocacy and Prosecution Team, which, if implemented, should address most of these issues.

Staff shortages. Since its inception in 2005, the team has suffered from a significant shortage of staff attorneys with which to conduct its mission. This shortage has created a situation in which existing staff attorneys, although assigned to most bureau-monitored cases at the outset of an investigation, frequently begin working on cases only when the investigation is concluded and reaches a *Skelly* or a State Personnel Board hearing. In many cases the department's staff attorneys therefore have not provided legal advice to the department during critical phases of the investigation as intended. By entering the process only after the investigation is complete, some staff attorneys are not fully prepared to represent the department during the formal disciplinary process. The reasons for the shortage appear to be multi-fold, but include the difficulty of recruiting qualified attorneys with litigation experience under the department's existing pay-scale and the difficulty of keeping those attorneys from leaving to take other legal positions with more favorable work assignments within the department. It should be noted that the department is now actively working to fill existing and new staff attorney vacancies to address the shortfall identified above.

Cooperation with the bureau. The level of cooperation exhibited by staff attorneys toward the bureau has been largely dependent upon the individual staff attorney involved and the circumstances of each case. While in some cases staff attorneys cooperate fully with bureau staff and do so in a timely and productive manner, it is not uncommon for other staff attorneys and even some supervisors to fail to make and maintain contact with the bureau in monitored cases, despite their affirmative duty to do so at all key stages of bureau-monitored

cases. In some isolated instances, certain staff attorneys have refused to consult with bureau attorneys or have done so in a manner wholly contrary to the requirements of the *Madrid v. Woodford* remedial plan. Thus far, attempts by the department and the bureau to address such shortcomings with the staff attorneys have not proven effective in correcting this type of conduct. Recently, however, the executive staff of the Division of Legal Affairs has expressed a renewed commitment to solving these problems.

Litigation experience and training. While having an adequate number of staff attorneys is of key importance to the success of the *Madrid v. Woodford* remedial plan, just as important is the need to have experienced litigators representing the department in contentious and complex disciplinary cases. Many of the initial group of staff attorneys were drawn from within the department's Office of Legal Affairs and were seasoned employment law litigators. Unfortunately, many of the staff attorneys hired by the department in the last year have lacked experience in preparing and presenting cases to a judge or jury. This lack of experience puts the department at a disadvantage, especially when staff attorneys eventually face more experienced legal counsel employed by union organizations representing the employee to be disciplined. Of course, the bureau understands the department's difficulty in hiring experienced litigators into state service when the State is frequently outpaced in salary and benefits by even federal and local agencies. However, while hiring experienced litigators certainly presents many obvious advantages, the next best option for the department is to develop and implement a rigorous training program for staff attorneys. The team unfortunately does not currently have a structured training program to fill this gap. Instead, new staff attorneys seem to be largely left on their own to acquire the skills necessary to effectively represent the department. It is therefore recommended that new department staff attorneys receive training similar to what new prosecutors and public defenders receive from courses offered by the California District Attorneys Association, the California Public Defenders Association or the National Institute of Trial Advocacy. It is also recommended that the department send its new staff attorneys to participate in visiting attorney programs with local district attorney offices in order to gain litigation experience by conducting preliminary hearings and jury trials. Through the hiring of experienced litigators and the training programs for new staff attorneys outlined above, the bureau believes the team can become a vital and successful organization that will effectively represent the department and the state in employee misconduct cases.

Litigation avoidance. A recurring problem the bureau encounters with some department staff attorneys is a reluctance to litigate disciplinary cases before the State Personnel Board hearing. Instead, it appears that some staff attorneys routinely encourage hiring authorities to settle disciplinary cases in order to avoid those that may involve difficult litigation. When cases do reach the State Personnel Board, some staff attorneys encourage settlement of the case on the spot rather than litigate the case through to a final decision. In these instances, the cases are invariably settled for considerably less than what is recommended for the misconduct as outlined in the department's disciplinary matrix. Ironically, these same staff attorneys typically cite evidentiary problems as the reason to settle the case, yet lack familiarity with the case because they failed to become involved at the investigative phase as required by Article 22. Further adding to the problem is the recurring failure of some staff attorneys and hiring authorities to insist that settlement agreements always contain an employee waiver of any

appeal of the agreed-upon discipline. This flaw frequently propels the case into litigation anyway, and in many cases renders the settlement agreement meaningless.

Hiring authorities. Bureau interaction with the department's hiring authorities on a statewide basis is proceeding in a positive direction and at a relatively timely pace. As the hiring authorities within the department become more familiar with the bureau's oversight role and appreciate the assistance the bureau can provide, they are now regularly contacting the bureau when critical incidents occur and when significant events arise during the employee disciplinary process. During this reporting period, however, some hiring authorities again engaged in significant departures from the *Madrid v. Woodford* remedial plan, in particular the disciplinary matrix found in the Department Operations Manual, Article 22.

The most significant departures occur when hiring authorities intentionally subvert the disciplinary matrix to achieve a substantially different result than the department intended for the misconduct. In most of these situations, the hiring authority's motive for the downward departure on the disciplinary matrix appears to be the perception that employee in question is deserving of a "break" for a variety of spoken or unspoken reasons. To provide such a break to the employee, some hiring authorities attempt to abandon a more serious allegation in favor of a lesser one that carries a lesser penalty. For example, rather than sustain an allegation concerning an intentionally false statement in an official report, the hiring authority may instead sustain an allegation concerning an intentionally misleading statement to a supervisor, which has a lesser penalty, even though the evidence clearly supports the more serious charge. The result of this practice is to undermine the department's effort to bring consistency and overall fairness to the employee disciplinary process statewide. It also unintentionally undermines employee morale by breeding contempt among employees who are not beneficiaries of the same favorable treatment by the same or different hiring authorities. Therefore, the bureau recommends continued training for all hiring authorities regarding the procedures, requirements, and the purpose behind the employee disciplinary process, especially the disciplinary matrix. In addition, when hiring authorities intentionally subvert the disciplinary process, the bureau recommends that the action be investigated.

IMPACT OF THE BUREAU OF INDEPENDENT REVIEW ON CORRECTIONAL POLICY

In addition to its monitoring activities, the Bureau of Independent Review has been actively involved in addressing policy issues affecting the operations of the Department of Corrections and Rehabilitation. In the most recent reporting period, those efforts included monitoring the department's Death Review Committee; addressing statutory impediments to obtaining in-prison medical records in criminal investigations; and making recommendations concerning inefficiencies in the State Personnel Board disciplinary hearing process.

The death review committee. The bureau began monitoring the department's newly created death review committee in January 2006 at the request of the court's expert in *Plata v. Schwarzenegger*. The committee reviews every in-custody death, including the quality of health care provided before death, during its meetings. In conducting its duties, the committee reviews medical charts and incident reports; tracks the handling of certain death incidents; and issues periodic reports. The bureau has been participating in those meetings and has examined more than 140 deaths occurring over the first six months of 2006 and selected cases from 2005.

The bureau initially found a number of deficiencies in the death review process, including inadequate staff support, failure of some institutions to provide essential documents, and too few physicians involved in reviewing deaths. The bureau also found that in numerous cases, critical medical issues related to physician care were not identified and that nursing care issues often were not carefully examined. With bureau input, the department has significantly improved the death review process by assigning a larger number of physicians to assist in the review, conducting more substantive discussion of critical issues affecting the quality of medical care, and other improvements.

Problems identified by the death review committee related to death incidents include deficiencies in basic nursing, patient assessments, diagnostic issues, medication management, the treatment of common medical problems like asthma, emergency medical care, and documentation. One critical deficiency is staff's failure to call 911 in a timely manner, particularly in light of the department's own limited level of emergency services. In numerous cases, patients in obvious need of a high level of care are taken to a clinic where cardiopulmonary resuscitation or other basic care is administered while an extended time passes staff calls 911. In some instances, staff members further delay by calling a physician who is not at the institution to secure permission before calling 911. The result is a failure to call 911 soon enough.

BUREAU EFFORTS TO REMOVE INVESTIGATIVE IMPEDIMENTS

The Bureau of Independent Review served a key role in the newly revived California District Attorneys Association's Prison Crimes Committee, which addresses issues related to crimes committed in state prisons and juvenile facilities. Among the recent issues addressed by the committee was law enforcement access to medical records of inmates who have been victims or perpetrators of a crime. Medical records are relevant to establishing or ruling out criminal conduct when force has been used by an inmate or staff member to identify resulting injuries, determine whether the wounds are consistent with the alleged force, and establish the veracity of claims or defenses concerning the use of force.

The specific issue addressed by the committee is that Penal Code section 1543 currently prevents the Department of Corrections and Rehabilitation from providing district attorneys, district attorney investigators, sheriff's detectives, and the Attorney General with these medical records. Ironically, under existing law, when the basis of an investigation pertains to Medi-Cal fraud, insurance fraud, or workers' compensation fraud, law enforcement is allowed full access to medical records.

The committee therefore proposed an amendment to the statute to permit law enforcement to have access to medical records in a very limited circumstance—a felony committed by or against a person within the physical custody of the Department of Corrections and Rehabilitation. Such an amendment would benefit law enforcement, as well as staff, inmate victims, and families of victims, by preventing delay in the investigation and prosecution of these serious crimes. A swift response to crimes involving inmates or wards, especially homicides, would allow authorities to rule out criminal conduct early in an investigation—important in a prison environment where unfounded rumors can result in violent disturbances, and even riots. The amendment would also conform state law to the Health Insurance Portability and Accountability Act of 1996, the federal law protecting the privacy of healthcare information that can be used to identify an individual.

The California Medical Association initially objected to the amendment on the grounds that it would compromise the confidentiality of the physician-patient relationship, but after discussions between the committee, the California Medical Association, and the association's legal counsel, all differences were resolved and the modifications were sent to the Assembly Public Safety Committee. Despite the agreement between law enforcement and medical professionals, however, the Assembly Public Safety Committee attorney assigned to brief the bill, sided with other non-medical civil rights opponents and the bill was rejected. The bureau believes amending the statute is important to efficient investigation and prosecution of prison crimes and will continue to support the efforts of the department and the California District Attorneys Association in this regard.

REVIEW OF REFORMS BY THE STATE PERSONNEL BOARD

In monitoring the Department of Corrections and Rehabilitation's employee disciplinary process, the Bureau of Independent Review noted that the State Personnel Board's hearing process often caused disciplinary actions to be litigated in a disjointed manner. Under existing State Personnel Board disciplinary hearing procedures, a half or whole day is initially set for hearing, and if more time is needed, additional hearing days are set, sometimes months apart. The discontinuity is a hardship for the administrative law judges, attorneys, and union representatives handling the cases, and the interruptions and delays impede swift resolution of disciplinary matters, presenting a disservice to the employees being disciplined.

In an effort to create a more time-efficient and cost-saving hearing process, the Bureau of Independent Review brought together the California Department of Corrections and Rehabilitation's legal team responsible for litigating disciplinary actions with representatives from the State Personnel Board. As a result of the discussions, the State Personnel Board's new calendaring plan was expanded to include the Department of Corrections and Rehabilitation. Pre-hearing issues will be ruled on, and if the case does not resolve, the matter will be set for additional days beginning the Monday of the following week until the case is completed. The new plan is expected to be implemented in 2007. While the plan may require modification, the change is expected to generally benefit all participants.

CRITICAL INCIDENTS

Critical incidents are high-risk incidents occurring within the California Department of Corrections and Rehabilitation's institutions. Typically, these incidents involve the significant use of force or other events that result in the death or serious injury of an inmate or staff member. Officers are trained and authorized to use force, including deadly force, to protect staff and inmates, prevent escape, and control riots, among other things. While not all critical incidents require a subsequent criminal or administrative investigation, it is the mission of the bureau to ensure that high-risk incidents are properly handled from inception and that an investigation is initiated by the Office of Internal Affairs if warranted by the facts and surrounding circumstances.

During the six-month period beginning January 2006, the bureau monitored 61 critical incidents, physically responding to the scene of 12 of the incidents and monitoring 49 others remotely by consulting with institution staff by phone in the immediate aftermath to ensure that department policies and procedures were correctly followed. In contrast, during the last reporting period the bureau monitored 35 critical incidents by physically responding to the scene of 19 and remotely monitoring 16. The increase in the number of critical incidents monitored by the bureau is due in large part to the bureau's increasing practice of remotely monitoring such incidents. Although the bureau's physical presence is still a priority for the more severe incidents, cooperative relationships between the bureau and institution staff allows the bureau to remotely monitor far more critical incidents than it could respond to in person.

Unfortunately, there were still numerous instances during this reporting period in which the bureau was denied the opportunity to respond to critical incidents because the department failed to provide the bureau with timely notification. The bureau identified 18 incidents during this reporting period, in which timely physical response by the bureau was not feasible because prompt notification did not occur. Bureau attorneys continue to develop relationships with institution staff to assist in reducing the number of delayed notifications. In addition, the bureau has developed a redundant notification process, whereby the bureau is notified of critical incidents by both the affected institution and the department's administrative officer of the day, thus helping to ensure that the bureau is notified of every critical incident.

Although the bureau was not notified of every critical incident that occurred during this reporting period, the table below lists by region the number of critical incidents for which the bureau did receive notification.

CRITICAL INCIDENTS

| | Jan | Feb | Mar | Apr | May | Jun | Total |
|-----------------|-----|-----|-----|-----|-----|-----|-------|
| Northern Region | 0 | 0 | 2 | 1 | 3 | 3 | 9 |
| Central Region | 2 | 10 | 8 | 5 | 6 | 12 | 43 |
| Southern Region | 1 | 0 | 0 | 3 | 2 | 2 | 8 |
| Headquarters | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Bureau Totals | 3 | 10 | 10 | 9 | 12 | 17 | 61 |

The following table provides more detail regarding the critical incidents monitored by the bureau and closed during this reporting period. Some of the cases originated in the previous reporting period but were excluded from earlier reporting because of ongoing activities. Pursuant to California Penal Code section 6133, the tables also include an assessment of the department's response to each incident.

SUMMARY OF CRITICAL INCIDENTS — JANUARY-JUNE 2006

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
|---|---|--|--|
| <p><u>Case No. 06-0001 (Central Region)</u></p> <p>On March 20, 2005, an inmate in the custody of the California Department of Corrections and Rehabilitation allegedly kicked his cellmate to death after both had been drinking inmate manufactured alcohol, commonly referred to as pruno.</p> | <p>The department notified the Bureau of Independent Review early the next day. The bureau responded to the institution and met with investigators from the district attorney's office. The bureau reviewed inmate central and medical files and worked with the institution to clarify the procedure for releasing relevant documents to the district attorney's office.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>Criminal charges for murder were filed against the suspect inmate. The district attorney's office sought assistance from the bureau to obtain the institution's inmate medical files by search warrant in this case. There has since been significant cooperation between the department and the local district attorney's office regarding this issue.</p> |
| <p><u>Case No. 06-0002 (Central Region)</u></p> <p>An inmate collapsed on April 7, 2005, and the cause of death was not readily apparent. Life sustaining efforts proved unsuccessful.</p> | <p>The bureau reminded department staff that they are required to provide timely notification to the bureau of all inmate deaths from unknown causes, even if a natural cause is suspected. The bureau discussed the case with the investigator from the district attorney's office, who responded to the institution and reviewed institution reports concerning the incident.</p> | <p>The department did not provide timely notification to the bureau of the incident. The department's response to the incident was timely and adequate. The reports resulting from the incident were adequate. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The district attorney's office confirmed that the inmate died of natural causes per the autopsy report. The inmate apparently had pre-existing heart disease.</p> |
| <p><u>Case No. 06-0003 (Central Region)</u></p> <p>On April 15, 2005, two officers were stabbed by an inmate. During release to the yard, the inmate was discovered to be in possession of a stabbing instrument. He advanced on one officer and stabbed him in the forehead and</p> | <p>The bureau was initially notified hours after the incident and therefore did not respond to the institution. The bureau advised the institution of the need to provide more timely notice of critical incidents. The bureau was</p> | <p>The department did not provide timely notification to the bureau of the incident. The department's response to the incident was timely and sufficient. The officers involved received prompt medical attention. The reports resulting from the incident and the institution's investigative services unit's</p> | <p>The attack was determined to be unprovoked and unplanned. It was the opinion of the investigating officer that the inmate intended to get the weapon onto the yard in order to attack another inmate and when</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
|---|--|---|---|
| <p>stabbed another officer in the bicep before he was subdued by batons and through the use pepper spray. The attack was unprovoked.</p> | <p>consulted regarding investigative steps already taken. The bureau maintained contact with the incident investigators, reviewed all reports related to the incident, and subsequently obtained the results of the use-of-force review. The bureau spoke to the warden and offered assistance in presenting the case to the district attorney's office.</p> | <p>involvement were adequate. Consultation with the bureau regarding the incident and the use-of-force review were sufficient. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>he was caught by staff he reacted out of desperation by assaulting them. The institution filed the case with the district attorney's office. There was no evidence of staff misconduct. The bureau found the responding officers showed considerable restraint in subduing the inmate under the circumstances.</p> |
| <p><u>Case No. 06-0004 (South Region)</u></p> <p>On May 16, 2005, an inmate was found unresponsive in his cell in the institution's hospital facility. Staff members were not successful in resuscitating the inmate.</p> | <p>The bureau reviewed the medical charts and related reports, autopsy reports, and the coroner's investigation materials. The bureau also attended the Emergency Response Review Committee meeting and viewed the scene of the death.</p> | <p>The department promptly notified the bureau of the incident. The response to the incident by the department was timely, but the department's response to the incident was insufficient. The reports resulting from the incident were inadequate. Consultation with the bureau regarding the incident was sufficient. The hiring authority requested an internal affairs investigation and the bureau concurred. Documentation from responding medical staff is inconsistent with the autopsy report. The autopsy report states the inmate's trachea was completely blocked by a large wad of paper. However, documentation from medical staff does not suggest difficulty administering CPR. In addition, reports and records suggest the inmate was alive as late as 2400 hours but was said to be experiencing rigor mortis when found 15 minutes later.</p> | <p>Before this case, no Emergency Response Review Committee meetings had been held for months at this institution to review emergency medical issues. The Emergency Response Review Committee in this case determined the medical documentation concerning the resuscitation attempt was incomplete. An internal affairs investigation was not initiated by the institution until after the Emergency Response Review Committee meeting. Investigations concerning custody staff have been completed and are underway for healthcare staff.</p> |
| <p><u>Case No. 06-0005 (Central Region)</u></p> <p>On May 23, 2005, an inmate was found unresponsive in his cell. CPR was initiated,</p> | <p>The bureau reviewed the incident reports and the autopsy report.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with</p> | <p>The inmate suffered from numerous medical conditions. The autopsy revealed death to have been caused by coronary atherosclerosis with contributing</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>and the inmate was transported to the institution's hospital. Efforts to revive him were unsuccessful, and the inmate was pronounced dead.</p> | | <p>the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. An autopsy was performed. The hiring authority did not request an internal affairs investigation related to the incident and the bureau concurred.</p> | <p>causes of dyslipidemia, chronic obstructive pulmonary disease, and tobacco abuse. No evidence was found to indicate that the manner of this inmate's death was other than natural.</p> |
| <p><u>Case No. 06-0006 (Central Region)</u></p> <p>On June 12, 2005, an inmate was found unresponsive in his cell. Cardiopulmonary resuscitation was initiated, and the inmate was transported to the emergency room. Further life-saving measures were unsuccessful, and the inmate was pronounced dead. The decedent's cellmate stated that the decedent died of a self-administered overdose of drugs, which the inmate received from a visitor.</p> | <p>The bureau consulted with the sheriff's department's homicide investigators, and reviewed the medical records, reports from the sheriff's department, and toxicology reports.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigation was promptly turned over to the local sheriff's department. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The toxicology results confirm the decedent overdosed from heroin. The physical evidence indicated that the overdose was self-administered. The sheriff's department closed its investigation, indicating the death was an overdose, and there was no referral for prosecution. No evidence revealed the source of the heroin.</p> |
| <p><u>Case No. 06-0007 (Central Region)</u></p> <p>On June 13, 2005, an inmate was found in his cell with his cellmate administering CPR. The cellmate and staff were unsuccessful in attempting to resuscitate him. Staff suspected a suicide by heroin overdose.</p> | <p>The bureau was notified by phone the following morning and, therefore, did not go to the scene. The bureau contacted the investigative services unit and was consulted on the investigation. The bureau requested and reviewed reports regarding the incident. The bureau reviewed the autopsy and toxicology reports.</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was sufficient and timely. Reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>There were no suspicious circumstances discovered during investigation. The autopsy revealed respiratory ailments. The death was due to chronic obstructive pulmonary disease.</p> |
| <p><u>Case No. 06-0008 (Central Region)</u></p> | <p>The bureau reviewed the incident reports, the toxicology report, the autopsy report, and what</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was sufficient and</p> | <p>All available evidence suggests that the inmate's death was a</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>On June 17, 2005, an inmate was discovered in his cell hanging by a bed sheet. CPR was initiated immediately, and the inmate was transported to the medical clinic, but life-saving efforts were unsuccessful. The inmate did not have a cellmate and an apparent suicide note was found.</p> | <p>appeared to be a suicide letter.</p> | <p>timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>suicide by hanging.</p> |
| <p><u>Case No. 06-009 (Central Region)</u></p> <p>On June 27, 2005, an inmate was found unresponsive at approximately 0100 hours. Life-saving measures were promptly undertaken by staff, but were unsuccessful. According to the deceased inmate's cellmate, both inmates injected heroin at about 1900 hours the evening before.</p> | <p>The bureau learned of the incident from the department's daily report. The bureau advised the department that it is required to promptly notify the bureau of all critical incidents. The bureau contacted the lieutenant in charge of the investigation and reviewed all available reports of the incident, including the autopsy and toxicology reports.</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The inmate died from self-administered dose of heroin. There was no indication the death was a suicide or homicide.</p> |
| <p><u>Case No. 06-0010 (Central Region)</u></p> <p>On July 23, 2005, an inmate was pronounced dead after an emergency transport to a regional medical center.</p> | <p>The bureau did not respond to the scene. The bureau reviewed incident, medical, coroner, and ambulance trip reports. The reasons for the delay in transporting the inmate were originally unclear. The timeline was later clarified as a result of questions from the bureau.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were inadequate. Consultation with the bureau regarding the incident was sufficient. The hiring authority requested an internal affairs investigation related to the incident and the sufficiency of the medical response; the bureau concurred. The investigation request was timely.</p> | <p>The initial cause of death was found to be respiratory failure. The coroner did not perform an autopsy based on the medical history of the inmate and information available. The death was determined to be of natural causes. An internal affairs investigation has been opened to determine whether medical employees were negligent.</p> |
| <p><u>Case No. 06-0011 (Central Region)</u></p> <p>On August 30, 2005 at 0240 hours, an inmate</p> | <p>The bureau did not respond to the scene. The bureau was assured that proper investigative</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and</p> | <p>The cause of death was determined to be a heart attack as a result of blood clots in the lung</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
|---|--|--|--|
| <p>was found unresponsive in his cell. The inmate had a history of medical problems and was included in the mental health delivery system.</p> | <p>steps were being taken. The bureau reviewed the incident package and the coroner report, and discussed the case with institution staff.</p> | <p>sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>originating from blood clots in the inmate's right leg. There was no evidence of staff misconduct. The cellmate was initially evaluated as a homicide suspect. The bureau concurs that no criminal charges were warranted against the cellmate. No subsequent investigation was conducted.</p> |
| <p><u>Case No. 06-0012 (Central Region)</u></p> <p>On September 3, 2005, at approximately 0640 hours, an inmate was found unresponsive in his cell in an administrative segregated housing unit. The inmate was transported to a local hospital after he was found to have no pulse or respiration. He was pronounced dead at 0746. The cause of death appeared to be natural causes.</p> | <p>The bureau did not respond to the scene. The bureau obtained reports, reviewed medical records, and monitored and assessed the case and the institution's response.</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority requested an internal affairs investigation related to possible negligence, substandard care, and inadequate documentation of the contact by the responding medical staff member. The bureau concurred. The investigation request was timely.</p> | <p>Disciplinary action was taken against the medical technical assistant who had seen the inmate shortly before his death. The bureau monitored the subsequent administrative investigation and concurred with the proposed discipline of dismissal from service. The subject resigned prior to being dismissed by the hiring authority.</p> |
| <p><u>Case No. 06-0013 (North Region)</u></p> <p>On September 15, 2005, an officer reported finding a laundry cart with the words "GREEN WALL" scrawled across it. The cart was located in the sally port area of the institution. The officer had previously testified in a whistle blower retaliation case filed by a former officer. It was rumored that</p> | <p>Following the discovery of the laundry cart, the bureau recommended that the Office of Internal Affairs initiate an investigation because the markings on the cart referenced a previous incident involving several officers who allegedly engaged in misconduct.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority requested an internal affairs investigation related to the incident; the</p> | <p>The investigation was subsequently closed due to insufficient evidence; the bureau concurred.</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
|--|---|---|---|
| <p>his testimony hurt the former officer's case against the state. The officer suspected that someone sympathetic toward the former officer was attempting to threaten and intimidate him.</p> | | <p>bureau concurred. The investigation request was timely, and the Office of Internal Affairs opened an investigation.</p> | |
| <p><u>Case No. 06-0014 (Central Region)</u></p> <p>On September 15, 2005, two inmates attacked another inmate. The aggressor inmates were repeatedly ordered to get down, but failed to comply. The control booth officer discharged one 40mm direct-impact round, striking one of the aggressor inmates on the top of the head. The same inmate was previously struck in the head by a direct-impact round as a result of his involvement in a large-scale disturbance on August 2, 2005.</p> | <p>The bureau was not required to be notified because the injury to the inmate was not life threatening. However, under the circumstances, the bureau opened a case to monitor the investigation. The bureau conferred with the employee relations officer regarding the status of the use-of-force committee hearing and the investigating agent. The bureau reviewed all reports regarding the incident. The bureau attended and monitored the results of the use-of-force committee hearing.</p> | <p>The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate and the use-of-force review was sufficient. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The investigation and use-of-force committee determined no staff misconduct had occurred; the bureau concurs. There appears to be no link between the two shootings of this inmate other than his continued involvement in violent activities. In both cases the officers were not aiming for the inmate's head but he was struck because of the movement of the inmates involved and his failure to comply with commands to desist and assume a prone position.</p> |
| <p><u>Case No. 06-0015 (Central Region)</u></p> <p>An inmate was pronounced dead by a physician due to respiratory failure on September 15, 2005, at 1806 hours. The circumstances of the inmate's death were initially unclear.</p> | <p>The bureau did not respond to the scene. The bureau reviewed the incident package, medical reports, and Offender Based Information System data on the inmate to determine previous housing and medical care.</p> | <p>The department promptly notified the bureau of the inmate's death. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The inmate was admitted to a community hospital on January 28, 2005, and died on September 15, 2005. There was no indication of misconduct by department staff.</p> |
| <p><u>Case No. 06-0016 (South Region)</u></p> | <p>The bureau arrived while the medical staff person was still</p> | <p>The department promptly notified the bureau of the incident. The response to the</p> | <p>There was no evidence of staff</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>On September 22, 2005, a riot occurred involving approximately 270 inmates. An officer was extracted through the roof hatch of a housing unit and a tactical team extracted a medical staff person from the pharmacy. Emergency cell extractions were performed. Eight inmates were injured by other inmates and were transported to outside hospitals. Additional inmates were treated at the institution.</p> | <p>barricaded in the pharmacy and remained at the institution until staff had the incident under control. The bureau monitored the incident and the department's response to the incident from the warden's office. The bureau was not able to view the actual scene of the incident at the time of the riot, but returned the next day and toured the yard and housing unit where the incident occurred.</p> | <p>incident by the department was timely. The department's response to the incident was sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The use-of-force review was sufficient. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>misconduct.</p> |
| <p><u>Case No. 06-0017 (Central Region)</u></p> <p>An inmate collapsed on September 28, 2005, at approximately 0744 hours. Medical staff was summoned. The inmate was first transported to the triage unit, then to a local hospital, where he was pronounced dead at 0930 hours.</p> | <p>The bureau did not respond to the scene. The bureau reviewed the incident package and autopsy report. The bureau reviewed and assessed the inmate health record.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The inmate died of blood clots in his legs, which resulted in blood clots in his lungs, causing respiratory arrest. There were no unusual circumstances leading to his death and there was no indication of staff misconduct or negligence.</p> |
| <p><u>Case No. 06-0018 (South Region)</u></p> <p>On October 11, 2005, at approximately 1310 hours, an officer assigned to an outside work crew office reported an inmate was missing at the 1230 hours count. At approximately 1345 hours, another officer discovered that he had lost his personal vehicle keys. When the parking lot was checked, the second officer's personal vehicle was missing. Based on this information, the institution initiated escape</p> | <p>The bureau responded to the institution and was briefed by the warden. The bureau monitored the implementation of the escape plan and remained with the investigative services unit lieutenant.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority requested an internal affairs investigation related to the incident because its initial inquiry suggested that the work crew officer had been untruthful in reporting</p> | <p>Investigation by the department resulted in the capture of the inmate on October 15, 2005. The inmate told the department he had escaped at approximately 0900, which conflicts with the statement from the officer assigned to the work crew office, who said the inmate was present at the 1045 hours count. When the stolen vehicle was recovered, two hitchhikers, who were picked</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| procedures. | | his counts of the work crew before the escape; the bureau concurred. The investigation request was timely. | up by the escaping inmate, independently confirmed the inmate's account. The office of internal affairs opened an investigation, which the bureau is monitoring. |
| <p><u>Case No. 06-0019 (North Region)</u></p> <p>On November 9, 2005, the bureau received information from a chief deputy warden of reports that a group of officers were allegedly calling themselves “The Raza” and intimidating inmates and staff. The inmates referred to these officers as the “Brown Wall.”</p> | <p>The bureau conferred with the Office of Internal Affairs regarding case strategy and attended the witness interviews.</p> | <p>The department promptly notified the bureau of the incident. The department’s response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The hiring authority requested an internal affairs investigation related to the incident; the bureau concurred. The investigation request was timely.</p> | <p>The Office of Internal Affairs opened an investigation. This matter was addressed in a separate ongoing investigation involving one of the officers, which the bureau is monitoring.</p> |
| <p><u>Case No. 06-0020 (South Region)</u></p> <p>On December 29, 2005, a fight between two inmates escalated into a riot. A code three alarm response, requiring all personnel to respond, was activated. An observation officer saw multiple fights between inmates on the yard and shot three warning rounds from his mini-14 after less lethal rounds failed to stop them. A control booth officer witnessing the same incident fired an additional two warning shots from her mini-14. An additional mini-14 round was discharged as a warning shot in a housing unit where inmates were kicking an unconscious inmate in the head and upper torso.</p> | <p>The bureau responded to the institution after being notified of the incident by a union attorney during a meeting. The bureau was given an overview of the situation, reviewed the incident package, and reviewed the results of the institution’s use-of-force review.</p> | <p>The department did not notify the bureau of the incident. The department’s response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit’s involvement was adequate. The use-of-force review was sufficient. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The institution determined that the five mini-14 warning shots fired toward 60 to 70 inmates on the yard, who were assaulting 10 to 20 inmates, complied with department policy. The institution determined that the mini-14 round fired in the housing unit did not strictly comply with department policy. However, because of the severity of the assault in progress and the fact that the warning round was fired directly into a shower stall to preclude the possibility of a ricochet, the warning shot was deemed justified under the circumstances.</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0021 (South Region)</u></p> <p>On January 2, 2006, at approximately 0200 hours, an inmate was found dead in his cell on the sensitive needs yard. He was discovered during a security check when an officer saw blood seeping under the cell door. The inmate was found on the floor with his hands and feet bound and his head wrapped in sheets and a towel.</p> | <p>The bureau was notified and immediately responded to the scene.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were inadequate. The investigative services unit's involvement was adequate. The hiring authority requested an internal affairs investigation related to the incident; the bureau concurred. The investigation request was timely.</p> | <p>Institution personnel secured the crime scene and the victim's body. The sheriff's department handled the criminal homicide investigation. The Office of Internal Affairs is investigating the incident. The bureau is monitoring the investigation.</p> |
| <p><u>Case No. 06-0022 (Central Region)</u></p> <p>An inmate was found hanging in his cell on January 10, 2006, at approximately 1622 hours. Life-saving measures were attempted until the inmate was declared dead by a physician. The inmate had been housed in the acute care hospital under psychiatric observation until the previous day. Records indicate he was not in the hospital for suicidal reasons and had been seen by two members of the psychiatric staff on the morning of his death.</p> | <p>The bureau did not respond to the scene because the bureau did not receive notice of the incident until several hours after it occurred. The bureau addressed the delayed notification directly with institution staff and the warden. The bureau reviewed all related documents, including inmate monitoring records. The bureau conferred with the district attorney's office and reviewed its report. The bureau conferred with the institution as to the issuance of any investigative requests and reviewed the inmate's letters in which he had threatened suicide.</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was timely once it was discovered. The department's overall response to the incident was not sufficient. The reports resulting from the incident were inadequate. It was unclear whether previous counts failed to note the condition of the inmate. Consultation with the bureau regarding the incident was insufficient in that it was delayed. The investigative services unit's involvement was inadequate. The hiring authority requested an internal affairs investigation related to the incident; the bureau concurred. The investigation request was not timely.</p> | <p>The Office of Internal Affairs opened an investigation. The bureau is monitoring that investigation.</p> |
| <p><u>Case No. 06-0023 (Central Region)</u></p> <p>On January 14, 2006, an inmate was found unresponsive by his cellmate. CPR was performed by responding staff. The inmate</p> | <p>The bureau responded to the institution because the death was reported as suspicious. The bureau observed and consulted with investigative staff. The</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with</p> | <p>The autopsy reports concluded that death was due to natural causes, a rare heart disease. No staff misconduct was identified.</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>was transported to the hospital where he was pronounced dead.</p> | <p>bureau observed the preservation of the cell as a potential crime scene and subsequent search protocols. The bureau made suggestions regarding interviews of former cellmates of both the deceased inmate and his cellmate. The bureau observed the interrogation of the cellmate of the deceased. The bureau reviewed copies of autopsy and investigative reports.</p> | <p>the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred. The institution's investigative staff conducted a thorough and timely inquiry into the circumstances of the death.</p> | |
| <p><u>Case No. 06-0024 (Central Region)</u></p> <p>On February 7, 2006, at approximately 2150, an inmate alerted staff that she could not breathe. She was transported to medical clinic and her condition deteriorated. She was pronounced dead at 2230. The incident was treated as a death from an unknown cause.</p> | <p>Upon notification, the bureau verified that scene was sealed and all potential witnesses interviewed. The bureau elected not to respond to the scene. The bureau reviewed the incident report and discussed the decision not to perform an autopsy with the coroner's office. The bureau reviewed the scope of the internal affairs investigation and informed the investigator that no autopsy was performed because the institution physician told the coroner he would sign off on the death certificate. The bureau recommended that the investigation include the medical care provided to the deceased inmate.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority requested an internal affairs investigation after allegations of staff misconduct were levied; the bureau concurred. The investigation request was timely.</p> | <p>The inmate died because she drowned from her own vomit. Allegations of neglect of duty were made against five department employees. The Office of Internal Affairs opened an investigation and the bureau is monitoring the investigation.</p> |
| <p><u>Case No. 06-0025 (Central Region)</u></p> | <p>The bureau did not respond to the scene because notification of the incident was received about</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was timely and</p> | <p>An autopsy of the decedent confirmed strangulation as the cause of death. No evidence of</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>An inmate was found hanging in his cell on February 18, 2006, at 0817 hours. The inmate was 43 years-old and was included in the mental health treatment population, but had no record of prior suicidal ideation. A note written by the deceased was found, asking that his sister and mother be notified.</p> | <p>four hours after the incident. The bureau received a telephone contact from the institution and discussed the investigative steps being taken. The bureau reviewed the incident package and the coroner's reports.</p> | <p>sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>staff misconduct was noted. All available evidence in the case supported the conclusion that death was by suicide.</p> |
| <p><u>Case No. 06-0026 (Central Region)</u></p> <p>On February 21, 2006, an inmate was found hanging in his cell. The death was an apparent suicide. He was included in the mental health treatment population.</p> | <p>The bureau did not respond to the scene. The bureau received a complete verbal briefing, during which no information was disclosed that would indicate the inmate's death was a homicide or resulted from staff misconduct. The bureau was assured that proper investigative steps were being taken. The bureau reviewed the incident package and the coroner's reports.</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The autopsy confirmed that the death was a suicide by means of strangulation. The decedent inmate did not have a cellmate and homicide was not suspected. No evidence of staff misconduct was noted.</p> |
| <p><u>Case No. 06-0027 (Central Region)</u></p> <p>On February 22, 2006, a 56-year-old inmate was found unresponsive in his cell. A drug overdose was suspected because investigators recovered black-tar heroin residue in his cell. Staff attempted CPR, but life-saving attempts were unsuccessful and the inmate was pronounced dead.</p> | <p>The bureau did not respond to the scene. The bureau received telephone contact from the institution and discussed the investigative plan. The bureau reviewed the incident package and the coroner reports.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>An autopsy confirmed death was due to respiratory arrest caused by a self-administered heroin overdose. There was no suicide note or evidence to suggest a suicide occurred. There was no evidence of staff misconduct and no evidence to suggest the death was a homicide.</p> |
| <p><u>Case No. 06-0028 (Central Region)</u></p> | <p>The bureau did not respond to the scene. The bureau ensured</p> | <p>The department promptly notified the bureau of the incident. The department's</p> | <p>The Office of Internal Affairs opened an administrative</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>On March 1, 2006, an inmate told staff that he had been raped by his cellmate the previous night. The initial assessment indicated the rape did occur. A forensic exam was performed. The victim was an inmate parole offender and the suspect was a life inmate without the possibility of parole. Both inmates were included in the mental health treatment population, but at different levels of care.</p> | <p>that proper investigative protocols were followed and any appropriate staff negligence was considered. The bureau advised the institution to contact the county lab for processing the rape kit.</p> | <p>response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority requested an internal affairs investigation because policy may have been violated when the two inmates were housed together; the bureau concurred. The investigation request was timely.</p> | <p>investigation. The bureau is monitoring that investigation.</p> |
| <p><u>Case No. 06-0029 (Central Region)</u></p> <p>On March 2, 2006, a 198-pound inmate physically attacked a 253-pound inmate from behind without apparent provocation inside a locked television room. In the ensuing fight, the heavier inmate got the attacker in a headlock and pinned him to the floor. The attacker died of respiratory arrest due to traumatic asphyxia caused by external chest pressure.</p> | <p>The bureau responded to the scene before evidence collection had begun and offered input into the processing of the scene. The bureau observed the processing of the inmate witness. The bureau also observed the interview of the suspect via live closed circuit television and consulted with the investigators conducting the interview.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred. Inmate witnesses were appropriately segregated and treated courteously by staff. The administration and the investigative services unit were fully cooperative with the bureau's monitoring activities.</p> | <p>The decedent was included in the mental health treatment population, but it does not appear his attack on the other inmate could have been foreseen, prevented, or mitigated by staff. On June 15, 2006, the district attorney's office declined to prosecute this case, noting the suspect had a strong self-defense argument and did not appear to have intended to kill the decedent.</p> |
| <p><u>Case No. 06-0030 (North Region)</u></p> <p>On March 11, 2006, an inmate was found unresponsive in his cell. Staff initiated CPR. The inmate was transported to the triage treatment area, where staff continued to perform CPR. The local paramedic unit</p> | <p>The department's prompt notification and timely updates provided the bureau with the opportunity to monitor the steps taken by the institution to preserve the integrity of the investigation and to ensure protocols were being followed.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's</p> | <p>An autopsy result revealed that the inmate died of natural causes resulting from a fast-acting form of pneumonia.</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>ambulance was called for assistance and responded to the institution. Resuscitation efforts were not successful. The inmate was pronounced dead by a physician at the local hospital.</p> | <p>The bureau reviewed incident documents, including the coroner's report, and consulted with the institution regarding the investigation.</p> | <p>involvement was adequate.</p> | |
| <p><u>Case No. 06- 0031 (Central Region)</u></p> <p>On March 13, 2006, an inmate was found in his bed covered in blood and in respiratory distress. Staff immediately called for medical aid and a medical technician assistant responded. She was unable to identify the source of the bleeding and provided no medical aid. The inmate was alive but was having difficulty speaking and breathing. Staff called for the fire team to respond for transport; however the call was delayed due to radio malfunctions. The fire team arrived and transported the inmate to the institution treatment center. The inmate stopped breathing during transport. The staff attempted CPR unsuccessfully and the inmate died. Suicide correspondence from the deceased was found in his cell and mail.</p> | <p>The bureau responded to the scene upon being notified of a suspicious death. The bureau monitored the investigation by the investigative services unit. The bureau made several suggestions in the investigation, including freezing the outgoing inmate mail, which subsequently yielded correspondence indicating a suicidal intent by the deceased. The bureau also facilitated contact with the county crime lab, which responded to process the scene. The bureau monitored the search of the cell and the interview of the cellmate. The bureau reviewed all other investigative reports, photos, the coroner's report and the autopsy report.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely. The investigative services unit's response to the incident was sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The hiring authority requested an internal affairs investigation related to the incident, specifically regarding the lack of appropriate medical care given to the inmate in a timely fashion; the bureau concurred. The investigation request was timely.</p> | <p>The Office of Internal Affairs opened an investigation, which the bureau monitored. The investigation concluded that the inmate's death was a suicide; the bureau concurred. There were no marks on the deceased inmate's cellmate and no other signs of trauma on the deceased other than a puncture wound on his arm, which was determined to be self-inflicted. Subsequent medical review revealed neglect on the part of medical personnel and in the response to the incident. The medical technical assistant resigned with pending disciplinary action.</p> |
| <p><u>Case No. 06-0032 (Central Region)</u></p> <p>On March 19, 2006, an inmate was found unresponsive in his housing unit at 0715 hours. Medical staff was called to the scene. The inmate was transported to a hospital where he died at 0948 hours. Previously, at 0315 hours that morning, the inmate had</p> | <p>The bureau did not respond to the scene. The bureau received notice of the inmate's death approximately three hours after he was pronounced dead. The institution was directed to adhere to the notice requirements for the bureau on inmate deaths from suspicious circumstances in the</p> | <p>The department did not promptly notify the bureau of the incident. The response to the incident by the department was timely and sufficient. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs</p> | <p>The coroner conducted a visual exam and a review of medical records. The cause of death was determined to be natural. The head injury from the fall was determined to not be the cause of death. A stroke was listed as the cause of death. Homicide was ruled out. There was no evidence</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>rolled off his lower tier bunk in a dormitory housing unit and struck his head on the floor. He was evaluated by medical staff after the fall and sent back to the housing unit, where he was later found unresponsive.</p> | <p>future. The bureau conferred with investigators at the institution and reviewed the incident package and coroner's report. The bureau noted a discrepancy between the coroner's report and the institution's investigative report, but that did not affect the findings in the case.</p> | <p>investigation related to the incident; the bureau concurred.</p> | <p>of staff misconduct or negligence.</p> |
| <p><u>Case No. 06-0033 (South Region)</u></p> <p>On April 5, 2006, an inmate was transported from an institution in the northern region to a parole office in the southern region. When the inmate arrived at parole office, he had obvious injuries to his face and head, including severe swelling to his eyes and mouth.</p> | <p>The bureau monitored the Office of Internal Affairs' interviews of department employees. The bureau also monitored the interview of the inmate at a nursing care facility.</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The Office of Internal Affairs requested an internal affairs investigation related to the incident; the bureau concurred. The investigation request was timely.</p> | <p>The bureau is monitoring the Office of Internal Affairs investigation.</p> |
| <p><u>Case No. 06-0034 (Central Region)</u></p> <p>On April 9, 2006, a 43-year-old inmate lost consciousness and collapsed while playing basketball. He went into cardiac arrest and later died.</p> | <p>The bureau did not respond to the scene. The bureau was not notified until almost eight hours after the death occurred. The bureau instructed staff at the institution to provide notification as soon as possible following an in custody death. The bureau conferred with institution investigators and reviewed incident reports, medical records of the deceased inmate, and the</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was timely and sufficient. The initial reports resulting from the incident were not adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The coroner determined that the inmate died of natural causes. There was no evidence of staff misconduct associated with this incident.</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | <p>coroner's report. The bureau recommended a supplemental report be completed documenting the identities of the inmate witnesses and their statements. The institution agreed and completed the report.</p> | | |
| <p><u>Case No. 06-0035 (South Region)</u></p> <p>On April 10, 2006, at 1905 hours, two inmates staggered to the program office to report they had been assaulted by other inmates in the housing unit. Responding staff concluded that the inmates were repeatedly assaulted by groups of four to five inmates at a time in a cubicle area and on the dayroom floor over at least a half an hour period. Lack of supervision for 30 minutes in a minimum security housing facility is not uncommon. One inmate sustained serious head trauma and was life-flighted to an outside trauma center for emergency treatment.</p> | <p>On April 11, 2006, the bureau read a union bulletin board entry referring to this incident. This was the first notice to the bureau of the incident. After contacting the institution to confirm the incident, the bureau responded to the institution on April 12, 2006 for a briefing. While on grounds, the bureau observed a vehicle parked directly to the rear of the facility loading dock where the incident occurred and an unlocked door leading into the kitchen area, both of which are violations of policy. The institution conducted an in-depth review of the incident and advised the bureau of the results of that review.</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was not timely. The department's response to the incident was insufficient. Despite the severity of the incident, no crime scene was established and the investigative services unit was not notified. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was insufficient. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred. The investigation request was timely.</p> | <p>The hiring authority conducted training to ensure staff is aware of when to initiate a crime scene and when to notify the investigative services unit of a critical incident. The hiring authority has conducted appropriate training to ensure the bureau is notified of similar incidents. Training was also conducted regarding overall security concerns to the minimum security housing facility.</p> |
| <p><u>Case No. 06-0036 (Central Region)</u></p> <p>An inmate was found unresponsive on the morning of April 11, 2006. He was transported to the local rural hospital,</p> | <p>The bureau did not respond to the scene. The bureau reviewed the incident package, the fact-finding investigation, and the request for an internal affairs</p> | <p>The department promptly notified the bureau of the incident. The department's response to the incident was timely and sufficient. The reports resulting from the incident were adequate. Consultation with</p> | <p>Upon receipt of the hiring authority's request for investigation, the Office of Internal Affairs determined that the matter should be referred to</p> |

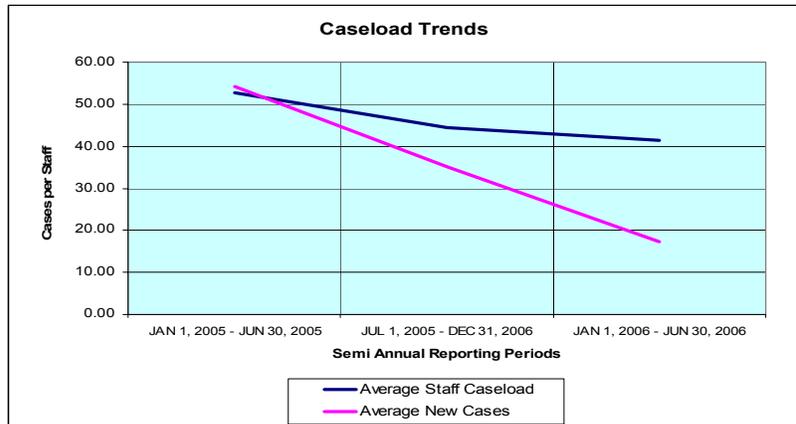
| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>stabilized, and was then sent to a better-equipped community hospital. The inmate went into respiratory arrest shortly after departure and the ambulance stopped at a nearby fire station for assistance. The inmate was then transported back to the local rural hospital where he was pronounced dead.</p> | <p>investigation.</p> | <p>the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. The hiring authority requested an internal affairs investigation of the medical care provided to the inmate; the bureau concurred. The investigation request was timely.</p> | <p>the department's Health Care Services Division for resolution.</p> |
| <p><u>Case No. 06-0037 (South Region)</u></p> <p>On April 14, 2006, approximately 19 inmates physically attacked staff members, apparently over a misunderstanding about their access to religious services. Responding staff members used pepper spray, expandable batons, and physical force to gain control of the incident. Seven officers were injured and treated and released from an outside hospital. One inmate received minor injuries.</p> | <p>The bureau responded to the scene and arrived as the inmates were being returned to their housing unit.</p> | <p>The investigative services unit responded promptly and searched the yard and all the inmates. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>There were no allegations of staff misconduct in this incident.</p> |
| <p><u>Case No. 06-0038 (South Region)</u></p> <p>At approximately 0110 hours on May 6, 2006, an inmate was found unresponsive. The initial reports were that the inmate was found on the floor of the shower with a wound to the back of his head. It was later determined the injury occurred in the bathroom. The inmate was transported to an outside hospital where he died.</p> | <p>The bureau was notified at 0415 hours and responded to the scene. A crime scene was established early. The bureau obtained additional information upon arrival and after the investigation was completed.</p> | <p>The department promptly notified the bureau of the incident. The response to the incident by the department was timely. The department response to the incident was sufficient. The incident commander's report was not completed in a timely manner. Consultation with the bureau regarding the incident was sufficient. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The investigation revealed that the inmate collapsed, possibly from a heart attack, and hit his head on a sink in the bathroom.</p> |
| <p><u>Case No. 06-0039 (Central Region)</u></p> <p>On May 27, 2006, a 47 year-old inmate</p> | <p>The bureau did not respond to the scene. The bureau was never directly notified of this incident by the institution. Three days</p> | <p>The department did not promptly notify the bureau of the incident. The department's response to the incident was timely. The reports resulting from the incident were</p> | <p>The coroner found no evidence of homicide. The coroner reported the inmate died from natural causes, specifically from</p> |

| SUMMARY OF CRITICAL INCIDENT | BUREAU ACTIONS | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>collapsed in a shower. The inmate was unconscious, but still breathing. His condition deteriorated and life-saving efforts were initiated, but were unsuccessful. The inmate had been playing soccer earlier and had complained of chest pains to other inmates.</p> | <p>after the inmate died, the event was reported in the department's daily reports. The bureau obtained and reviewed the incident package and coroner's report. The need for prompt notification to the bureau was emphasized to the institution staff.</p> | <p>adequate. Consultation with the bureau regarding the incident was insufficient in that it was so delayed. The investigative services unit's involvement was adequate. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>an acute myocardial infarction caused by coronary arteriosclerosis. None of the witnesses stated that the victim attempted to seek medical care. There was no evidence of staff misconduct.</p> |
| <p><u>Case No. 06-0040 (South Region)</u></p> <p>On June 1, 2006, at 1715 hours, an inmate was seen walking in the opposite direction of other inmates with blood on his neck. An alarm was sounded and it was discovered that the inmate had been stabbed in the neck. The inmate was transported to the treatment and triage area and an outside ambulance was requested. The ambulance arrived at 1756 hours. A life-flight helicopter was requested and arrived at 1802 hours, but the inmate was pronounced dead at 1810 hours.</p> | <p>The bureau was notified at approximately 2030 hours. The bureau requested and received a briefing of the incident and reviewed the incident package.</p> | <p>Notification to the bureau was not timely. The department's response to the incident was sufficient and timely. The reports resulting from the incident were adequate. Consultation with the bureau regarding the incident was sufficient. The investigative services unit's involvement was adequate. Homicide detectives from the sheriff's department assumed control of the homicide investigation. The hiring authority did not request an internal affairs investigation related to the incident; the bureau concurred.</p> | <p>The institution determined there were issues concerning initiation of the crime scene, the request for an outside ambulance, and notice to outside law enforcement. However, the conduct did not rise to the level of misconduct and was addressed through training and counseling.</p> |

CASE MONITORING ACTIVITIES

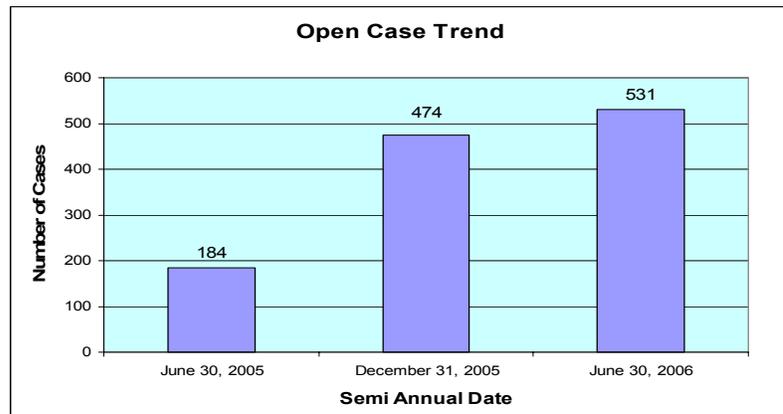
Caseload trends. The Bureau of Independent Review continues to monitor a significant number of internal affairs investigations conducted by the California Department of Corrections and Rehabilitation. During the six-month reporting period ending June 30, 2006, the bureau selected 221 internal affairs investigations for monitoring, which reflected 46 percent of all internal affairs investigations opened by the department. While the number of new cases accepted by the bureau during this reporting period was fewer than in the previous reporting period, the average caseload for each bureau attorney fell by just three cases. The dip in new cases is not unexpected, given that the bureau opened so many cases at its inception and now must monitor each case to its conclusion. Thus, although the bureau attorneys were assigned an average of only 17 new cases each during the reporting period, they maintained an average of more than 41 active cases.

Due to the extended length of time involved in resolving each of the department's disciplinary cases, the number of cases closed by the bureau was relatively small compared to the number of new cases. The bureau closed 166 cases during this reporting period compared to a total of just 89 for the previous two reporting periods combined.



At the end of this reporting period, the bureau had 531 open cases, an increase of 57 from the number of cases open at the end of the previous reporting period. The chart below compares the number of bureau cases open at the end of the last three reporting periods.

Case types. Office of Internal Affairs cases generally fall into one of two broad categories: criminal or administrative. Cases that do not fall neatly into either of these classifications, because they may be pending, involve direct action or inquiries, or constitute rejected or returned cases, are classified as other. The department opened 394 criminal and administrative internal affairs



investigations during this reporting period, and as stated above, the bureau selected 221 of those cases for monitoring. The cases monitored were comprised of 41 criminal, 140 administrative, and

40 cases designated as other. Consequently, the bureau monitored 46 percent of the criminal and administrative cases opened by the Office of Internal Affairs during the current reporting period.

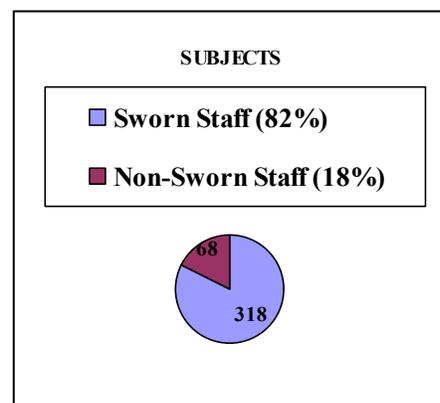
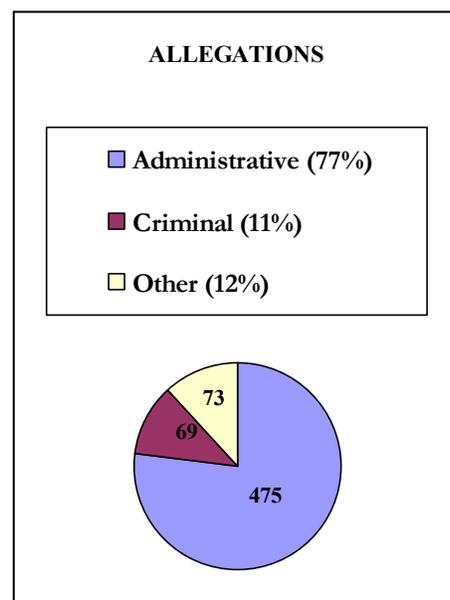
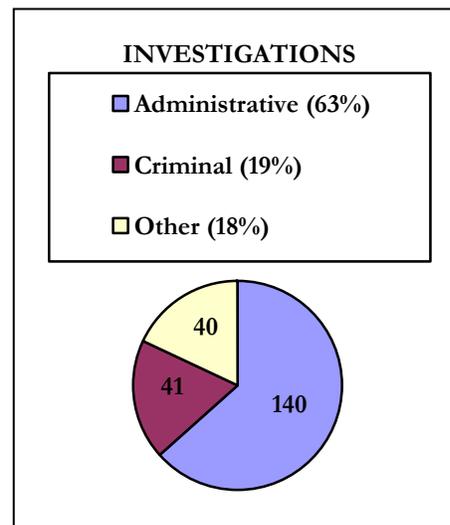
The largest group of cases monitored by the bureau —63 percent—involved allegations of administrative misconduct that could lead to disciplinary action. The allegations in these cases ranged from misuse of state resources to actions of dishonesty during a criminal investigation. Often these cases encompassed the same factual allegations included in criminal cases, but proceeded independently of any criminal investigation. Administrative proceedings associated with criminal activity typically commence at the conclusion of a criminal investigation.

The second largest group of cases monitored by the bureau involved allegations of criminal misconduct. Considered the most serious of bureau-monitored cases, these cases represented 41 of the 221 cases monitored or 19 percent of the total number of cases monitored. The remaining 18 percent of the cases monitored by the bureau during this period consisted of direct employee action requests, inquiries, pending evaluations, and cases returned to the hiring authorities with no misconduct identified. These cases generally involve less severe allegations or require no investigative resources to proceed. Nonetheless, the bureau monitors these cases to ensure fairness within the employee disciplinary process.

Cases under investigation usually include multiple factual allegations. The number of allegations investigated in bureau-monitored cases this period totaled 617, averaging roughly two allegations per investigation.

The majority of cases the bureau monitored involved sworn peace officers, such as correctional officers and their supervisors, who make up approximately 61 percent of department employees. Because the inherent nature of the correctional environment places officers in situations that may require the use of force, misuse of force is one of the most common allegations under investigation and monitored by the bureau.

Also, it is worth noting that the case management system used by the Office of Internal Affairs defines each case by incident even if the incident involves multiple subjects. Likewise, bureau cases may reflect more than one subject. Thus, the 221



monitoring cases opened by the bureau during the six-month period ending June 30, 2006, involved 386 subject employees.

Conclusion. The bureau usually becomes involved in a case from the time a request for investigation is initially considered by the Office of Internal Affairs. The bureau determines whether to monitor the case based on the factual allegations, the bureau's monitoring criteria, and other available information. Once it is selected, bureau attorneys monitor the case by observing witness and subject interviews, providing feedback on case development, and consulting with the investigating special agents, hiring authorities, and staff attorneys.

Although it is the bureau's overarching goal to report on every case in a timely manner, exceptional circumstances may preclude such reporting. For example, the bureau includes a criminal investigation in its public reports only after the district attorney's office has reviewed the case. Similarly, it publicly discloses an administrative investigation only after the hiring authority has determined the case findings. In broad terms, the bureau retains the discretion to delay reporting of a given investigation to avoid jeopardizing the investigation and any resulting disciplinary or criminal action, as well as to avert the potential of placing inmates or staff at risk. Accordingly, the tables below summarize the criminal and administrative cases that were deemed appropriate for public reporting during this period. Pursuant to California Penal Code section 6133, the tables include an assessment of whether the quality of the investigation was adequate or inadequate.

SUMMARY OF CRIMINAL INVESTIGATIONS — JANUARY-JUNE 2006

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0041 (Central Region)</u></p> <p>It is alleged that on or about June 28, 2002, a California Department of Corrections and Rehabilitation office assistant provided an inmate with methamphetamine. It is further alleged that between approximately June 2002 and July 2005 the office assistant engaged in a sexual relationship with the inmate, and received cash and personal checks from the inmate and inmate's family.</p> | <p>The Bureau of Independent Review had many conferences with the special agent. The bureau researched applicable statutes of limitations and determined the criminal statute had likely expired. The bureau discussed the possibility of using the inmate to re-establish contact with the subject to obtain more evidence, conferred regarding a search warrant, reviewed the final report, and was consulted concerning the sufficiency of evidence.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The Office of Internal Affairs adequately consulted with the bureau regarding the decision not to refer the case to the district attorney's office; the bureau concurred.</p> | <p>The Office of Internal Affairs determined there was insufficient evidence to refer the case to the district attorney's office. An administrative investigation was started, which the bureau is monitoring.</p> |
| <p><u>Case No. 06-0042 (North Region)</u></p> <p>On January 19, 2004, officers were allegedly observed using unnecessary force on an inmate, who had thrown bodily fluids on an officer. Several officers took turns assaulting a handcuffed inmate housed in a secured holding cell. The incident was investigated and resulted in dismissal actions against two officers. At the dismissal hearing, one of the officers made a voluntary statement of honesty in exchange for reinstatement with the department. The officer's statement resulted in a second investigation of three additional officers for dishonesty and</p> | <p>The bureau did not monitor the initial investigation of the use of unnecessary force. However, the bureau monitored the second investigation related to dishonesty and code of silence conspiracy. The bureau observed witness and subject interviews, consulted with the department throughout the investigation, and reviewed investigative documents.</p> | <p>The investigation was timely and adequate. The Office of Internal Affairs' consultation with the bureau was timely and adequate. The case was referred to the district attorney's office for prosecution; the bureau concurred.</p> | <p>The criminal case was rejected by the district attorney's office on November 18, 2004, due to insufficient evidence. As a result of the initial investigation, one officer was dismissed. The officer who came forward and gave an honest, but belated, account of the incident was transferred to another institution. This case was addressed by the hiring authority in a separate administrative investigation, which the bureau is monitoring.</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| engaging in a code of silence conspiracy. | | | |
| <p><u>Case No. 06-0043 (North Region)</u></p> <p>On June 7, 2004, parole administrators received information that a psychiatric social worker furnished methamphetamine and marijuana to a parolee, engaged in a sexual relationship with her, and threatened to use his position to return her to prison if she did not comply with his demands to clean his apartment and submit to his sexual advances. When the parolee met with department representatives, she brought the psychiatric social worker's personal vehicle as proof of their relationship.</p> | <p>The investigation was already completed when the case was assigned for bureau monitoring. The bureau reviewed case materials and Office of Internal Affairs' reports.</p> | <p>The investigation was timely and adequate. The case was referred to the district attorney's office; the bureau concurred.</p> | <p>On July 26, 2004, the psychiatric social worker resigned while under criminal investigation. Thereafter, the district attorney's office filed felony charges against him. The employee entered into a plea agreement on November 14, 2005, in which he pled no contest to a violation of Penal Code section 289.6, engaging in sexual activity with an adult confined in an institution. An administrative investigation was also conducted, which the bureau monitored.</p> |
| <p><u>Case No. 06-0044 (Central Region)</u></p> <p>A correctional officer who was also in the United States Army Reserves and other state employees in her military unit falsified orders and turned them in to the department for monetary gain. The fraud was discovered on September 16, 2004. The loss was greater than \$13,000. A joint investigation was initiated with the Office of Internal Affairs and the military's criminal investigative division.</p> | <p>The bureau consulted with the lieutenant who made the initial discovery, the special agent in charge of the investigation and his supervisors, and the district attorney's office's regarding the case. The bureau observed strategy meetings with the military's criminal investigative division and observed the interview of the subject. The bureau suggested the department obtain additional documentation from the military. The bureau was present when the case was presented to the district attorney's office and monitored the criminal prosecution.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs promptly and adequately consulted with the bureau regarding the referral to the district attorney's office. The Office of Internal Affairs audited records of all department employees from that reserve unit and identified others involved.</p> | <p>The subject is no longer an active or reserve member of the military. The subject pled guilty to a misdemeanor theft in exchange for full restitution and testimony against three other subjects in criminal and/or administrative hearings. The subject resigned. Actions are still pending against the other three subjects. The department also opened an administrative investigation, which the bureau is monitoring.</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0045 (South Region)</u></p> <p>An inmate initially reported being the victim of excessive force in an appeal form submitted to the department on December 5, 2004. He stated that the incident occurred on November 30, 2004, when three officers threw him up against a fence and one of the officers hit him in the chest with a baton. He claimed to have suffered three fractured ribs as a result of being hit by the baton. Initially, the inmate could not specifically identify the officers.</p> | <p>The bureau monitored the criminal investigation at every level, including consulting with the special agent and reviewing the investigative and medical records.</p> | <p>An investigation was not requested until more than four months after the report; thus the request was not timely. The special agent to whom this matter was assigned was responsive in consulting with the bureau and did so in a timely manner. The criminal investigation was timely and was completed in less than three months. At the time the criminal case was closed, the matter was returned to the institution for an administrative investigation. The bureau concurred with the department's decision not to refer this case to the district attorney's office.</p> | <p>The department did not refer the case to the district attorney's office. The inmate was initially unable to identify the officer he claimed hit him and gave two inconsistent descriptions of the officer. Medical reports showed there were no rib fractures or other abnormalities. The institution was informed of the need to pursue the case administratively.</p> |
| <p><u>Case No. 06-0046 (Central Region)</u></p> <p>On December 8, 2004, an inmate alleged he was severely beaten by four officers during a housing transfer, and was then denied medical aid. It is further alleged that the use of force was not reported by staff as required.</p> | <p>The bureau reviewed the investigative file, investigative plan, and draft final investigative report, attended witness interviews, and sought periodic updates from the special agent. The bureau conferred with the special agent and staff attorney regarding the statute of limitations. The bureau discussed the evidentiary development of this case with the vertical advocate. The bureau conferred with the district attorney's office and reviewed a memorandum reflecting their decision to not file charges.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The special agent was not forthcoming with information regarding investigative plans, proceeded mostly without the bureau's knowledge, and failed to provide the final report to the bureau before submission to the district attorney's office. The investigation was delayed, but was completed prior to the expiration of the statute of limitations. Several deficiencies were noted in the report; it was only marginally complete. The case was referred to the district attorney's office; the bureau concurred, but was not consulted prior to the referral.</p> | <p>After reviewing the report, the district attorney's office expressed the need for further investigation. Ultimately, the district attorney's office did not file criminal charges.</p> |
| <p><u>Case No. 06-0047 (North Region)</u></p> <p>On January 8, 2005, an inmate struck two</p> | <p>The bureau conferred with the investigator and discussed investigative strategies. The</p> | <p>The Office of Internal Affairs' consultation with the bureau was adequate. The investigation was timely and adequate. The</p> | <p>On November 8, 2005, the special agent reported the district attorney's office declined to file</p> |

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| <p>officers and an alarm was sounded. A sergeant responded and saw one of the officers striking the inmate repeatedly with his fists. The inmate was not resisting and appeared to be covering himself from being hit. The inmate claimed the officer who struck him initiated the confrontation by displaying his middle finger in a gesture of disrespect. When he responded in kind, the officer allegedly grabbed him and hit him. One of the officers and a control booth officer failed to adequately report the incident.</p> | <p>bureau reviewed reports and conferred with the district attorney's investigator.</p> | <p>case was referred to the district attorney's office; the bureau concurred with the referral. The Office of Internal Affairs adequately consulted with the bureau regarding the referral to the district attorney's office and the consultation was timely.</p> | <p>charges against the subjects. An administrative investigation was initiated by the hiring authority, which the bureau is monitoring.</p> |
| <p><u>Case No. 06-0048 (South Region)</u></p> <p>On February 11, 2005, an officer allegedly used unnecessary force on an inmate by punching him several times on the back of his head. The officer did not report the punches; neither did three other officers who were present. Inmates and other officers who witnessed the incident, however, submitted statements supporting the allegations. Later, the subject officer allegedly stated he was going to "red tag" the staff members who reported him, which was interpreted to mean cause harm from inmates. He allegedly intimidated one of the reporting officers by telling him he did not like rats and would take care of them, and by waiting at the staff entrance on several occasions to walk silently next to the officer as he left. The subject also allegedly drove his truck at extremely slow speeds in front of a vanpool carrying three officers who reported the punches, and twice accelerated to block the van's attempt to</p> | <p>This bureau actively and continuously monitored this case because it involved significant allegations of a code of silence. The bureau expressed concern about the safety of the reporting employees to the hiring authority as a result of the threatening statements attributed to the subject; the subject was counseled. The subject was transferred to a neighboring prison but was later seen on institution grounds again. The bureau recommended the subject be ordered to stay off institution grounds; the institution eventually issued the order. The bureau expressed concern and attended a meeting regarding the van incident. The bureau monitored the presentation to the district attorney's office.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The Office of Internal Affairs consulted with the bureau in a timely and adequate manner regarding the referral to the district attorney's office. The case was referred to the district attorney's office; the bureau concurred. The hiring authority advised the off-duty van occupants to obtain a restraining order, as the hiring authority did not believe action could be taken. The bureau and the Office of Internal Affairs disagreed with the hiring authority and convened a meeting, which resulted in a transfer to a neighboring prison. The hiring authority counseled the subject and ordered the subject to stay off institution grounds in response to the bureau's concerns.</p> | <p>The final criminal investigative report was submitted to the district attorney's office on October 25, 2005. The district attorney's office declined to file criminal charges on January 17, 2006. An administrative investigation also was also initiated by the hiring authority, which the bureau is monitoring.</p> |

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| <p><u>Case No. 06-0049 (Central Region)</u></p> <p>On February 14, 2005, the department discovered that an officer was allegedly having a sexual relationship with an inmate. Letters between the two were discovered, as was the fake mail drop they used to correspond with one another.</p> | <p>The bureau met and consulted with the assigned special agent and his supervisor. The bureau reviewed search warrants, all reports, and interviews. The bureau assisted in urging the district attorney's office to file felony charges. The bureau attempted to monitor the district attorney's case, but the case was reassigned five times and the district attorney's office did not communicate with the Office of Internal Affairs or the bureau.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in a timely and adequate manner regarding the referral.</p> | <p>Felony charges were filed against the subject, but the case was reduced to a misdemeanor. The subject pled guilty, was placed on probation, and was ordered to serve 300 hours of community service. The bureau formally complained to the district attorney's office. The district attorney's office issued an apology for how the case was handled. The bureau has since facilitated meetings between the district attorney's office and the Office of Internal Affairs' management.</p> |
| <p><u>Case No. 06-0050 (South Region)</u></p> <p>On February 15, 2005, an attorney representing a parole violator appeared at an institution to obtain his client's property. The inmate and his attorney claimed a piece of jewelry valued at \$200,000 was missing. At the time of his arrest, the parole violator said the jewelry was valued at \$95,000.</p> | <p>The bureau discussed investigation strategies with the special agent and provided numerous recommendations, such as contacting the law enforcement agencies that arrested, booked, and transported the parolee to determine if there were photographs or other evidence of the jewelry. The bureau also suggested obtaining information from the inmate concerning the value and description of the jewelry.</p> | <p>The criminal investigation was not requested until April 5, 2005, and the investigation was not completed until the end of November 2005. This significantly reduced the time available to complete a timely administrative investigation. The parole violator would not agree to be interviewed and the agent did not seek written documentation from him concerning the value and the description of the jewelry. The agent and the bureau regularly discussed the case, but some interviews were conducted without adequate notice to the bureau. The bureau was provided a copy of the final investigation report before it was submitted for approval.</p> | <p>The criminal investigation was completed without obtaining sufficient evidence of a crime having been committed. Following the conclusion of the criminal case, an administrative investigation was opened.</p> |
| <p><u>Case No. 06-0051 (North Region)</u></p> | <p>The bureau reviewed</p> | <p>The Office of Internal Affairs' consultation</p> | <p>The subject was placed on</p> |

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| <p>On April 1, 2005, it was alleged that a medical technical assistant was smuggling tobacco into the institution and was receiving heroin as payment from inmates.</p> | <p>investigation documents and met with the assigned agent to discuss investigative strategies. The bureau accompanied agents on surveillance; however, the subject did not stop to pick up money as planned, but instead proceeded directly to work.</p> | <p>with the bureau during the investigation was adequate. The investigation was timely and adequate. The subject was interviewed and made admissions. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau regarding the referral in a timely and adequate manner.</p> | <p>administrative leave. On December 16, 2005, the subject submitted his resignation from the department. A report will be completed and maintained in the subject's personnel file.</p> |
| <p><u>Case No. 06-0052 (South Region)</u></p> <p>On April 6, 2005, a medical technical assistant was attacked by an inmate after the medical technical assistant discovered an inmate-manufactured weapon hidden on the inmate. A captain responded to the alarm, observed what he believed to be unnecessary force on the inmate by three officers, and reported it to the warden. The warden placed the three officers on administrative leave before they completed their reports of the incident. A lieutenant reportedly told the captain that the issue should have stayed in the unit and that he should have talked to staff. The lieutenant then said, "ten years ago you would have been beaten down in the parking lot area." Afterward, someone removed the captain's portrait from its mounted frame in the institution's lobby and the captain reported being ostracized by staff. The warden ordered the lobby area cordoned off and processed as a crime scene. On April 14, 2005, a rat trap and an accompanying poster naming the warden and the captain were posted in a union display case. On April 18, 2005, union officials voluntarily took down the rat trap and poster and replaced it</p> | <p>The bureau conferred with the assigned special agents, met with the warden and the regional administrator, and discussed investigative strategy and potential legal issues. The bureau discussed the case with the assigned staff attorney and Office of Internal Affairs executive management. The bureau discussed the possibility of criminal charges if the posting was intended to discourage witnesses from cooperating with the use-of-force investigation. The bureau expressed concerns about the objectivity of the special agent initially assigned to the case and presented those concerns to the special master.</p> | <p>Two special agents were assigned to this case. The first special agent's consultation with the bureau during the investigation was inadequate. The special agent failed to consult with the bureau as requested and conducted interviews without notifying the bureau. The agent did little work on the case for six months, in part because he also was assigned as the lead investigator in an officer-involved shooting. The special agent actively sought to terminate the investigation prematurely. The Office of Internal Affairs initially decided to terminate the investigation based on incomplete facts from the special agent. The decision was later reversed, but the investigator remained assigned to the case. The case was reassigned after the special agent's conduct was reported to the special master. The second special agent's consultation was adequate. The investigation was timely. The case was referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted adequately with the bureau regarding the referral to the district attorney's office.</p> | <p>The case was presented to the district attorney's office on December 28, 2005. The district attorney's office decided on January 24, 2006 not to file charges in this case. The department also pursued an administrative investigation, which the bureau monitored.</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>with a memorandum from the union asking members to cooperate with the Office of Internal Affairs. The case proceeded with the union chapter president being investigated for his conduct in posting the rat trap and poster.</p> | | | |
| <p><u>Case No. 06-0053 (Central Region)</u></p> <p>On April 11, 2005, as officer was accused of having an overly familiar relationship with an inmate and the inmate's girlfriend. He also was alleged to be involved in smuggling narcotics into the institution.</p> | <p>The bureau obtained all reports for review. The bureau contacted and consulted with the special agent assigned to investigation. The bureau also contacted other department employees. The investigation was delayed; the bureau repeatedly urged the agent to proceed. The bureau reviewed the final investigative report and was consulted on the final decision regarding referral to district attorney's office.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was untimely. It took more than nine months to complete. It is unknown if a more timely investigation would have produced a different result. The agent made three unsuccessful attempts to contact and interview the inmate's girlfriend, who was uncooperative. The case was not referred to the district attorney's office; the bureau concurred based on the state of the case at the time. The Office of Internal Affairs consulted with the bureau in a timely and adequate manner regarding the referral to the district attorney's office. The department decided not to proceed with an administrative investigation; the bureau concurred since it would have not produced a better result.</p> | <p>The investigation uncovered evidence that the reporting inmate was not credible. The inmate was uncooperative and a voice stress analysis exam indicated he was deceptive. There was no corroboration by any other source and several witnesses contradicted the inmate. The Office of Internal Affairs determined there was insufficient evidence to present the case to the district attorney's office or upon which to open an administrative investigation.</p> |
| <p><u>Case No. 06-0054 (North Region)</u></p> <p>On April 28, 2005, custody staff discovered several items of contraband, including a DVD player and narcotics, hidden inside an inmate's television. As a result of the discovery, a facility-wide search was conducted in which two additional televisions were found to contain portable DVD players,</p> | <p>The bureau discussed investigative strategies with the special agent and reviewed reports.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs adequately consulted with the bureau regarding the referral decision. The contraband confiscated from facility-wide search enhanced the safety and security of</p> | <p>During the course of the investigation, inmates provided inconsistent and contradictory statements to the investigator. Overall, they denied personally witnessing any staff members engaging in misconduct and maintained that their statements were based on hearsay from other unknown inmates. On</p> |

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| <p>numerous DVD movies, Nintendo video games, remote controls, and other contraband. Inmates claimed several officers routinely brought in contraband and delivered it to purported inmate gang members.</p> | | <p>the institution. As a consequence, however, individuals responsible for smuggling the contraband into the institution were on notice of the discoveries.</p> | <p>January 12, 2006, the warden found that there was insufficient evidence of staff misconduct. An administrative investigation was initiated, which the bureau monitored.</p> |
| <p><u>Case No. 06-0055 (Central Region)</u></p> <p>On May 18, 2005, an investigative services unit received confidential information that an officer was allegedly engaged in ongoing overly familiar relationships with inmates and had trafficked controlled substances and other contraband to inmates.</p> | <p>The bureau reviewed documents contained in the investigative file and conferred with the investigator. The bureau conducted extensive legal research into a wiretap and discussed wiretap issues with the special agent in charge. The bureau monitored the progress of the investigation and reviewed a draft of the final investigative report. The bureau's involvement resulted in a review of the department's policy governing wiretap of institution phones.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The investigation progressed slowly because the inmates' facility was in a locked down status, which restricted the inmates' ability to make phone calls. A wiretap generated some evidence; the bureau disagreed with the department regarding the admissibility of the evidence. The case was not referred to the district attorney's office. The bureau concurred with the referral decision, but was not consulted about it.</p> | <p>The case was not submitted to the district attorney's office for criminal prosecution. The draft investigative report presented a clear foundation for disciplinary action, but the evidence was insufficient to support a criminal action. The department pursued an administrative case, which the bureau monitored.</p> |
| <p><u>Case No. 06-0056 (Central Region)</u></p> <p>It was alleged that on May 18, 2005, an officer battered another officer in line at the institution's cafeteria.</p> | <p>The bureau reviewed the original allegation with the senior special agent and reviewed documents contained in investigative file. The bureau conferred with the assigned special agent and suggested an investigative approach. The bureau reviewed the progress of the investigation, audio tapes of investigative interviews, and the final investigative report.</p> | <p>The Office of Internal Affairs' consultation with the bureau was adequate. Deficiencies in the investigation were identified, but after consultation with the agent, it was determined pursuing them would not have changed the outcome of the investigation. The investigation was timely and adequate. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau regarding the referral to the district attorney's office in an adequate and timely manner.</p> | <p>The case was not referred to the district attorney's office. An administrative investigation was opened, which the bureau also monitored.</p> |

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| <p><u>Case No. 06-0057 (North Region)</u></p> <p>On May 24, 2005, a parolee reported that a parole agent had engaged in inappropriate sexual relationships with other parolees on his caseload and may have impregnated one of them. She also claimed she and other parolees were fearful of retaliation if they came forward with this information.</p> | <p>The bureau met with the Office of Internal Affairs and discussed the case. The bureau met with the regional administrator and lower-level managers concerning the apparent failure to respond to, or address, potential misconduct perpetrated by parole agents.</p> | <p>The investigation was timely and thorough. The bureau concurred with the decision to close the criminal investigation. There was, however, a lack of documentation by parole supervisors and administrators concerning reports or complaints of staff misconduct. There were multiple prior complaints against the subject alleging over-familiarity with parolees that were handled informally, with little or no documentation. In addition, none of the prior allegations were forwarded to the Office of Internal Affairs for review.</p> | <p>There was insufficient evidence gathered in this investigation to sustain a criminal case. The Office of Internal Affairs recommended the criminal case be closed and opened an administrative investigation into the matter. The bureau is monitoring the administrative investigation.</p> |
| <p><u>Case No. 06-0058 (Central Region)</u></p> <p>An inmate alleged that on May 25, 2005, his supervisor on a work crew, who was a non-sworn employee, committed sexual acts upon the inmate. The inmate alleged that no physical force was involved, but he was induced to participate in the sexual act because of possible retaliation or loss of his job.</p> | <p>The bureau reviewed documentation and interviews completed by the special agent. The bureau contacted the hiring authority regarding concerns about the subject having one-on-one supervision of inmates. The subject was redirected to another assignment. The bureau conferred with the special agent. The bureau reviewed the final investigative report and discussed it with the hiring authority and the employee relations officer.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. No action was taken for the first month of the investigation, except scheduling a voice stress analysis on the complainant inmate. The investigation took almost nine months to complete. The Office of Internal Affairs stated it had intended to set up a surreptitious sting effort, but no such plan was communicated to the bureau or the hiring authority. The investigation was adequate in that all relevant persons were identified and interviewed; however, there was no viable effort to forensically examine the vehicle in which the alleged acts took place. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral decision.</p> | <p>The hiring authority did not sustain the allegations because there was insufficient evidence. The subject submitted to a full interview during the criminal investigation. The bureau concurred that no additional evidence would be derived from opening an administrative case, and the state of the evidence from the criminal investigation was insufficient to sustain any administrative findings.</p> |
| <p><u>Case No. 06-0059 (Central Region)</u></p> | <p>The bureau examined the field reports, viewed the videotape of</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was</p> | <p>The district attorney's office declined to file criminal charges</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>On June 3, 2005, an inmate refused to leave her seat on a bench in the program office and be locked up. It was alleged that a sergeant and an officer pried the inmate's hands from the bench and forcibly applied mechanical restraints. This alleged use of force was not documented. An officer alleged that the inmate kicked him as she was being escorted to her housing unit. The inmate alleges that an officer took her to the ground and injured her through an inappropriate use of force. The inmate sustained bruises and abrasions on her forehead, eye, and face.</p> | <p>the interview of the inmate involved, and reviewed the draft final investigative report. The bureau consulted with the Office Internal Affairs regarding the investigative plan. The bureau also communicated with the Office of Internal Affairs and the department's legal office concerning a grievance filed by the union alleging a failure to provide discovery prior to subject interviews.</p> | <p>adequate. The investigation was timely and thorough. The case was referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office.</p> | <p>due to insufficient evidence of criminal misconduct. An administrative investigation was also initiated by the hiring authority, which the bureau monitored.</p> |
| <p><u>Case No. 06-0060 (Central Region)</u></p> <p>On June 7, 2005, it was alleged that officers assaulted an inmate while transporting him from an appointment. The inmate alleged an officer slammed his head against the side of a van, another punched him in the ribs, and that a third twisted his thumb unnecessarily. Later, when the inmate requested a medical examination, he had a minor injury on the inside of his lip that was not accounted for by any use-of-force report. No other injuries were noted.</p> | <p>The bureau maintained ongoing consultation with the assigned special agent. The bureau recommended a criminal investigation be initiated due to the nature of the charges. The bureau reviewed all reports and interviews and made suggestions regarding the investigation.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and thorough. The case was originally opened as an administrative investigation, but was changed to a criminal investigation; the bureau concurred. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office.</p> | <p>The Office of Internal Affairs determined there was insufficient evidence to refer the case to the district attorney's office. A report authored by one of the officers on the day of the incident clearly described threats by the inmate to fabricate charges against the transporting officers for disallowing the inmate to obtain contraband. No other staff on duty, including medical staff, observed the injury that showed up later on the inmate. The inmate delayed reporting the injury. No other witnesses corroborated the inmate. The officers' statements were all consistent. An administrative investigation was also initiated by the hiring authority and monitored by the bureau.</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0061 (Central Region)</u></p> <p>On June 8, 2005, staff discovered handwritten names and driver's license numbers in the subject's desk, along with confidential law enforcement database printouts for three individuals and other sensitive documents containing personal information about employees, inmates, and other persons.</p> | <p>The bureau noted that the case summary stated the wrong statute of limitations date and alerted the Office of Internal Affairs to this error. The bureau met with the special agent and made investigative recommendations related to the subject's desk. The bureau reviewed the draft final investigative report and conferred with the Office of Internal Affairs regarding the decision to not seek criminal prosecution.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was not referred to the district attorney; the bureau concurred. The Office of Internal Affairs consulted with the bureau in a timely and adequate manner regarding the referral to the district attorney.</p> | <p>The Office of Internal Affairs found there was insufficient evidence to sustain criminal charges or open an administrative investigation.</p> |
| <p><u>Case No. 06-0062 (Central Region)</u></p> <p>On June 13, 2005, it was alleged that one officer struck an inmate after exchanging insults, causing a bump on the inmate's head. The officer's report failed to account for the inmate's injury. Other officers were alleged to have witnessed the event and failed to report it. A separate issue developed when an involved officer was present during the inmate interview.</p> | <p>The bureau consulted with the assigned special agent throughout the investigation. The bureau reviewed the all reports and interviews, discussed the case with the staff attorney, and viewed the video-taped interview of the inmate. The bureau conferred with the department regarding the three-month delay in referring the case for investigation and the presence of the involved officer in the inmate interview.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and thorough. The case was referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in a timely and adequate manner regarding the referral to the district attorney's office.</p> | <p>The warden sent out a memorandum to all management staff reminding them of the requirement to use uninvolved staff in inmate interviews. The lieutenant who conducted the interview received training. The district attorney's office declined to file charges because the inmate's injury was minor and the evidence was insufficient to prove criminal charges beyond a reasonable doubt. An administrative investigation was opened, which the bureau is monitoring.</p> |
| <p><u>Case No. 06-0063 (South Region)</u></p> <p>It was alleged that a lieutenant slapped an inmate in the face after she was ordered to</p> | <p>The bureau was prevented from closely monitoring this case because the agent failed to provide adequate advance notice</p> | <p>The investigation was timely and adequate. The case was originally opened as an administrative investigation. The Office of Internal Affairs then appropriately changed it</p> | <p>The district attorney's office filed criminal charges against the lieutenant, which are pending. The lieutenant also was the</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>present her hands for cuffing on July 3, 2005. The incident allegedly occurred in front of three officers, two of whom were then ordered into a separate room by the lieutenant who is said to have apologized and asked them if they had his “back.” It is also alleged the lieutenant failed to document his use-of-force, did not have the inmate medically evaluated, and attempted to entice the inmate to remain silent in exchange for free phone calls.</p> | <p>of his work before performing it.</p> | <p>to a criminal investigation. The Office of Internal Affairs’ consultation with the bureau during the investigation was inadequate. The lack of consultation in this case is exemplified by the special agent giving the bureau notice of a critical interview 30 minutes before it started. The bureau has had similar experience with this agent on numerous other cases. Once the investigation was completed the case was referred to the district attorney’s office; the bureau concurred but was not adequately consulted regarding the decision.</p> | <p>subject of an administrative investigation.</p> |
| <p><u>Case No. 06-0064 (North Region)</u></p> <p>On July 6, 2005, an officer responded to an inmate fight. The officer claimed he slipped and fell while subduing the combatants and complained of extreme pain to his right side. The officer filed a workers’ compensation claim regarding the incident. Several staff stated the officer was complaining of a rib injury he sustained the day before from falling off a ladder at his residence.</p> | <p>The bureau reviewed investigation documents. The bureau met with the agent, and discussed the investigative plan and strategy for interviews. The bureau reviewed the final investigative report and attended several meetings regarding the sufficiency of the evidence to support criminal charges for fraud.</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was not referred to the district attorney’s office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the decision to not refer the case to the district attorney’s office.</p> | <p>There is insufficient evidence to prove a fraud crime. Witnesses did not corroborate the allegation contained in the initial request for investigation.</p> |
| <p><u>Case No. 06-0065 (South Region)</u></p> <p>It was alleged that a medical technical assistant was called to assist an inmate on three occasions who was complaining of chest pain on July 13, 2005, and allegedly failed to provide the inmate with needed medical care. It is alleged that an officer made an entry into the logbook directing others to ignore the inmate’s complaints of</p> | <p>The bureau monitored the investigation. The bureau also provided information and suggestions concerning the scope of the questions to be asked of the witnesses.</p> | <p>The Office of Internal Affairs performed a timely investigation, although the agent did not consistently keep the bureau advised of interviews and progress in a timely manner. The case was referred to the district attorney’s office.</p> | <p>The district attorney’s office declined to file charges. The hiring authority and the Office of Internal Affairs then pursued an administrative investigation.</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>chest pain, and officers ignored the inmate's calls for help or accused the inmate of faking. The inmate died later that night.</p> | | | |
| <p><u>Case No. 06-0066 (Central Region)</u></p> <p>On July 26, 2005, a former inmate, called an investigative services unit and reported that during her incarceration beginning in late 2002, she and a lieutenant engaged in sexual acts within the institution. She also alleged she and the lieutenant engaged in sexual intercourse at his house while she was on parole from July 18, 2003, to July 18, 2004, and that the sexual activity allegedly continued once she was discharged from parole.</p> | <p>The bureau reviewed the allegations and the statute of limitations date, and all reports and interviews. The bureau also conferred with the assigned agent and made suggestions as to investigative strategy. The bureau inquired into a possible conflict of interest between the agent and the subject due to the fact that they had worked together previously. The bureau reviewed and discussed with the Office of Internal Affairs' some concerns regarding its policy for addressing agents' conflicts of interest. The bureau conferred with the agent regarding decision not to refer to the district attorney's office.</p> | <p>The Internal Affairs' consultation with the bureau during the investigation was adequate, and the investigation was adequate under the circumstances. Subsequent to her initial report, the former inmate could not be found for an interview. The case was not referred to the district attorney's office for prosecution, due to insufficiency of the evidence; the bureau concurred. There was no evidence, and the bureau does not believe, that the agent in this particular case acted in a biased manner.</p> | <p>The subject resigned from state service and refused to be interviewed. A records search on the subject's cell phone showed over 250 phone calls to the inmate while she was on parole, clearly showing a relationship existed. However, absent the ability to locate and have the complainant testify, there was insufficient evidence to prove the sexual conduct.</p> |
| <p><u>Case No. 06-0067 (North Region)</u></p> <p>On July 28, 2005, it was alleged an officer forcefully struck an inmate's testicles while performing a clothed body search and pushed the inmate against a bunk causing him to hit his chest on the bed frame. The officer thereafter failed to report the alleged use-of-force.</p> | <p>The bureau reviewed reports and viewed the video- taped interview of the inmate.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. After reviewing the reports and viewing the complaining inmate's video-taped interview, the bureau concurred with the department's decision to reject the hiring authority's request to open an investigation into the matter. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the</p> | <p>The department rejected the hiring authority's request to open a criminal or administrative investigation into the matter. In his interview, the inmate motioned that the officer slid his hand, open palm, perpendicular to his thigh when he was struck in his groin area. The inmate did not allege excessive force; merely that he was struck as the officer proceeded to conduct the clothed body search. There were no</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | district attorney's office. | independent witnesses to corroborate that the inmate was pushed onto his bed. The warden subsequently referred the matter for use as a training issue. |
| <p><u>Case No. 06-0068 (Central Region)</u></p> <p>Between August 2005 and April 2006, an institution allegedly paid about \$670 to \$680 in reimbursements to inmates because although money orders intended for deposit into inmate trust accounts were delivered to custody staff, they never arrived at the accounting office to be credited to the trust accounts. There was concern the funds may have been improperly diverted by unknown staff member(s) because delivery of the money orders to the institution was well documented.</p> | <p>The bureau discussed the case with the special agent, attended a case conference, made recommendations as to investigative strategy, and repeatedly discussed with the special agent the institution's inability to provide necessary documents to identify those employees who may have been involved in the alleged diversion of funds. The bureau reviewed the institution's procedure for processing money orders, and accounting records and reports. The bureau met with the special agent, the complaining party and the associate warden for business services. The bureau reviewed the closure memo from the Office of Internal Affairs. The bureau conferred with the hiring authority to ensure processes are revised for the receipt of funds to prevent a repetition of these events.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The agent was thorough, communicative, and amenable to the bureau's concerns and recommendations. The bureau's suggestion for a meeting with staff to clarify the records needed to fully investigate the allegations was followed. The investigation was timely and adequate. Although the institution was cooperative, their records system was so inadequate that retrieval of pertinent information was impossible. The agent pursued these records diligently. The bureau's recommendation to the hiring authority that the institution's processes and procedures be evaluated and improved to prevent a repetition of these events was followed.</p> | <p>The agent provided the institution and the bureau a memorandum detailing the reasons why the investigation could not be completed and identified deficiencies in the institution's accounting procedures. The hiring authority gave assurances that the deficiencies will be remedied so as to prevent a recurrence. The bureau concurred with the closure of this investigation due to an inability to prosecute.</p> |
| <p><u>Case No. 06-0069 (Central Region)</u></p> <p>On August 2, 2005, an officer was accused of</p> | <p>The bureau evaluated the statute of limitations date and allegations. The bureau consulted with the special agent on</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was not referred to the</p> | <p>The criminal case was closed without a referral to the district attorney's office. The evidence did not appear to be strong</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| excessive force and potential dishonesty in reporting a use-of-force incident. | investigative plan and the progress of the investigation. The bureau consulted regarding the decision to convert the investigation from criminal to administrative, without a referral to the district attorney's office. | district attorney's office; the bureau concurred. The bureau was adequately consulted on the decision. | enough to prove beyond a reasonable doubt. An administrative case was opened, which the bureau is monitoring. |
| <p><u>Case No. 06-0070 (North Region)</u></p> <p>On August 18, 2005, information was received that an officer was allegedly involved in over-familiar activity with parolees. The officer allegedly associated on a regular basis with several individuals who were either on probation or parole. It was alleged one parolee, who was on parole for possession and sale of narcotics, lived at the officer's residence.</p> | <p>On September 16, 2005, the bureau reviewed the request for investigation and the case summary. On November 17, 2005, the bureau met with the warden, the employee relations officer and the investigative services unit to discuss the facts of the investigation. On January 11, 2006, the bureau discovered the investigation had been closed.</p> | <p>Consultation with bureau during the investigation was inadequate, but based upon the reports and files, the investigation appeared adequate. The case was not referred to the district attorney's office for prosecution.</p> | <p>The criminal case was turned into an administrative investigation. The subject resigned at her administrative interview.</p> |
| <p><u>Case No. 06-0071 (North Region)</u></p> <p>On August 23, 2005, two parole agents entered an institution's sally-port driving a state-issued vehicle. During two routine searches of the trunk, officers found a small baggie containing 1.6 grams of suspected marijuana, two boxes of ammunition, two knives, and cigarette rolling paper.</p> | <p>The bureau reviewed reports and discussed investigative strategies with the Office of Internal Affairs.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. During the course of the investigation, it was determined the agents rarely seized contraband in the field and were both unaware of departmental policies concerning evidence collection and preservation methods. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office.</p> | <p>The case was not referred to the district attorney's office. The department pursued an administrative action, which the bureau monitored.</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0072 (Central Region)</u></p> <p>It is alleged that on September 8, 2005, an officer attempted to persuade a witness in another pending administrative case to change his testimony.</p> | <p>The bureau consulted with the special agent and his supervisor, as well as staff attorney assigned to the underlying case. The bureau discussed the situation with the hiring authority who initiated the investigation. The bureau obtained and reviewed all reports and interviews and the final investigative report. The bureau emphasized the need to handle the case expeditiously due to the nature of the complaint and its potential impact on another case.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was not referred to the district attorney's office; the bureau concurred with the decision. The bureau was consulted on the decision to not refer the case to the district attorney's office.</p> | <p>The Office of Internal Affairs determined there was insufficient evidence to refer the case to the district attorney's office. An administrative investigation was started, which the bureau is monitoring.</p> |
| <p><u>Case No. 06-0073 (South Region)</u></p> <p>On September 15, 2005, a female parolee notified a parole unit supervisor that she had been involved in a relationship with her parole agent of record as far back as February 1999 and that the parole agent falsified anti-narcotic testing records for her.</p> | <p>The bureau concurred with the Office of Internal Affairs' initial assessment that the allegations against the parole agent were barred by the statute of limitations. The bureau suggested the parolee be interviewed in order to determine if any additional acts occurred within the statute of limitations. The agent interviewed the parolee but she could not identify any actionable misconduct.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate.</p> | <p>The case was not pursued either criminally or administratively because all of the allegations, even if proven, were barred by the statute of limitations.</p> |
| <p><u>Case No. 06-0074 (North Region)</u></p> <p>On September 29, 2005, a correctional counselor conducted an interview with a confidential inmate informant (CI). During the interview, the CI made allegations that an</p> | <p>The bureau responded to the scene and participated in initial investigative plan and interviews. The bureau review of reports and evidence, the final investigative report, the hiring authority's</p> | <p>Consultation with bureau during the investigation and the investigation itself was timely and adequate. The case was referred to the district attorney for prosecution; the bureau concurred. The bureau disagreed with the hiring authority's decision to immediately</p> | <p>The case was referred to the district attorney for prosecution. The district attorney's office rejected the case because there was insufficient evidence. This case was addressed by the hiring</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>officer had trafficked illicit drugs into the adjustment center on at least four occasions. The CI identified three inmates who he claimed were in possession of the drugs brought in by the officer. A subsequent search revealed drugs in the property and/or on the person of two of the three inmates identified. The quantities of drugs were as follows: 78.27 grams of marijuana, 58.51 grams of methamphetamine, and 45.9 grams of heroin.</p> | <p>determination documents, and the notice of disciplinary action prior to resignation of employee.</p> | <p>place the employee on administrative leave. The warden's decision in this case to place the subject on administrative time off, despite the Office of Internal Affairs' insistence that such action be delayed, was a mistake in that it prevented a sting operation which could have developed more evidence in both the administrative and criminal cases. Fortunately, enough evidence was obtained through the seizure of phone records to establish that the subject was indeed over-familiar with inmate family members and was in fact bringing drugs into the institution. Unfortunately, the lack of more information which could have been established through a successful sting operation prohibited a criminal filing in this case.</p> | <p>authority under a separate administrative investigation, which the bureau monitored. The employee has resigned.</p> |
| <p><u>Case No. 06-0075 (South Region)</u></p> <p>On October 3, 2005, an inmate submitted a written complaint that a female industry and warehouse supervisor had engaged in sexual relationships with himself and five other inmates in the shoe factory at various times.</p> | <p>The bureau was consulted during the investigation; including the decision not to submit the case to the district attorney's office and handle it as administratively. The bureau reviewed the final investigative report.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office.</p> | <p>The investigation failed to uncover any evidence to corroborate the allegations of the complainant. The complainant's allegations were refuted by the five other inmates named by the complainant and voice stress analysis indicated the complainant was deceptive. The case was not referred to the district attorney's office. The hiring authority also pursued an administrative case which the bureau monitored.</p> |
| <p><u>Case No. 06-0076 (South Region)</u></p> <p>On or about October 10, 2005, a supervising</p> | <p>The bureau consulted with the Office of Internal Affairs throughout the investigation, although the majority of the</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was not referred to the</p> | <p>It was determined that the criminal elements of this case were unfounded. No evidence existed to substantiate the drug</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>cook was allegedly seen kissing an inmate on the mouth and found in the back areas of the culinary acting in an unusual manner with the inmate. It is also alleged that the supervising cook was introducing contraband such as candy, tobacco, lighters, and possibly drugs into the institution. Additionally, the subject allegedly allowed inmates to leave the culinary area without being searched by custody staff.</p> | <p>interviews had already been conducted by the investigative services unit at the institution.</p> | <p>district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office.</p> | <p>charges and the alleged sexual misconduct did not meet the requirements of a crime. An administrative investigation is being pursued, which the bureau is monitoring</p> |
| <p><u>Case No. 06-0077 (Central Region)</u></p> <p>It is alleged between October 15, and October 18, 2005, a nurse fondled an inmate's breast and made sexual statements to her, while she was in the crisis cell. The inmate stated the subject offered her presents in exchange for sexual requests. The inmate alleged that the subject continued to proposition her for sexual acts until she was discharged from the crisis unit.</p> | <p>The bureau reviewed the initial allegations. The bureau discussed the investigative plan and consulted with the special agent as the investigation progressed. The bureau discussed terminating the investigation upon learning that the subject was not physically present on the days the act was alleged to have occurred. The bureau reviewed the special agent's closure letter. The bureau consulted with the employee relations officer at the institution. The bureau agreed that cameras in the hall areas to document staff activity would be a good idea to prevent false claims against staff and to produce evidence of alleged wrongdoing.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and thorough. The bureau concurred with this course of action as any additional investigation would have been a wasted effort given the uncontraverted evidence that the subject was not present on the days in question. The Office of Internal Affairs consulted with the bureau in a timely and adequate manner regarding the referral to the district attorney's office.</p> | <p>It became evident as a result of the investigative work accomplished that the charges were not sustainable. The special agent terminated the investigation and sent a closure letter to the hiring authority explaining his rationale. The department opened an administrative investigation, which the bureau monitored.</p> |
| <p><u>Case No. 06-0078 (Central Region)</u></p> <p>On October 26, 2005, a non-sworn employee was accused of possessing heroin, cocaine,</p> | <p>The initial involvement of the bureau involved the review of a conditional search warrant application related to this subject. The warrant was obtained, but</p> | <p>The Office of Internal Affairs consulted extensively with the bureau during the investigation. The investigation was timely and adequate, although the Office of Internal Affairs disregarded the bureau's concerns</p> | <p>The case was submitted to the district attorney's office, and the subject was charged with two counts of violating of Health and Safety Code section 11351, one</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>and marijuana for the purpose of sale. Recorded inmate telephone calls revealed an inmate making arrangements for a cash payment for illegal substances to be mailed to the employee's home address. The employee's residence was searched and heroin, cocaine, marijuana and other contraband was found.</p> | <p>never served. Instead, the Office of Internal Affairs conducted a warrantless search of the subject's vehicle, interviewed the subject while she was detained, and then searched her house pursuant to a purported consent. The bureau was briefed on the facts and reviewed Miranda and Fourth Amendment issues. The bureau made recommendations based on that review. The bureau reviewed the draft final investigative report, prior to its submission to the district attorney's office.</p> | <p>regarding Miranda and Fourth Amendment issues. The case was referred to the district attorney's office. While the bureau agreed with the referral decision, it expressed concern with the report's accuracy regarding the subject's detention. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office. The employee was placed on administrative leave; the bureau concurred with this decision.</p> | <p>count of violating Health and Safety Code section 11359, and one count of violating Penal Code section 4570. The subject pled no contest to one count of violating Health and Safety Code section 11351 and one count of violating of Health and Safety Code section 11357(a). The subject was sentenced to 36 months probation with an initial term of incarceration of six months in county jail. An administrative investigation was also initiated by the hiring authority, which the bureau is monitoring.</p> |
| <p><u>Case No. 06-0079 (South Region)</u></p> <p>On October 26, 2005, an officer received information from a private citizen indicating that another officer had been involved in a sexual relationship with a minor female since December 2003.</p> | <p>The bureau discussed criminal investigation options with the agent, including obtaining a criminal search warrant to seize evidence of lewd acts against a minor. The bureau reviewed and commented on the agent's draft search warrant affidavit. The bureau was not provided an opportunity to review the final investigative report prior to it being submitted to the district attorney's office, but reviewed it after the fact.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and mostly adequate. The Office of Internal Affairs served the search warrant at the suspect officer's residence and discovered the underage female living with him along with evidence supporting the existence of a long-term sexual relationship. The Office of Internal Affairs conducted an interview of the suspect and upon obtaining a waiver, obtained a full confession from the officer. After leaving the officer's residence, local law enforcement encouraged the Office of Internal Affairs to return to the officer's residence and arrest him for felony sex crimes without a warrant. The investigative report did not adequately document this warrantless entry. The bureau recommended the Office of Internal Affairs submit a</p> | <p>The district attorney's office filed criminal charges. The officer entered into a plea agreement. He pled guilty to two misdemeanor counts of unlawful sexual intercourse and was placed on summary probation for 36 months. An administrative investigation was also initiated by the hiring authority, which the bureau monitored.</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | supplemental report to rectify the deficiency; which it did. The case was referred to the district attorney; the bureau concurred with the referral decision. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney. | |
| <p><u>Case No. 06-0080 (South Region)</u></p> <p>On November 8, 2005, an inmate alleged that an officer provided him and two other inmates with tobacco over a period of two and one-half months in exchange for approximately \$1,500.</p> | <p>The bureau suggested various methods of investigation.</p> | <p>The Office of Internal Affairs consulted with the bureau in a timely and adequate manner. The officer and inmates were transferred to other locations in the institution by its custodial staff before the Office of Internal Affairs investigation began, making surveillance of their activities difficult.</p> | <p>There was insufficient evidence of criminal activity.</p> |
| <p><u>Case No. 06-0081 (Central Region)</u></p> <p>On December 9, 2005, it was discovered that an inmate, who had been incarcerated for several years on a life sentence, was pregnant. She delivered a child shortly thereafter. It was alleged that a staff member had unlawfully engaged in acts of sexual intercourse with the inmate.</p> | <p>The bureau reviewed the request for investigation and the statute of limitations. The bureau reviewed the initial file materials, met with the special agent, and discussed the investigative plan. The bureau reviewed the birth certificate, an application for a search warrant seeking DNA from the suspect, the DNA analysis, and a draft of the final investigative report.</p> | <p>The bureau noted that the scope of the request for investigation did not include staff's failure to notice a life-term inmate had become pregnant until shortly before the baby was born. The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office.</p> | <p>The Office of Internal Affairs referred the case to the district attorney's office. The district attorney's office filed criminal charges against the employee, the suspected father of the child. An administrative investigation also was opened, which the bureau monitored. The subject resigned.</p> |
| <p><u>Case No. 06-0082 (North Region)</u></p> <p>On December 9, 2005, a nurse admitted to having an inappropriate relationship with an inmate and his family. She also disclosed that</p> | <p>The bureau met with the Office of Internal Affairs and learned the subject had resigned. The Office of Internal Affairs continued its investigation and</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs</p> | <p>The district attorney's office did not file criminal charges, due to a lack of corroborating evidence. An administrative investigation was initiated by the hiring authority. The employee resigned</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>she brought marijuana and tobacco into the institution for an inmate.</p> | <p>consulted with the bureau.</p> | <p>consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office.</p> | <p>on December 13, 2005, within four days of the discovery of the misconduct.</p> |
| <p><u>Case No. 06-0083 (Central Region)</u></p> <p>On December 29, 2005, it was alleged by an inmate that a non-sworn staff member engaged in illegal sexual misconduct in the back store room area of the canteen with inmate workers.</p> | <p>The bureau reviewed the statute of limitations date and the allegations, and recommended changes. The bureau conferred with the special agent and reviewed all file documents. The bureau conferred with the senior special agent, the staff attorney, and the special agent to expedite the video surveillance plan. The bureau encouraged the special agent to meet with the confidential informant who initially reported the alleged misconduct to determine if any deliberate falsehoods were presented. The bureau reviewed and commented upon the final investigation report and recommended clarifications, which were incorporated.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The video surveillance did not reveal any misconduct by the subject. The surveillance was terminated, with the bureau's concurrence, following seven full days of monitoring. The case was not referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral to the district attorney's office.</p> | <p>The Office of Internal Affairs concluded that there was not sufficient probable cause to believe that criminal activity occurred as alleged. Accordingly, the file was not referred to the district attorney's office for criminal prosecution. The Office of Internal Affairs determined that insufficient evidence of misconduct existed to open an administrative investigation; the bureau concurred.</p> |
| <p><u>Case No. 06-0084 (South Region)</u></p> <p>On April 17, 2006, an inmate was observed seated with his head between the legs of a teacher who had her pants pulled down. A search of the inmate's cell resulted in the discovery of a cell phone. The inmate admitted to prior sexual acts with the teacher dating back to October 2005 and admitted that the teacher had provided him with the</p> | <p>The bureau consulted with the special agent throughout the investigation. The bureau reviewed the final criminal investigative report and raised questions about the various issues, including the money the teacher deposited into the inmate's trust account and the phone calls made by the teacher to the inmate. The bureau</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely, but inadequate. The case was referred to the district attorney's office; the bureau concurred. The Office of Internal Affairs consulted with the bureau in an adequate and timely manner regarding the referral. The bureau concurred with the hiring authority's decision to place the employee on administrative time off because of severity of</p> | <p>The district attorney rejected the case for prosecution "in the interest of justice" because the department was seeking administrative sanctions. An administrative investigation was also initiated by the hiring authority, which the bureau is monitoring.</p> |

| SUMMARY OF CRIMINAL INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>cell phone. The teacher stated that she had fallen in love with the inmate, had been sending money to his trust account and that they had engaged in sexual behavior numerous times since November 2005. She denied furnishing him the cell phone but admitted to knowing its existence and calling him on it.</p> | <p>recommended supplemental investigation regarding the phone records but the Office of Internal Affairs declined to conduct the follow up investigation relating to phone records because, in their view, that information was unnecessary for the criminal report.</p> | <p>the allegations and the threat to the institution's safety and security posed by the teacher.</p> | |
| <p><u>Case No. 06-0085 (Central Region)</u></p> <p>A prison industry authority supervisor allegedly trafficked tobacco and narcotics to inmates in April 2006.</p> | <p>The bureau consulted with the agent and the senior special agent on the case. The bureau reviewed all reports and the video evidence. The bureau conferred with the Office of Internal Affairs regarding the decision to not refer the case to the district attorney's office.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The case was not referred to the district attorney; the bureau concurred. The Office of Internal Affairs adequately consulted with the bureau regarding the referral to the district attorney's office.</p> | <p>No criminal trafficking of narcotics was discovered. An administrative investigation was initiated by the hiring employee, which the bureau is monitoring. The employee subsequently resigned prior to the completion of the administrative investigation.</p> |

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SUMMARY OF ADMINISTRATIVE INVESTIGATIONS — JANUARY-JUNE 2006

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No.06-0086 (Central Region)</u></p> <p>It was alleged that on December 3, 2002, a parole agent gave false information at a parole hearing that resulted in the denial of parole to an inmate. Although the inmate filed a written complaint, he refused to speak about his allegations or identify the subject during his incarceration. On June 21, 2004 after his release, the complainant spoke with a department investigator and provided the details of his allegations, including the identity of the subject, and an investigation ensued.</p> | <p>The bureau reviewed the draft and final reports of investigation and the investigative file. The bureau consulted with the assigned special agent suggesting areas for further investigation and investigative avenues. The bureau consulted with the hiring authority and the staff attorney regarding the sufficiency of the evidence to support a disciplinary action, and reviewed the hiring authority's closing letter.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The Office of Internal Affairs considered and pursued avenues of investigation suggested by the bureau. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in a timely and adequate manner regarding the investigative findings. The staff attorney consulted with the bureau in a timely and adequate manner. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The department concluded that the administrative investigation failed to present sufficient evidence to support any disciplinary action against the parole agent.</p> |
| <p><u>Case No. 06-0087 (Central Region)</u></p> <p>On May 6, 2003, an allegation of nepotism was made against a warden in that his wife was hired into an administrative position at the same institution, in violation of the department anti-nepotism policy and without appropriate permission of his immediate supervisor. It was also alleged that favoritism was shown toward the warden's wife in the manner in which she obtained approval to work at home. It was further alleged that the complainant in this matter was subjected to retaliation by the warden.</p> | <p>The bureau began monitoring the investigation after it began and reviewed multiple draft investigative reports and voluminous investigative materials. The bureau met with the assigned special agent and offered suggestions, as well as recommended additional investigation. A memo critical of the hiring process and telecommuting decision in this case was referred to in the draft report. The bureau pursued obtaining this document from the Office of Internal Affairs, but it was never received. The bureau was forced to obtain the report through other means. The senior special agent failed to submit the</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The investigation of this matter was not conducted in a timely or adequate manner. The final report submitted by internal affairs was incomplete, lacked objectivity, and was unfairly biased. The Office of Internal Affairs disregarded the bureau's numerous suggestions for revision and additional investigation, failed to submit the draft final report for bureau review and failed to provide critical requested documents to the bureau. But for the involvement of the bureau, the investigation would have concluded with the submission of an incomplete and biased report that would most likely have resulted in a finding that no misconduct had occurred, either in the hiring of the warden's wife or in allowing her to telecommute. Without the bureau's</p> | <p>The Office of Internal Affairs' retaliation analysis concluded that the complainant did not engage in protected activity and was not subjected to adverse employment action. The bureau disagrees that the complainant did not engage in protected activity. The hiring authority concluded that the investigation was sufficient to warrant dismissal upon an allegation of nepotism/preferential treatment, but insufficient to warrant action upon an allegation of retaliation; the bureau concurred. Because the statute of limitations has expired and the warden retired, disciplinary action is moot. The hiring authority has declined the</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | <p>final draft for review as requested. The bureau participated in a telephonic conference that was conducted to apprise the hiring authority of the bureau's position on the quality of the investigative report. The bureau attended a meeting at the department to discuss the investigation, which involved the department administrators and the head of internal affairs. The bureau presented its analysis of the internal affairs investigation. The bureau met with the hiring authority and the staff attorney. The bureau also reviewed the retaliation claim analysis completed by the Office of Internal Affairs.</p> | <p>involvement, the fact that the warden's wife appears to have had advance knowledge of the true nature of the job opening, when none of the other candidates had such knowledge, would not have come to light. The bureau concurred with the hiring authority's findings. The hiring authority adequately consulted with the bureau regarding the investigative findings, but the consultation was not timely. The hiring authority's forms for its findings and penalty were not completed and executed until almost six months after the decision was made that disciplinary action was warranted.</p> | <p>bureau's suggestion that notice be given to the warden. It was the consensus of all parties present that the allegations against the acting chief deputy warden, also implicated in this matter, could not be sustained by the investigation, such as it is.</p> |
| <p><u>Case No. 06-0088 (North Region)</u></p> <p>On August 14, 2003, an inmate was observed alone in his cell with what appeared to be serious injuries to his face and head area. It was later determined that a control booth officer allowed four inmates to enter his cell to assault him. The acting sergeant responsible for the facility where the assault took place was informed of the observations regarding the inmate's face and head area. Another sergeant, who was working overtime but not in charge of the facility, reportedly overheard the report of the observations to the acting sergeant. The inmate reportedly did not receive medical attention for several hours after the discovery of his injuries.</p> | <p>The bureau met with the warden, employee relations officer, and the staff attorney and agreed with their recommendation not to pursue action against the sergeant working overtime.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in a timely and adequate manner regarding the investigative findings. The bureau concurred with the hiring authority's decision not to sustain the allegations against the sergeant working overtime. The incident was initially reported to an acting sergeant who was directly responsible for the facility where the incident took place, assumed command and took initial action in responding to the incident. There was no evidence that the overtime sergeant engaged in conduct intended to conceal the source of the inmate's injuries.</p> | <p>Discipline was taken against the acting sergeant. The initial penalty sought was a dismissal that was later modified to a 30 day suspension. The control booth officer, the principal wrongdoer in the case, resigned prior to the effective date of his dismissal from state service. The district attorney's office filed criminal charges against the control booth officer. Although there was evidence that the sergeant working overtime was present when the acting sergeant was informed of the inmate's injuries, the acting sergeant expressly assumed responsibility over the</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | | matter and acted accordingly. Thus, no discipline was imposed on the sergeant working overtime. |
| <p><u>Case No. 06-0089 (Central Region)</u></p> <p>On or about December 22, 2003, pursuant to the <i>Plata</i> court decision, an independent physician reviewed complaints lodged against a department physician. The independent physician concluded that the department physician failed to provide adequate care to two separate inmates, resulting in the death of one of the inmates.</p> | <p>The bureau alerted the Office of Internal Affairs that the case summary stated the wrong statute of limitations date as the subject was not a peace officer. The bureau reviewed the medical report, the medical records for each alleged victim, the subject's personnel file, all reports documenting the health care services division's determination that no disciplinary action could be sustained, and the executed settlement agreement. The bureau met with the special agent, commented on the draft investigative report, and made recommendations for the subject's interview and attended the same. The bureau inquired with the regional health services manager regarding the status of review.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority did not adequately consult with the bureau in a timely manner. A settlement agreement was negotiated without input or consultation with the bureau and before any findings were made from this investigation. The settlement agreement addressed allegations of similar misconduct which arose after the dates of alleged misconduct in this investigation. The settlement between the hiring authority and employee was appropriate in that the employee resigned from state service, will not seek to have the resignation set aside and will not seek reemployment with the department in the future. The employee relations officer adequately consulted with the bureau. The bureau concurred with the hiring authority's decision to place the employee on administrative time off.</p> | <p>The administrative investigation was resolved via a settlement agreement in which the subject resigned and agreed not to seek reinstatement.</p> |
| <p><u>Case No. 06-0090 (South Region)</u></p> <p>It was alleged that on unspecified dates in 2004 a lieutenant had been overly familiar with and had shown favoritism toward inmates, intimidated inmates into having sexual relations with him, and allowed inmate assaults to occur.</p> | <p>The bureau repeatedly attempted to consult with the agent about the case. The agent kept indicating she was busy with other cases. Once the agent finally began the investigation she failed to provide prior notice of her work, which prevented effective monitoring.</p> | <p>The special agent to whom this case was assigned failed to perform any investigative work for the first nine months after assignment. The special agent failed to consult with the bureau and continued to pursue investigative work after telling the bureau another agent would take over the investigation. The special agent engaged in similar conduct toward the bureau in at least</p> | <p>The final report failed to set forth sufficient evidence upon which the hiring authority could pursue disciplinary action. The subject in this case was dismissed as a result of a separate investigation in another case.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | <p>one other monitored case brought to the attention of the special master. The investigative report was approved and sent to the hiring authority eight days before the expiration of the one year statute of limitations without the bureau having been consulted. The hiring authority did not consult with the bureau before deciding the charges could not be sustained.</p> | |
| <p><u>Case No. 06-0091 (North Region)</u></p> <p>On January 19, 2004, it was alleged that officers were observed using unnecessary force on an inmate. Several officers approached an inmate who was handcuffed and secured in a holding cell after an earlier incident in which the inmate gassed one of the officers. The officers took turns assaulting the inmate until they were observed by non-sworn staff.</p> | <p>The bureau was not involved in the initial case that resulted in dismissal actions against two officers. While the disciplinary actions were pending, one of the officers made a voluntary “statement of honesty” in exchange for reinstatement with the department. The officer's statement resulted in a new investigation of three additional officers for dishonesty and engaging in a code of silence conspiracy. The bureau observed the interviews and consulted with the department in the new case and consulted in the resulting, additional cases.</p> | <p>Consultation with bureau during the secondary investigation was adequate, appropriate allegations were sustained, and the investigation was adequate. The bureau was consulted about the charges of misconduct in the second case and the penalty. The penalty was adequate. The quality of the employee disciplinary process was adequate.</p> | <p>The department imposed a termination for one officer and six month suspensions for two other officers for code of silence participation. The State Personnel Board upheld the penalty of dismissal when it was appealed.</p> |
| <p><u>Case No. 06-0092 (North Region)</u></p> <p>It was alleged that on January 28, 2004, a medical physician did not provide an inmate with a timely diagnosis and did not provide adequate medical care. The inmate died from an abdominal mass.</p> | <p>The bureau reviewed the initial case summary and investigative plan. The bureau recommended that the case be fully investigated despite the fact that the subject retired from state service.</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was timely and adequate. The hiring authority consulted with the bureau in a timely and adequate manner regarding the investigation in light of the subject’s resignation.</p> | <p>The subject retired prior to the completion of the investigation. The investigation was completed and maintained by the institution in the event the subject attempts to return to state service.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0093 (South Region)</u></p> <p>It was alleged that in February 2004, a parole agent telephoned a parolee after the parolee's boyfriend was arrested. The parole agent had rented a motel room and asked the parolee to meet him there to have sex. When the parolee arrived at the motel, the parole agent was naked. The conduct was discovered on March 11, 2004.</p> | <p>The bureau began monitoring this case to determine why a complete investigation had not been completed resulting in a case closure. After several attempts to contact the assigned special agent, the bureau was finally able to have an initial case conference. The bureau reviewed the case file and discovered numerous areas of concern, including the fact that the case agent had failed to conduct a timely and thorough investigation during the time that he had been assigned the case.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate in that the bureau had to make several requests for an initial case conference. Once the bureau reviewed the file, it concluded that the investigation was untimely and inadequate. Several interviews that the agent alleged he had conducted during the initial case conference were not in fact documented in the investigative file or in the computerized record. After the applicable one year statute of limitations, the case was reassigned from the original agent to a new agent, who completed the investigation.</p> | <p>The department concluded that the statute of limitations had passed for this case, thereby precluding any potential disciplinary action.</p> |
| <p><u>Case No. 06-0094 (Central Region)</u></p> <p>On April 15, 2004, an employee entered a locked, darkened room within the institution, and observed an employee attempting to hide behind a chair and a pair of underwear, an officer's uniform and an officer's equipment belt on the floor. Upon reporting this to management, the acting warden spoke with the warden by telephone and, without any investigation, issued letters of instruction to the assistant employee relations officer and the union chapter president, the employees alleged to have engaged in sexual misconduct. An investigation was conducted of management's actions. It was also alleged that the acting warden committed dishonesty by intentionally misrepresenting known facts or willfully omitting facts. It was also alleged that the reporting party suffered retaliation</p> | <p>The majority of the investigation was conducted before the bureau became involved. The bureau reviewed the investigative reports and analyzed the statute of limitations issues. The bureau pursued a resolution of the question of who would act as the hiring authority. The bureau conferred with the hiring authority, the head of Internal Affairs and an assistant chief counsel. The bureau has been persistent in scrutinizing this case and another case against the warden that also involved allegations of abuse of authority and retaliation.</p> | <p>The investigation of the underlying allegations was adequate and likely to have resulted in serious discipline, if the investigation had been timely. In view of the statute of limitations problem with the underlying allegations, and the fact that critical evidence relating to the dishonesty allegation was missing, the bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in a timely and adequate manner regarding the investigative findings. The assistant chief counsel and staff attorney consulted with the bureau in a timely and adequate manner. The overall quality of the assistant chief counsel's and staff attorney's advocacy was adequate. While it initially appeared that the statute of limitations had expired by the time the investigation of the initial allegations in this matter was submitted, persistence by the bureau and staff attorney resulted in further</p> | <p>A consensus was formed that disciplinary action based on the allegations arising from the acting warden's precipitous issuance of letters of instruction, which precluded further investigation and serious disciplinary actions against the employees, was barred by operation of the statute of limitations. The hiring authority indicated he would demote the acting warden to an associate warden position and assure that this individual is not promoted above the associate warden again. The department and bureau agreed that the allegations of dishonesty cannot be established against the acting warden sufficient to warrant disciplinary</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| from the warden and acting warden. | | investigation into alleged dishonesty, within the statute of limitations. | action. |
| <p><u>Case No. 06-0095 (South Region)</u></p> <p>On April 27, 2004, a painter's supervisor discovered that the painter had claimed he was serving as a member of the county grand jury on days when he was not and that the painter had also been paid by the state for those same days. During the course of investigating the conduct of the painter, the special agent discovered similar misconduct may have been engaged in by a sergeant, who served on the same grand jury. The special agent determined that the date of discovery as to the sergeant was May 16, 2005, when the special agent determined that the sergeant received state pay for three days that could not be accounted for by the records of the county grand jury.</p> | <p>The bureau conferred with the agent several times concerning the status of the investigation. The bureau attended the interview of the painter. The bureau advised the special agent that the date of discovery may be earlier if the department had received notice of the sergeant's potential misconduct during the investigation of the painter. When the bureau received a draft copy of the agent's final investigative report and noted that the report contained information that arguably placed the department on notice of the sergeant's potential misconduct before May 16, 2005, the bureau discussed the issue with the special agent. The bureau consulted with the employee relations officer and the warden.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The Office of Internal Affairs agent failed to notify the bureau of a significant interview. Only by chance was the bureau present because the bureau attorney happened to be at the institution on an unrelated matter. The investigation was untimely and inadequate because the initial date of discovery was incorrect and the investigation was completed after the statute of limitations had lapsed. The bureau previously reported a case by the same special agent in which the agent miscalculated the date of discovery. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in a timely and adequate manner regarding the investigative findings.</p> | <p>The hiring authority concluded that no charges could be sustained against the sergeant because the one year statute of limitations had lapsed for the sergeant. Due to the longer statute of limitations for non-sworn employees, the investigation against the painter is still in progress. The bureau is still monitoring that investigation.</p> |
| <p><u>Case No. 06-0096 (North Region)</u></p> <p>Attached to a letter received by the federal court's special master about Methicillin Resistant Staphylococcus Aureus (MRSA) issues in the department was a memo dated May 18, 2004, in which an officer addressed issues raised in prior discussions about MRSA. The court found the officer knew that the statement he made to the special master was important and had no factual</p> | <p>The bureau reviewed the investigation and all supporting documentation, including the complaint from the special master. The bureau attended an executive review of the case.</p> | <p>The bureau did not begin monitoring this case until the disciplinary phase, so there was no consultation during the investigation. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in a timely and adequate manner. The resolution selected by the hiring authority was appropriate.</p> | <p>Following a thorough discussion of the merits of the case and the statute of limitations, the department concluded that a work improvement discussion would be most appropriate in this case.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>basis; the officer's conduct was deemed reckless and was made with an improper purpose. It was alleged that the officer intentionally provided false information and failed to make attempts to corroborate the information before it was provided.</p> | | | |
| <p><u>Case No. 06-0097 (Central Region)</u></p> <p>It was alleged that on July 6, 2004, a parole agent, by means of deception, caused an office assistant to print a criminal history report on a parolee using a restricted database. It is further alleged that the agent then passed the criminal history to a personal acquaintance for use in a family law dispute between the acquaintance's daughter and the parolee.</p> | <p>Initially, the bureau monitored the related criminal investigation and undertook efforts to aid the Office of Internal Affairs in presenting the matter to the district attorney's office. When it was discovered that an administrative case had also been opened, the bureau reviewed the final report and tracked the progress of the administrative case. The bureau made frequent efforts to make contact with the hiring authority.</p> | <p>The consultation with the bureau was extremely inadequate. The bureau was not contacted or consulted by the hiring authority or the staff attorney with regard to the appropriate level of discipline, notwithstanding expression of concern by the bureau that the penalty was too lenient. The <i>Skelly</i> hearing was conducted, without notice to the bureau. It appeared to the bureau that, with regard to this discipline matter, the hiring authority was in disarray and failed to designate an individual to act as their employee relations officer.</p> | <p>Discipline in the form of a five percent salary reduction for 12 months was imposed. The employee withdrew his appeal on the eve of the State Personnel Board hearing.</p> |
| <p><u>Case No. 06-0098 (Central Region)</u></p> <p>An inmate alleged that on August 7, 2004, officers beat up an inmate, while another officer acted as a lookout. The inmate further alleged that one of the officers initiated a fight between two inmates. Another allegation was made by the inmate that the officers enlisted the aid of two inmates to threaten inmates who were allegedly cooperating in an ongoing investigation. Finally, the inmate alleged that the officers engaged in wrestling matches with inmates.</p> | <p>The bureau met with the Office of Internal Affairs agent and reviewed the file reports. The bureau attempted to discover why there was a delay of five and one-half months between the discovery date and request for investigation. The bureau attended the interview of a subject, conferred with the special agent as to additional areas of inquiry for all subjects, and commented on the draft administrative reports. The bureau reminded the employee relations officer of an</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation however was untimely and inadequate. The investigation was intermittently pursued due to competing workload priorities of the special agent. Insufficient time was left for the hiring authority to fully consider the investigation; the determination that there was not sufficient evidence to sustain the allegations was made on the last day of the statutory period. The bureau concurred with the hiring authority's findings. The hiring authority adequately consulted with the bureau. However, the consultation was not timely. The staff attorney consulted with the bureau</p> | <p>The hiring authority concluded that the investigations were complete but there was insufficient evidence to sustain any allegation of misconduct against the subjects. However, corrective action was taken as to the admitted activity of the subjects' which was not in compliance with policy. A criminal case was not pursued by the Office of Internal Affairs due to lack of resources and a perception of weak evidence; the bureau believed that the district attorney's office should have</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | <p>approaching statute of limitations date. The bureau conferred with the employee relations officer and hiring authority as to the sufficiency of the investigation and the action to be taken, if any.</p> | <p>in a timely and adequate manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>made that decision.</p> |
| <p><u>Case No. 06-0099 (Central Region)</u></p> <p>Allegations were made that from August 11 to September 9, 2004, an officer was involved in a sexual relationship with a female inmate during her incarceration. It is further alleged that the officer was also involved in a sexual relationship with the parolee after her incarceration.</p> | <p>The bureau checked the accuracy of the allegations and statute of limitations date, and advised that a statute of limitations date needed to be listed. The bureau made contact with the case agent and reviewed all reports and interviews. The bureau consulted with the employee relations officer and staff attorney. The bureau insured the subject's resignation pending disciplinary action was noted in his personnel file.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in a timely and adequate manner. The penalty selected by the hiring authority was appropriate. The staff attorney consulted with the bureau in a timely and adequate manner. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The subject admitted he lied during his compelled statement concerning overly-familiar acts with the inmate. The department and bureau all deemed dismissal to be appropriate. The subject resigned pending disciplinary action and his personnel file was so noted.</p> |
| <p><u>Case No. 06-100 (South Region)</u></p> <p>On August 30, 2004, an inmate complaint dated August 11 was received alleging that a sergeant used excessive force against the inmate in the summer of 2003, after the inmate made a derogatory remark to another officer. The sergeant allegedly threatened the inmate, grabbing his right arm and pulling it upward behind his back, resulting in a fractured arm. The inmate alleged that he asked for medical treatment and was told by the sergeant to return to his cell. On September 23, 2004, an associate warden recommended that a request for investigation be completed but it was forwarded to the</p> | <p>On April 6, 2005, the bureau requested an initial case conference with the Office of Internal Affairs. That request was not honored until June 1, 2005. The bureau inquired about several points of the case, including the date of discovery and avenues of further inquiry. The agent did not allow the bureau to review the file until June 10, 2005. The bureau concluded that the majority of substantive work had already been done with the exception of the subject officer's interviews</p> | <p>The institution's initiation of the request for investigation was untimely. The Office of Internal Affairs' consultation with the bureau during the investigation was untimely and inadequate. The special agent investigated the case without advising the bureau and delayed scheduling the initial case conference. The special agent's investigation was inadequate as she failed to follow up on obvious leads, contact identified witnesses, accurately synopsize interviews, inquire about or include in her report inconsistencies in statements and evidence, and include relevant and significant facts in her report. The investigation was untimely. The special agent completed the final interview close to</p> | <p>Upon completion of the executive review, the members concluded that the department could not sustain the allegations against the sergeant. The department withdrew its termination action against the sergeant in its entirety. Similar actions were rescinded against the other subjects. The special agent was issued a letter of reprimand because the completion of her report had been delayed as a result of her having gone on vacation, and the special agent transferred out of the Office of</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>wrong office. Thus, the warden did not sign the request until January 3, 2005. On February 11, 2005, the Office of Internal Affairs assigned the case to a special agent as a high priority excessive force investigation with a short deadline.</p> | <p>and that monitoring the case would be unproductive. The special agent represented that she was working only on this case and would complete it as soon as possible. The bureau had no reason to believe that the investigation would not be completed in advance of the one year time period; thus, the bureau terminated monitoring. On September 8, 2005, the bureau discovered that the Office of Internal Affairs' investigation had been completed very close to the end of the statutory period. The bureau resumed its monitoring of the case and reviewed the investigation in detail. The bureau was advised of the <i>Skelly</i> hearing results and participated in an executive review. The bureau brought issues related to the investigation to the attention of the special agent's regional supervisors, the Office of Internal Affairs executive management, and the special master. The bureau continued to inquire about what action, if any, the department intended to take about the special agent's actions.</p> | <p>the statute of limitations expiration date. In the 93 days between the initial case conference with the bureau and the date the report was sent to the hiring authority, the special agent's case activity entries reveal that minimal tasks were completed. The report was so delayed that the hiring authority had only a short time to act before the statute of limitations expired. The bureau did not concur with the hiring authority's initial findings and penalty. However, the penalty was modified at a later date; the bureau concurred. The hiring authority consulted with the bureau in a timely and adequate manner regarding the modification. The staff attorney consulted with the bureau in a timely and adequate manner. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>Internal Affairs. In light of all of the other deficiencies in the special agent's performance, the bureau recommended that the department investigate the special agent's handling of the investigation. The department however did not initiate an investigation into the special agent's conduct.</p> |
| <p><u>Case No. 06-101 (Central Region)</u></p> <p>On September 2, 2004, allegations were made that multiple officers allowed inmates to haze other inmates, including allowing acts</p> | <p>The bureau began monitoring this case after expiration of the statute of limitations, and alerted the department to this issue. The bureau met with the employee relations officer, hiring authority</p> | <p>The bureau began to monitor this case after the statute date expired. The bureau did not receive the investigative report in time to have further investigation completed. The investigative report was not complete. The bureau concurred with the hiring authority's</p> | <p>The department concluded that case could not be proven by a preponderance of evidence against any subject because the three victims' stories contradicted one another in important details.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| of sexual battery. | and special agent. The bureau reviewed the hiring authority's review of investigation and the justification of penalty for all subjects, and noted that the statute of limitations date needed correction. | findings and decision not to impose disciplinary action. | No disciplinary action was imposed by the department. |
| <p><u>Case No. 06-102 (South Region)</u></p> <p>On October 8, 2004, an inmate died following an unprovoked assault by the inmate against an officer. A captain requested to see any operational procedures in place at the institution at the time of the incident related to the use of spit hoods or masks. It was alleged that the operational procedure was developed after the incident and backdated to appear as if it had been in place and staff training had been completed before the incident.</p> | The bureau consulted with the Office of Internal Affairs throughout the investigation. The bureau reviewed the final report before it was submitted to the hiring authority and consulted with the hiring authority. | The Office of Internal Affairs adequately consulted with the bureau. The investigation was adequate and timely. The hiring authority consulted with the bureau in a timely manner. The bureau concurred with the hiring authority's decision not to sustain the allegations. The employee relations officer's consultation was adequate and timely. | The hiring authority did not sustain the allegations. Hence, there was no disciplinary action taken as a result of the investigation. |
| <p><u>Case No. 06-103 (North Region)</u></p> <p>On October 26, 2004, a lieutenant allegedly used his position as the institution's gang investigator to conduct an interview of an inmate who was a potential witness in a separate use-of-force incident involving an officer. He allegedly interviewed the inmate as a labor union representative in an attempt to influence an ongoing use-of-force investigation against the officer.</p> | The bureau monitored the inmate and principal witness interviews. A union attorney essentially frustrated the inexperienced special agent's attempts to interview two witnesses by interjecting irrelevant objections and asking questions throughout the interview, causing one interview to be prematurely terminated. The bureau recommended that the special agent's supervisor and a staff attorney attend future interviews to assist the special agent. | The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The initiation of the investigation was untimely as the hiring authority did not request an investigation until nearly eight months after the incident. Once initiated, the investigation was timely and adequate. The hiring authority did not consult with the bureau in a timely or adequate manner. The hiring authority failed to notify the bureau of its decision to not sustain the allegations. However, the bureau concurred with the findings due to insufficient evidence. The staff attorney consulted with the bureau in a timely and adequate manner. The overall quality of the staff attorney's advocacy was | There was insufficient evidence to sustain the allegations in this case. Given the fact the institution's gang investigator is also a high ranking union representative, it was difficult to refute his assertions that his actions were motivated by his concerns about possible labor contract violations, rather than an effort to intervene in an investigation. Therefore, no disciplinary action was initiated by the department. |

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| <p><u>Case No. 06-104 (North Region)</u></p> <p>On November 5, 2004, the division of juvenile justice discovered that a parolee had been implicated in a double homicide in October 2004 and determined that the parolee should have been detained on May 14, 2004. It appeared the supervising parole agent unilaterally decided not to issue a warrant for this offender as required by policy, culminating in his possible participation in a double homicide and subsequent absconding from parole.</p> | <p>The bureau began monitoring the case approximately seven months after the investigation was opened when the bureau was reorganized. Given the short time frame to complete the investigation, the bureau notified the Office of Internal Affairs about the case and the need to expedite the review for disciplinary action if appropriate. The bureau consulted with the Office of Internal Affairs and the hiring authority.</p> | <p>adequate.</p> <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The investigation was untimely. The initial special agent took no substantive action for nearly seven months before the case was reassigned. The report was not completed within the statutory time. Despite assurances that the investigation could be completed on time, the new special agent contacted the hiring authority approximately one week before the expiration date to report that he would not be able to complete his investigation, but that his preliminary findings revealed no evidence of misconduct. The hiring authority acquiesced to the additional time to complete his investigation; the bureau did not concur. The investigation was otherwise adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in a timely and adequate manner.</p> | <p>Disciplinary action could not be taken against the suspect because the statute of limitations lapsed. A memo by the hiring authority indicated that, if the investigation had been timely, the allegation for failure to detain the ward would have been sustained, but the allegation for submitting a late report would not have been sustained. At the bureau's suggestion, the hiring authority agreed to implement a plan to ensure that proper office protocols are in place to prevent such policy violations in the future.</p> |
| <p><u>Case No. 06-105 (Central Region)</u></p> <p>On December 8, 2004, it was alleged that officers used excessive force upon an inmate.</p> | <p>The bureau conferred with the assigned special agent to discuss the parameters of the administrative investigation and reviewed the report, which was transmitted to the institution prior to the bureau being afforded the opportunity to review and comment. This deficiency was discussed with the agent and has not been repeated.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate as no opportunity to review and comment upon the draft investigation report was afforded to the bureau. The investigation was untimely due to a corresponding criminal investigation and inadequate as there was no opportunity afforded for the bureau to suggest additional investigation. The bureau was initially informed that the allegations were not sustained as there were no independent witnesses and the inmate did present with physical injuries which were consistent with his allegations of force. The</p> | <p>No disciplinary action was imposed. The reason given for all subjects was that the allegations were unfounded as the inmate's injuries were determined to be self-inflicted based solely upon an unsubstantiated claim asserted by all the subjects. However, there was no evidence presented that the inmate injured himself from the time he was placed in his single-cell to the time he presented with injuries.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | bureau does not concur with the determination that the allegations are unfounded. The hiring authority did not consult with the bureau in a timely or adequate manner. The employee relations officer did not consult with the bureau in a timely or adequate manner. The bureau was frequently informed after-the-fact of decisions made, rather than consulted prior to the implementation of the decision. The overall quality of the staff attorney's advocacy was inadequate. | |
| <p><u>Case No. 06-106 (Central Region)</u></p> <p>It was alleged that during an interview on December 8, 2004, an officer made false statements to investigators. He was a complainant in the underlying investigation.</p> | <p>The bureau began monitoring after the investigation was completed by the Office of Internal Affairs because the subject claimed retaliation. The bureau met and conferred with the special agent assigned to the case regarding the false statements. The bureau obtained and reviewed all reports on this case and the underlying investigation that led to this case. The bureau conferred with the hiring authority, staff attorney, and acting warden, who replaced the original hiring authority in the process.</p> | <p>Initially, the hiring authority and staff attorney disagreed with the bureau's assessment of the statute date. The hiring authority was reassigned and the acting warden took over the process on this case and agreed that the statute of limitations date had already passed. The bureau concurred that the statute of limitations date had passed. In the bureau's opinion the charge of dishonesty could not be sustained because many of the statements made by the subject during the investigation, while erroneous or exaggerated, were matters of opinion. Nevertheless, if allegations were to be sustained, the department was negligent in not acting before the statute of limitations date.</p> | <p>The acting warden issued a closure letter to the subject indicating he would have sustained an allegation of dishonesty, but due to the passing of the statute, no disciplinary action would be served. Subsequent to this investigation, the subject sought a medical retirement.</p> |
| <p><u>Case No. 06-107 (Central Region)</u></p> <p>An officer was arrested by law enforcement for spousal abuse and child endangerment on December 15, 2004. Additionally, it is alleged that he did not report his arrest to the hiring</p> | <p>The bureau reviewed the investigative file, contacted the employee relations officer and district attorney's office. The bureau attended the <i>Skelly</i> hearing, reviewed the hearing officer's report, and provided</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigative report was revised and resubmitted based on bureau recommendations. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The</p> | <p>The allegation was sustained. The subject received a 10 percent salary reduction for 13 months.</p> |

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| <p>authority in a timely manner.</p> | <p>recommendations to the staff attorney and warden.</p> | <p><i>Skelly</i> officer recommended a modification of penalty and the bureau disagreed; the hiring authority did not modify the penalty. The hiring authority consulted with the bureau in a timely and adequate manner. The penalty selected by the hiring authority was appropriate. The employee relations officer consulted with the bureau in a timely and adequate manner. The overall quality of the staff attorney's advocacy was adequate.</p> | |
| <p><u>Case No. 06-108 (South Region)</u></p> <p>On December 20, 2004, the Office of Internal Affairs re-interviewed a former inmate who was the victim of a sexual assault, which had been administratively and criminally investigated in 2002. During this interview, the victim alleged that in January 2002 he informed a sergeant and an officer assigned to the investigative services unit that he had been sexual assaulted by an officer and that they ignored his claims. Using the date of this interview as the date of discovery, the Office of Internal Affairs opened a new administrative investigation against both the investigative services unit sergeant and the officer for failing to report misconduct.</p> | <p>The bureau reviewed the 2002 investigations related to the sexual assault and noted that reports documented the inmate's claims that he had told the investigative services unit's sergeant and officer about the assault. On July 5, 2005, the bureau conveyed its concerns to the special agent and pursued a response from the Office of Internal Affairs for more than two months. On September 12, 2005, the bureau reviewed the case activity entries in the Office of Internal Affairs' database system, which revealed that nothing had been done on the case by the special agent since July 5, 2005.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The bureau attempted to initiate an informal discussion with the special agent about the date of discovery. Instead, the bureau received no reply or even an acknowledgment of its contact, causing the bureau to contact a supervisor. With the exception of one phone call from the case agent approximately two weeks after the bureau's initial contact during which the special agent said he would respond back to the bureau, the Office of Internal Affairs apparently took no action to determine the validity of the date of discovery for almost two months. Only after additional inquiries did the Office of Internal Affairs submit the matter to a supervising staff attorney in October 2005. The Office of Internal Affairs' refusal to discuss this issue delayed this determination approximately 100 days.</p> | <p>The hiring authority concluded that no charges against the sergeant or the officer could be sustained because the statute of limitations had lapsed.</p> |
| <p><u>Case No. 06-109 (North Region)</u></p> <p>On December 23, 2004, a lieutenant utilized force on a non-compliant inmate and provided a verbal report to the associate</p> | <p>The bureau reviewed the case summary. The bureau participated in investigative and interview strategy discussions with the assigned special agent.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring</p> | <p>The department decided that the investigation did not support evidence to sustain formal action and the case was referred to the captain for informal action.</p> |

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| <p>warden. The next day, the lieutenant submitted a written report that contradicted his original statement. It is alleged that the lieutenant was dishonest regarding the reason for use-of-force. The case was expanded to include an allegation that the lieutenant neglected his duty by putting himself in a compromising position with inmates, and neglected his duty by removing his assigned key from the watch office against policy.</p> | <p>The bureau attended witness interviews and reviewed the final report.</p> | <p>authority and staff attorney did not consult adequately with the bureau as they requested additional investigation in this case, but did not notify the bureau of the request. Consultation was not timely as the hiring authority did not notify the bureau of its findings or penalty prior to its decision in the case. The resolution selected by the hiring authority was appropriate.</p> | |
| <p><u>Case No. 06-110 (North Region)</u></p> <p>It was alleged that on December 25, 2004, an officer discharged one non-lethal round at an inmate who was on the ground in the prone position following a disturbance. In addition, the officer allegedly falsified his report by stating that the inmate attempted to get up from the prone position, and that the officer yelled “get down” prior to discharging the round. Finally, it is alleged that the officer was insubordinate when he released the inmates into the dayroom against orders.</p> | <p>The bureau met with the Office of Internal Affairs to discuss the investigative plan and review evidence. The bureau discussed the case with the warden.</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. It was a thorough investigation in which all potential witnesses were interviewed. The bureau concurred with the hiring authority’s findings. The hiring authority adequately consulted with the bureau. Consultation by the staff attorney was not timely as the final report was sent in October and there was no consultation by the staff attorney with the bureau until December 16, 2005, nine days prior to the statute of limitations date. The hiring authority’s decision not to sustain any allegation was supported by the evidence.</p> | <p>The hiring authority did not sustain any allegation against the officer; the bureau concurred. The only staff witness to the incident was not in a position to determine if the inmates attempted to get up after they were ordered to the ground.</p> |
| <p><u>Case No. 06-0111 (North Region)</u></p> <p>On January 9, 2005, an inmate was pronounced deceased at a local hospital with the preliminary cause of death listed as physical trauma sustained by blunt force to the head with contributing factors of liver and heart disease. On December 29, 2004, the inmate had been involved in battery on a peace officer, resulting in the use of force by</p> | <p>The bureau attended the subject interviews, reviewed the reports and files and consulted with the institution staff and the hiring authority.</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in a timely and adequate manner regarding the investigative findings.</p> | <p>The investigation revealed that the use of force was appropriate under the circumstances of the inmate’s behavior and the inmate’s injuries were only fatal because he was in such poor health. The coroner ultimately stated the inmate died from an infection.</p> |

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| <p>staff, and was taken to an emergency room at the local hospital for treatment.</p> | | | |
| <p><u>Case No. 06-0112 (Central Region)</u></p> <p>It is alleged that on January 13, 2005, a vocational instructor submitted a fraudulent travel expense claim form claiming reimbursement for mileage to and from training when in fact the subject received a ride from a co-worker.</p> | <p>The bureau conferred with the special agent, attended the subject interview, made suggestions regarding interrogation strategy and reviewed the investigation reports. The bureau discovered an erroneous statute of limitations date and held meetings with the employee relations officer, hiring authority and staff attorney to discuss disciplinary action. The bureau reviewed the disciplinary action package and attended the <i>Skelly</i> hearing. The bureau has conferred with the employee relations officer and hiring authority as to the need to give advance, timely notice to the bureau regarding proposed action on monitored cases so that the required consultation can be had prior to final determination.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The report was thorough, timely and complete. The bureau concurred with the hiring authority's findings but the hiring authority did not consult in a timely or adequate manner with the bureau. The nature and extent of the disciplinary action imposed were not discussed with the bureau prior to service of the notice of disciplinary action. The bureau was informed as to the penalty upon receipt of a copy of the disciplinary action packet. The penalty selected by the hiring authority was reasonable. However, the bureau recommended dismissal. The employee relations officer did not consult adequately with the bureau during the disciplinary process. Consultation with the staff attorney was not timely and the overall quality of the staff attorney's advocacy was inadequate. The bureau concurred with the hiring authority's decision to place the employee on administrative time off.</p> | <p>The disciplinary action alleged dishonest acts and statements by the subject. However, due to evidentiary problems and the absence of any prior disciplinary history, the penalty imposed by the hiring authority was a 50 working day suspension. The penalty just below dismissal, which is demotion, could not be applied to a person in a vocational instructor position. The subject pled no contest to a misdemeanor violation Penal Code section 484(a) and made reimbursement to the department.</p> |
| <p><u>Case No. 06-0113 (South Region)</u></p> <p>On January 15, 2005, a parole agent used his state-issued vehicle to attend a party on the way home from work. He drank alcohol at the party and afterwards was involved in a single-car accident while driving the state vehicle. The parole agent used his police radio to summon assistance for a "disabled vehicle." He also made a series of phone calls</p> | <p>The bureau met with the hiring authority. The bureau disagreed with the discipline initially proposed and requested an executive review of the case. The bureau participated in the executive review and the subject was dismissed from state service. The bureau reviewed disciplinary documents and attended the</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the penalty. The staff attorney consulted with the bureau in a timely manner but the overall quality of the staff attorney's advocacy was inadequate. The bureau did not concur with the hiring authority's initial</p> | <p>The subject was dismissed from state service. The dismissal has been appealed to the State Personnel Board.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>to his immediate supervisor, who responded to the scene. Local law enforcement arrived on the scene and arrested the agent for driving under the influence of alcohol; his blood alcohol level was allegedly twice the legal limit. The agent was booked and subsequently released to the custody of his supervisor. During the course of his arrest, the agent repeatedly told local law enforcement that he had observed a wanted fugitive in a specific vehicle and had crashed while chasing the fugitive.</p> | <p><i>Skelly</i> hearing. The bureau disagreed with the <i>Skelly</i> officer's recommendation to reduce the penalty. The bureau attended a second executive review of the case, after which the hiring authority rejected the <i>Skelly</i> officer's recommendation and upheld the subject's dismissal from state service.</p> | <p>recommended penalty, which was less than dismissal. The hiring authority stated that the incident possibly occurred because the agent was affected by a shooting incident, for which the department had not provided post-trauma counseling; as a result, the agent was depressed, which led to his drinking. The hiring authority recommended discipline short of a dismissal. The bureau's assessment was that the agent should be dismissed from state service. After an executive review, dismissal was selected as the appropriate penalty.</p> | |
| <p><u>Case No. 06-0114 (South Region)</u></p> <p>On January 18, 2005, a supervisor walked into a barbershop area and saw an officer standing next to five bags of tobacco and a cell phone. Inmates were also in the area. The investigative services unit determined that a search of the officer's vehicle was warranted. The officer later indicated that he did not have a vehicle on the premises, but a key in his possession unlocked the door of a vehicle on the premises. Staff at the institution made numerous calls to the department's legal office to determine if they could search the vehicle; the legal office could not or would not indicate it was legal to search the vehicle. The staff proceeded to search the vehicle based on a sign at the entrance to the facility indicating all vehicles are subject to search. The search was initiated in the presence of the officer and his union attorney, without express consent having been obtained from the officer.</p> | <p>The bureau met with the staff attorney, institution staff and the Office of Internal Affairs to fully discuss the significance of the numerous issues involved. The bureau expressed concern that legal guidance was not immediately available to institutions concerning searches of inmates, visitors and employees.</p> | <p>The Office of Internal Affairs was timely and cooperative in its consultation. The hiring authority should not have entered into an agreement precluding a referral to the district attorney's office.</p> | <p>The officer offered to resign if the institution would not forward the matter to the local district attorney's office. The warden accepted the offer, not realizing that by entering into such an agreement any further criminal prosecution would be impossible. The warden mistakenly thought the Office of Internal Affairs could refer the matter to the district attorney for prosecution after an investigation.</p> |

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| <p><u>Case No. 06-0115 (South Region)</u></p> <p>An inmate reported that on January 19, 2005, he told three officers that he and his cellmate had been involved in a fight. The inmate said he requested to be separated from his cellmate and provided medical care. The inmate was not separated and alleged that he was not provided medical care at that time. The inmate claimed that he has had two surgeries since January 19, 2005, due the injuries he received in the fight with his cellmate.</p> | <p>The bureau consulted with the Office of Internal Affairs throughout the investigation and expressed concerns about the statute of limitations determination by the Office of Internal Affairs. Originally, the department believed the first notice of the incident was received on March 28, 2005, when the inmate filed a written complaint. The bureau expressed concern about the possibility that the inmate may have made a complaint earlier.</p> | <p>The Office of Internal Affairs did not provide adequate notice of some interviews, but overall, its consultation with the bureau was adequate. The investigation was not timely. It is likely the investigation could have been more focused had the complainant been interviewed earlier. The consultation with the hiring authority was timely and appropriate.</p> | <p>Medical records were obtained during the course of the investigation; the inmate had been examined on the night the fight occurred. There was insufficient evidence for pursuing disciplinary action.</p> |
| <p><u>Case No. 06-0116 (North Region)</u></p> <p>On January 21, 2005, officers and sergeants failed to document a use-of-force incident in the infirmary.</p> | <p>The bureau reviewed investigative documents and met with various departmental staff, including the employee relations officer, investigative services unit's lieutenant, and staff attorney.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty imposed was appropriate.</p> | <p>The case was sent back to the hiring authority for training and informal corrective action against staff for not following proper reporting procedures. Letters of instruction were issued to all subjects on January 6, 2006.</p> |
| <p><u>Case No. 06-0117 (North Region)</u></p> <p>A ward alleged a senior youth counselor struck him in the back of the head during an incident on January 25, 2005. Another ward also alleged the same senior youth counselor struck a ward in the back of the head with a pepper spray canister after the pepper spray had already been applied.</p> | <p>The bureau reviewed this case after the investigation was completed. The bureau reviewed the final investigative report and supporting documentation before the case was forwarded to the hiring authority.</p> | <p>The investigation was timely, complete, and thorough with all involved staff and wards being identified and interviewed. In addition, all wards were given polygraph examinations. The hiring authority did not consult with the bureau in a timely or adequate manner regarding the investigative findings.</p> | <p>Witness staff statements indicate that the ward was not struck with the pepper spray canister. Despite no allegations being sustained, a work improvement discussion letter was issued to the subject.</p> |
| <p><u>Case No. 06-0118 (South Region)</u></p> | <p>The bureau consulted with the special agent assigned to the</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was</p> | <p>The hiring authority concluded there was insufficient evidence to</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>On March 29, 2005, the Office of Internal Affairs received notice that an officer and a lieutenant working in an investigative services unit disclosed confidential law enforcement information to another officer, who was later arrested, knowing that she was the subject of a federal criminal investigation.</p> | <p>investigation, as well as the special agent's supervisor. The bureau reviewed the investigative documents, including the files in the underlying case related to this matter.</p> | <p>adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The employee relations officer consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>sustain the allegations and no discipline was imposed. The subject told the investigative services unit that she was being stalked and threatened by a parolee. The unit did not know that the arrested officer was involved in criminal activity and treated her request for information appropriately. The disclosure occurred prior to the officer's arrest; there was no reason to suspect her of wrongdoing at the time.</p> |
| <p><u>Case No. 06-0119 (South Region)</u></p> <p>On January 31, 2005, two inmates were engaged in a verbal altercation. Responding staff separated the inmates. As one inmate was being escorted away, the other was sprayed in the face with pepper spray. A sergeant responded but did not remain. Both inmates were medically evaluated. The inmate who was sprayed in the face was placed in an unlocked shower and left unattended while the escorting officer retrieved a set of clean clothes and delivered the inmate's identification card to the supervisor. The other inmate was decontaminated and left unrestrained and unsupervised at a table near the shower. The inmates further argued and physically fought. Both inmates were sprayed with pepper spray and allegedly a responding staff member unnecessarily struck them with a baton to stop the fight. The use of a baton was not reported by staff.</p> | <p>The bureau recommended the investigation be opened; the Office of Internal Affairs agreed. The bureau consulted with the special agent throughout the investigation, but the report was untimely so the bureau did not have adequate time to thoroughly review it. The bureau recommended the conduct of the officer who failed to properly secure the inmates following the first incident be examined for possible discipline.</p> | <p>The Office of Internal Affairs declined to investigate this case. The hiring authority asked for reconsideration; the bureau concurred. Once the investigation was initiated, the Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was untimely. The case was not assigned to an agent until approximately five months after the incident and the special agent did not submit his final report until three days before the expiration of the statute of limitations. The investigation was adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the penalty.</p> | <p>Two officers and the sergeant received letters of instruction. The use-of-force allegations were not sustained.</p> |

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| <p><u>Case No. 06-0120 (Central Region)</u></p> <p>It was alleged that on February 2, 2005, a sergeant inappropriately deviated from an established feeding program, resulting in a need to use force and the improper use of spit hoods on inmates exposed to pepper spray.</p> | <p>The bureau conferred with the assigned special agent and obtained and reviewed reports and progress updates from the investigator. The bureau reviewed the final report and consulted with the employee relations officer and the hiring authority. The bureau reviewed the letter of instruction issued to the subject.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate. The employee relations officer consulted with the bureau in an adequate and timely manner during the disciplinary process.</p> | <p>The hiring authority sustained the allegation that the subject deviated from the feeding policy, but did not sustain any other allegations. The sergeant was issued a letter of instruction.</p> |
| <p><u>Case No. 06-0121 (North Region)</u></p> <p>It was alleged that on February 4, 2005, an officer failed to follow proper procedures by leaving an inmate unattended in handcuffs in an administrative segregation yard sallyport. It was also alleged that the officer had an altercation with another officer during the time the inmate was left unattended.</p> | <p>The bureau attended witness and subject interviews, reviewed the case and associated files, and consulted with the hiring authority and staff.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings which were supported by the evidence.</p> | <p>The allegations were not sustained due to a lack of evidence that the inmate was left unattended or that the subject was involved in an altercation with another officer. Thus, no disciplinary action was imposed.</p> |
| <p><u>Case No. 06-0122 (North Region)</u></p> <p>It was alleged that on February 4, 2005, during a heated discussion, a sergeant threw a pair of handcuffs at an officer, striking him in the wrist. The complainant also alleged the sergeant was disrespectful and berated the officer.</p> | <p>The bureau attended witness and subject interviews, reviewed the case and files and consulted with the hiring authority and staff.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings, with which the bureau concurred.</p> | <p>The hiring authority found the allegations to be unfounded based on the facts provided in the Office of Internal Affairs investigation. Therefore, disciplinary action was not appropriate.</p> |
| <p><u>Case No. 06-0123 (Central Region)</u></p> <p>On February 7, 2005, while driving off-duty,</p> | <p>The bureau reviewed investigation documents and identified an error affecting the calculation of the statute of</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the</p> | <p>Disciplinary action was initially imposed as a 5 percent pay reduction for 12 months. The disciplinary action was settled,</p> |

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| <p>an officer allegedly exhibited a firearm and his badge to the occupants of another vehicle on the highway to intimidate them. He was also allegedly driving aggressively and disobeying traffic laws.</p> | <p>limitations and notified the Office of Internal Affairs. The bureau met with the agent and made suggestions about investigative strategy. The bureau reviewed all police and Office of Internal Affairs' reports. The bureau discussed the case with the hiring authority and staff attorney.</p> | <p>hiring authority's findings. The hiring authority, staff attorney and employee relations officer did not adequately consult with the bureau regarding the penalty or the settlement between the hiring authority and employee. The end result was appropriate given the state of the evidence at the conclusion of the investigation.</p> | <p>with the subject agreeing to a 5 percent pay reduction for 6 months, which was approved and finalized by the State Personnel Board on March 6, 2006. The district attorney's office dismissed the criminal case.</p> |
| <p><u>Case No. 06-0124 (North Region)</u></p> <p>On February 9, 2005, an inmate became acutely ill and was transferred to the hospital with a diagnosis of septic cholecystitis. The inmate refused surgery and his condition, which was complicated by severe respiratory failure, continued to deteriorate. The inmate was transferred to another hospital to receive a higher level of pulmonary care and died on March 8, 2005. An investigation was initiated to review the care a physician provided to the inmate at the institution.</p> | <p>The bureau reviewed the investigation request and case summary. The bureau traveled to the institution and met with the warden and staff to discuss an investigative plan. The bureau also discussed the case with the Office of Internal Affairs special agent and reviewed investigative documents.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate.</p> | <p>The subject resigned from state service on September 5, 2005, prior to the completion of the investigation.</p> |
| <p><u>Case No. 06-0125 (South Region)</u></p> <p>On February 11, 2005, a sergeant allegedly failed to report an officer's plan to "take a yard down" and assault a particular inmate. Later that day, the officer allegedly "took the yard down," forced the previously identified inmate to the ground, and punched the inmate in the back of his head. The officer and two witnessing officers failed to report the punches in their incident reports and were the subjects in separate criminal and</p> | <p>The bureau suggested this case be reassigned to the same investigator handling the officers' criminal and administrative investigations, which the Office of Internal Affairs appropriately did after the district attorney's office declined to file criminal charges.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The employee relations officer consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority concluded that the investigation did not contain information sufficient to sustain the allegations; no discipline was imposed.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| administrative investigations. | | | |
| <p><u>Case No. 06-0126 (South Region)</u></p> <p>On February 11, 2005, an officer allegedly used unnecessary force on an inmate by punching him several times on the back of his head. The officer did not report the punches; neither did three other officers who were present. Inmates and other officers who witnessed the incident, however, submitted statements supporting the allegations. Later, the subject officer allegedly stated he was going to “red tag” the staff members who reported him, which was interpreted to mean cause harm from inmates. He allegedly intimidated one of the reporting officers by telling him he did not like rats and would take care of them, and by waiting at the staff entrance on several occasions to walk silently next to the officer as he left. The subject also allegedly drove his truck at extremely slow speeds in front of a vanpool carrying three officers who reported the punches, and twice accelerated to block the van’s attempt to pass.</p> | <p>This bureau actively and continuously monitored this case, as well as the companion criminal case. Throughout this case, the bureau consulted with the Office of Internal Affairs, the district attorney’s office and the staff attorney to ensure that the separation between the criminal and administrative cases was respected. The bureau reviewed and discussed the final administrative report with the Office of Internal Affairs prior to its submission to the hiring authority. The bureau strongly suggested that the Office of Internal Affairs employ video reenactments during their interviews of officers to support that they were standing in a position where they saw or should have seen the use of force. The bureau urged both the Office of Internal Affairs and the employee relations officer to involve a staff attorney vertical advocate. Eventually a staff attorney was assigned. Upon learning the disciplinary notices were served without bureau consultation, the bureau responded to the institution to speak with the hiring authority. When the bureau arrived, it learned that the <i>Skelly</i> hearings for three officers had just been</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau and the Office of Internal Affairs continually collaborated about investigative alternatives and avenues. Because the administrative investigations were delayed until the criminal investigation was concluded, the time for completion of the administrative investigation was extremely tight. By working with the institution, the Office of Internal Affairs and the staff attorney, all of the subjects with sustained allegations were served in a timely manner. The bureau consulted with the hiring authority during the investigation about the code of silence aspects and the safety of the employees who had come forward. Ultimately, the hiring authority decided to move the officer to a nearby institution, but did not place the employee on administrative time off and instead served him with a written order stating that he could not come back on grounds without permission. The hiring authority consulted with the bureau regarding its findings and the penalty. The bureau concurred with the hiring authority’s findings and the penalty selected was appropriate. The staff attorney did not consult adequately with the bureau during the disciplinary process and the initial consultation with the staff attorney was not timely. The staff attorney and the former employee relations officer met, formulated notices of disciplinary action and served four employees without consulting the bureau. Upon review, the bureau concluded that two</p> | <p>The hiring authority served three officers with dismissal notices, but did not sustain allegations against the sergeant or other officer. After consultation with the bureau, the hiring authority concluded that the investigation contained sufficient information to sustain specific allegations against three officers and a sergeant. The three officers have appealed their dismissals to the State Personnel Board and those hearings are in progress.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | <p>held. Upon meeting with the current employee relations officer, the bureau reviewed copies of all four of the disciplinary notices, informed the department of deficiencies, and attended a meeting related to such. The bureau is continuing to monitor the appeal hearing.</p> | <p>of the four notices were insufficient to support dismissal because the facts alleged in the notices were not proven in the investigation. The bureau was not notified of <i>Skelly</i> hearings.</p> | |
| <p><u>Case No. 06-0127 (Central Region)</u></p> <p>An officer was accused of using force on an inmate on February 13, 2005 and failing to report it. It was also alleged that the officer may have solicited other inmates to assault the same inmate.</p> | <p>The bureau met and consulted with the special agent, the agent's supervisor, and the staff attorney regarding the investigative plan. The bureau reviewed all investigation reports and interviews. The bureau consulted with the agent during the investigation and reviewed the final report. The bureau consulted with the hiring authority and employee relations officer regarding the allegations.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority did not sustain allegations, thus, disciplinary action was not warranted. The complainant was found to not be credible and there was no other corroborating evidence.</p> |
| <p><u>Case No. 06-0128 (North Region)</u></p> <p>On February 15, 2005, an officer engaged in an unauthorized extraction of an inmate from an exercise yard. Rather than notify the supervisor, officers opened the yard door and physically restrained and cuffed the inmate who was refusing to leave the yard. The lieutenant was advised of the incident the same day, but allegedly failed to collect completed reports within 24 hours. A review of the reports and clarification reports that were later submitted indicated several</p> | <p>The bureau reviewed the case summary and request for investigation. The bureau met with the special agent to discuss the investigative strategy and plan. The bureau researched and confirmed that officers are required to submit reports immediately following an incident or prior to concluding their shift.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The final report prepared by the Office of Internal Affairs was not provided for the bureau's review prior to being sent to the hiring authority. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority did not consult with the bureau in an adequate or timely manner regarding the investigative findings or the penalty. The penalty was appropriate.</p> | <p>The department issued letters of reprimand to the subjects as a result of the investigation.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| inconsistencies. | | | |
| <p><u>Case No. 06-0129 (Central Region)</u></p> <p>On February 18, 2005, a captain allegedly physically assaulted a lieutenant while both were on duty. The lieutenant claims the captain punched his arm and “karate” chopped his forearm, resulting in bruises and numbness in his fingers.</p> | <p>The bureau reviewed the appropriateness of the allegations and the statute of limitations date. The bureau also attended witness and subject interviews. The bureau reviewed the final Office of Internal Affairs’ report. The bureau met with the employee relations officer and the staff attorney. The bureau conferred with the hiring authority and the employee relations officer concerning the findings of fact, the appropriate discipline, and the <i>Skelly</i> hearing.</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was adequate. The investigation was timely and thorough. The bureau concurred with the hiring authority’s findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The penalty selected by the hiring authority was appropriate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the penalty. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney’s advocacy was adequate.</p> | <p>The allegations related to the battery were sustained, and the subject was suspended without pay for 15 days.</p> |
| <p><u>Case No. 06-0130 (Central Region)</u></p> <p>A captain allegedly interfered in an Office of Internal Affairs’ investigation by allowing a union representative access to confidential documents relating to a witness. The underlying investigation involved claims by the captain that he was physically assaulted by a lieutenant on February 24, 2005.</p> | <p>The bureau reviewed preliminary investigation documents and the statute of limitations. The bureau attended witness interviews and reviewed the final report. The bureau conferred with the assigned special agent and made suggestions regarding the investigative strategy. The bureau met with the employee relations officer, the staff attorney, and the hiring authority to discuss the disciplinary action. The bureau’s ability to consult with the department was limited due to untimely notice of meetings and other developments in the case.</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was adequate. The investigation was complete, thorough and timely. The bureau concurred with the hiring authority’s findings. The hiring authority did not consult with the bureau in an adequate or timely manner regarding the investigative findings or the penalty. The penalty selected by the hiring authority, however, was appropriate. The bureau was informed of the decision after it was made. The employee relations officer did not consult with the bureau in an adequate or timely manner during the disciplinary process. Consultation with the employee relations officer was not timely. The overall quality of the staff attorney’s advocacy was inadequate.</p> | <p>The allegations of breach of confidentiality and retaliation were not sustained by the hiring authority. Hence, no disciplinary action was imposed.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0131 (South Region)</u></p> <p>It was alleged an officer had been involved in an overly familiar relationship with an inmate since March 2005. Allegedly the officer went into the shower area while the inmate was naked to give the inmate soap and shampoo; stood outside the inmate's cell at night and allowed the inmate to show his naked body; asked the inmate to share sexual fantasies, offered the inmate assistance when he was released on parole; and engaged in sexual misconduct with the inmate. During the course of the investigation another inmate made similar allegations about this officer.</p> | <p>This case began as an inquiry and the bureau recommended that it become an official investigation, which it did. The bureau consulted with the Office of Internal Affairs throughout the investigation. The bureau recommended conducting several investigative interviews; the Office of Internal Affairs disagreed and did not conduct the additional interviews. The bureau reviewed the final report before it was submitted to the hiring authority.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was untimely because it was submitted to the hiring authority less than 30 days before the statute of limitations expired. The investigation was adequate. The bureau concurred with the hiring authority's findings. The hiring authority did not consult with the bureau regarding the investigative findings. The staff attorney did not consult adequately with the bureau during the disciplinary process. The overall quality of the staff attorney's advocacy, however, was adequate.</p> | <p>The hiring authority concluded that the allegations against the officer were not sustained by the investigation. As a result, no disciplinary action was taken by the department.</p> |
| <p><u>Case No. 06-0132 (Central Region)</u></p> <p>On March 1, 2005, a lieutenant was arrested and charged with felony spousal and child abuse.</p> | <p>The bureau checked the appropriateness of the investigation request and the statute of limitations. The bureau reviewed the police reports and the video of the subject's interview with the police. The bureau also monitored the outcome of a court trial charging the employee with separate driving under the influence charges, for which the subject was demoted.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The agent did not maintain timely communication with the bureau. The investigation was timely but inadequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate. The employee relations officer was newly appointed and did not consult with the bureau in an adequate or timely manner during the disciplinary process. Disciplinary action was taken prior to consultation with the bureau. The overall quality of the staff attorney's advocacy was inadequate.</p> | <p>The subject was first demoted based on unrelated driving under the influence charges. The subject was later separated from service on January 3, 2006, for being absent without leave before disciplinary action could be taken based on the allegations in this case. In the criminal case, the employee pled to misdemeanor charges for child abuse and for allowing a child access to a firearm; the spousal abuse charges were dismissed.</p> |
| <p><u>Case No. 06-0133 (Central Region)</u></p> <p>On March 1, 2005, a lieutenant was accused</p> | <p>The bureau confirmed the allegations and determination of the statute of limitations. The</p> | <p>The investigation was not timely, thorough or complete. The Office of Internal Affairs' consultation with the bureau during the</p> | <p>The allegation was not sustained by the hiring authority, who concluded that the sick leave was</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>of falsifying time sheets during the period of March to April, 2005. The subject called in sick on several occasions. The subject then attended college classes after the subject's usual work hours on the dates sick leave was used.</p> | <p>bureau conferred with the special agent, staff attorney, employee relations officer and hiring authority. The bureau recommended that the subject's interview be taken, the subject's attendance records be obtained, and additional questions be incorporated into the subject's interview as it progressed. The bureau attended the subject interview. The bureau commented on the draft administrative report. The bureau discussed State Personnel Board precedential decisions with the institution.</p> | <p>investigation was adequate. The bureau did not concur with the hiring authority's findings. A pattern of abuse of sick leave emerged from the limited investigation that was performed. The hiring authority adequately consulted with the bureau and the consultation was timely. The staff attorney adequately consulted with the bureau and the consultation was timely. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>not used to cover the lieutenant's absence to attend class. However, the hiring authority did direct corrective action in the form of remedial training on documentation of sick leave absences for the lieutenant's department as an unusual pattern of use of sick leave was disclosed and the required supervisory oversight procedure for a potential abuse of sick leave was not initiated.</p> |
| <p><u>Case No. 06-0134 (North Region)</u></p> <p>It was alleged on March 2, 2005, a sergeant assigned to an administrative segregation unit saw officers in the unit pushing and grabbing each other and failed to intervene or attempt to stop the misconduct. It was also alleged the sergeant intentionally failed to report the misconduct and that he was aware of prior threatening and intimidating conduct toward other officers, but failed to intervene or report it.</p> | <p>The bureau attended witness and subject interviews, reviewed the case and files, and consulted with the hiring authority and staff.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings.</p> | <p>The hiring authority did not sustain any allegations in the case. No disciplinary action was initiated.</p> |
| <p><u>Case No. 06-0135 (Central Region)</u></p> <p>On March 3, 2005, staff observed an officer in possession of a personal cellular telephone inside the institution's secured perimeter. The officer allegedly acknowledged having a</p> | <p>The bureau attended briefings at the institution regarding the initial investigation and helped facilitate submission of this investigation to the Office of Internal Affairs. The bureau conferred with the hiring</p> | <p>Consultation between the hiring authority, the staff attorney, and the bureau resulted in consensus on the proper level of discipline. The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the</p> | <p>The warden and employee relations officer reduced the officer's pay by 10 percent for 12 months. The subject has a long, unblemished record of service, so the penalty was appropriate. The subject appealed the disciplinary</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>cell phone, but denied using it. During the resulting investigation, it is alleged the officer repeatedly gave investigators false and misleading information. This investigation was opened to address the officer's alleged dishonest conduct. Ultimately, the officer admitted bringing two different cellular telephones into the institution, using them for personal calls, and lying to conceal and minimize his misconduct.</p> | <p>authority regarding the sufficiency of the evidence, the allegations, and the appropriate level of discipline. The bureau reviewed the disciplinary action package and the report of the <i>Skelly</i> hearing officer. The bureau consulted with the employee relations officer prior to the scheduled State Personnel Board hearing. The bureau reviewed the proposed settlement agreement.</p> | <p>hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the penalty. The bureau was not given notice of the <i>Skelly</i> hearing. The settlement between the hiring authority and employee was appropriate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the settlement.</p> | <p>action to the State Personnel Board, but then agreed to the proposed discipline at the time of hearing.</p> |
| <p><u>Case No. 06-0136 (South Region)</u></p> <p>On March 4, 2005, it was alleged a registered nurse was overly familiar with an inmate and had provided alcohol and other contraband to inmates.</p> | <p>The bureau monitored the investigation. The bureau met with the special agent, reviewed documents, and consulted with the hiring authority.</p> | <p>The request to initiate an investigation was timely; however, an investigation was not authorized and an agent was not assigned for over two months. The investigative work began three months later, after the subject resigned from her position. The special agent tried numerous times to interview the registered nurse, but the subject was uncooperative. Once initiated, the investigation was and adequate completed in a timely manner, as was consultation. The bureau concurred with the hiring authority's findings. The hiring authority adequately consulted with the bureau in a timely manner.</p> | <p>The investigation confirmed the registered nurse was engaging in improper conduct with inmates and providing inmates with contraband. The nurse was advised the charges of having engaged in overly familiar conduct were sustained, and that disciplinary action would be initiated should she reapply for employment with the department.</p> |
| <p><u>Case No. 06-0137 (Central Region)</u></p> <p>On March 6, 2005, a lieutenant was arrested for domestic violence and for preventing his wife from using the telephone to call the police.</p> | <p>The bureau began monitoring the case after the criminal case was rejected by the district attorney's office. The bureau met with the case agent, made suggestions about investigative strategy, and reviewed the draft and final reports. The bureau met with the employee relations officer and</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely, thorough and complete. The bureau concurred with the hiring authority's findings. The hiring authority adequately consulted with the bureau regarding the investigative findings, but the consultation was not timely. The penalty selected by the</p> | <p>The subject was given a 10 percent salary reduction for 13 months. No appeal was filed.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | <p>the staff attorney several times to discuss the disciplinary action. The bureau attended the <i>Skelly</i> hearing. The bureau also conferred with the hiring authority and the employee relations officers regarding the sufficiency of the investigation and the proposed action. The bureau suggested a recalculation of the applicable statute of limitations date.</p> | <p>hiring authority was appropriate given the severity of the misconduct and the evidence available. However, the hiring authority did not consult with the bureau in an adequate or timely manner regarding the penalty. The employee relations officer consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | |
| <p><u>Case No. 06-0138 (South Region)</u></p> <p>A ward alleged that on March, 7, 2005, he was handcuffed and being escorted by two officers, when one officer attempted to deliberately guide him into the other officer. When the ward questioned the officer's actions, the other officer allegedly pushed him hard, knocking him to the ground and slamming him into a wall, causing his eye to swell.</p> | <p>The bureau consulted with the Office of Internal Affairs throughout the investigation. The bureau reviewed the final report and consulted with the hiring authority and the employee disciplinary unit about the sufficiency of the investigation, the appropriate charges, and the level of discipline.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The agent adequately consulted with the bureau during the disciplinary process, and consultation with the employee relations officer was timely.</p> | <p>The allegations against both subjects were not sustained and no disciplinary action was imposed.</p> |
| <p><u>Case No. 06- 0139 (North Region)</u></p> <p>On March 9, 2005, an anonymous complainant alleged that unknown staff were using inmates for peacekeeping. Peacekeeping is an inappropriate method of enforcing discipline and maintaining order in a yard or institution by having one group of inmates exert pressure or force over other inmates. In return, the enforcing inmates receive special, unauthorized privileges and avoid disciplinary actions taken against them</p> | <p>The bureau reviewed the evidence, reports, and files. The bureau pushed for a timely review and consideration of the case.</p> | <p>This investigation was untimely; it was not completed and delivered to the hiring authority until the day before the statute of limitations expired. The investigation was inadequate; the original team of five experienced internal affairs agents was ordered off of the case by senior management and replaced by a single, inexperienced and overworked agent. The hiring authority adequately consulted with the bureau regarding the investigative findings, but the consultation was untimely because it did not occur until several months</p> | <p>No allegations were sustained and no disciplinary action was taken by the hiring authority.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| for misconduct. | | after the findings were made moot due to the expiration of the statute of limitations. | |
| <p><u>Case No. 06-0140 (Central Region)</u></p> <p>On March 9, 2005, an inmate alleged an officer sent two inmates to physically threaten him because of his testimony against officers in another investigation. Another inmate alleged the same two inmates were the officer's wrestling buddies and that staff engaged in wrestling matches in the rotunda or the staff restroom. The inmate also claimed a sergeant acted as the point man and wielded a bat just in case the wrestling got out of hand.</p> | <p>The bureau reviewed the request for investigation and the applicable statute of limitations. The bureau recommended an alternative statute of limitations date. The bureau reviewed draft investigative reports and recommended additional investigation. The bureau consulted with the employee relations officer and the hiring authority regarding the sufficiency of the investigation and the disciplinary action proposed.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The employee relations officer consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>There was insufficient evidence to sustain any of the allegations. The complaining inmates were not credible. Their statements were inconsistent and contradictory. Thus, disciplinary action against the subjects was not warranted.</p> |
| <p><u>Case No. 06-0141 (Central Region)</u></p> <p>On March 10, 2005, an officer allegedly asked for a female inmate's contact information prior to her being paroled and then contacted her after she was released from custody. She subsequently resided with him at his hotel room and borrowed his vehicle. She was arrested for driving while under the influence of alcohol, driving on a suspended license, and running a red light in the officer's vehicle.</p> | <p>The bureau consulted with the special agent during course of investigation and made suggestions for the investigation. The bureau reviewed police reports regarding the inmate's use of the officer's vehicle and the Office of Internal Affairs' investigative report. After learning of the officer's resignation, the bureau verified that his employment file reflects that his resignation was tendered pending investigation.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The employee resigned prior to the case going to the hiring authority.</p> | <p>The victim denied sexual activity with subject, as did the subject. However the subject admitted to over familiarity. The officer resigned during the administrative investigation. The officer's personnel file reflects he resigned during a pending investigation.</p> |
| <p><u>Case No. 06-0142 (Central Region)</u></p> <p>A report dated March 14, 2005, from a</p> | <p>The bureau monitored the investigation, read the reports regarding the case, and conferred</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The employee resigned before the</p> | <p>The sergeant resigned before the imposition of any disciplinary action and his employment file reflects his resignation was</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>medical review officer alleged that a sergeant tested positive for amphetamines and methamphetamines.</p> | <p>with the hiring authority.</p> | <p>investigative interview began.</p> | <p>received during a pending investigation.</p> |
| <p><u>Case No. 06-0143 (North Region)</u></p> <p>A special agent received a phone call on March 15, 2005, from the former landlord of two officers. According to the landlord, a new tenant discovered a homemade compact disk containing child pornography inside the residence. A review of the disk confirmed there were pictures of what appeared to be of young, pre-pubescent, unclothed girls. Also included in the many photographs were what appeared to be candid family photographs.</p> | <p>The bureau attended the subject interviews, reviewed the reports and files, and consulted with institution staff, the staff attorney, and the hiring authority.</p> | <p>The bureau consulted with the Office of Internal Affairs and recommended a more thorough criminal investigation for distribution of child pornography. The hiring authority became impatient with the delay in the investigation by the Federal Bureau of Investigation. The hiring authority moved forward without additional evidence and the officer resigned in lieu of being dismissed.</p> | <p>The officer resigned in lieu of being dismissed.</p> |
| <p><u>Case No. 06-0144 (North Region)</u></p> <p>On March 17, 2005, a parole agent went to a female parolee's residence to obtain a urine sample for drug testing. During this contact, the parolee reported the parole agent allegedly exposed his erect penis and stated, "I can make sure you discharge [from parole] in July." The parolee did not report the incident until 60 days later when she was arrested for a parole violation.</p> | <p>The bureau read and reviewed all documents related to the investigation.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority did not consult adequately with the bureau regarding the investigative findings; however, the bureau concurred with them.</p> | <p>No allegations were sustained due to insufficient evidence. The allegations were made only after the parole agent revoked the complainant's parole in part because she refused to submit to drug testing after disclosing she had used methamphetamine. The parolee subsequently violated the conditions of her parole again and absconded from parole during the investigation. The agent was unable to interview her as part of his investigation.</p> |
| <p><u>Case No. 06-0145 (Central Region)</u></p> <p>Inmates were allegedly housed inappropriately and in violation of policy resulting in an in-cell assault by one inmate</p> | <p>The bureau reviewed the request for investigation and the case summary. The bureau conferred with the special agent about the scope of the investigation and the</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was thorough, timely and complete. The bureau concurred with the hiring authority's findings due to</p> | <p>The subjects received letters of instruction and were provided with remedial training. The institution is revising its intake procedures to ensure such an</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>against another on March 21, 2005.</p> | <p>interview schedule. The bureau reviewed all file materials and reports. The bureau conferred with the special agent concerning additional interviews of possible subjects and witnesses. The bureau reviewed the investigative report and discussed it with the special agent. The bureau attended an interview of one of the subjects. The bureau discussed possibly revising the statute of limitations date. The bureau conferred with the hiring authority and employee relations officers regarding the proposed corrective action, and reviewed related documents.</p> | <p>mitigating factors and institution procedures in place at the time. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The employee relations officer did not consult with the bureau in an adequate or timely manner during the disciplinary process; disciplinary actions were proposed without bureau consultation. The overall quality of the staff attorney's advocacy was inadequate.</p> | <p>event does not reoccur and agreed to initiate a request for review of related departmental policies.</p> |
| <p><u>Case No. 06-0146 (South Region)</u></p> <p>On March 22, 2005, an officer disclosed she had exchanged notes with an inmate after the inmate threatened to expose her misconduct. The inmate was interviewed and alleged the officer revealed confidential information about his case factors to other inmates. The inmate also alleged that he had exchanged letters with the officer and that the officer had given him a lighter. The inmate produced the letters and revealed confidential personal information about the officer that he claimed she had revealed to him. The officer also was alleged to have made false and misleading statements to the Office of Internal Affairs during the investigation.</p> | <p>The bureau reviewed the files and met with the special agent. The Office of Internal Affairs reassigned the case twice. The bureau had meaningful and frequent consultations with a third special agent to whom this case was assigned. The bureau reviewed drafts of the final investigative report and provided feedback. The bureau consulted with the hiring authority and the employee relations officer regarding the adjudication and appropriate discipline. The bureau reviewed drafts of the disciplinary action and provided feedback.</p> | <p>Overall, the Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The Office of Internal Affairs delayed meeting with the bureau and failed to provide the file for review for two months. Once the case was assigned to the third special agent, however, consultation with the bureau was adequate. Overall, the investigation was untimely. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate. The employee relations officer consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority concluded there was sufficient evidence to sustain the allegations of over familiarity, introducing contraband into the institution, and dishonesty. The hiring authority proposed dismissing the officer. The officer resigned in lieu of dismissal.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0147 (North Region)</u></p> <p>On April 5, 2005, an inmate reported that two officers and a nurse were verbally disrespectful and harassed another inmate, causing the inmate to suffer shortness of breath.</p> | <p>The bureau reviewed documents and conferred with the hiring authority.</p> | <p>The central intake panel returned this case to the hiring authority for direct action without an investigation, as it was determined that an investigation was not needed to take action. The hiring authority consulted with the bureau regarding its proposed action. The bureau concurred with the hiring authority's decision to pursue direct corrective action against the staff involved in the incident.</p> | <p>The matter was handled locally by the institution. The institution conducted training for all custody staff including medical technical assistants related to inmate-staff relations.</p> |
| <p><u>Case No. 06-0148 (South Region)</u></p> <p>On April 6, 2005, a medical technical assistant in a clinic allegedly felt a possible weapon in an inmate's waistband. The inmate hit the medical technical assistant in the head and body and a fight ensued. The fight spilled out onto the yard, where another officer saw it, sounded the alarm, and dropped pepper spray. The inmate fought off staff and crawled into the clinic. The first responding staff member was a captain who controlled the inmate. The captain alleged the medical technical assistant came into the clinic and kicked the inmate in the chest, and that a sergeant and officer, who escorted the inmate to the program office, used excessive force on the inmate.</p> | <p>The bureau conferred with the Office of Internal Affairs and the staff attorney. The bureau expressed concern about the three subjects remaining on administrative leave, even after inconsistencies in the captain's statements were discovered.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>As to the sergeant and officer, the hiring authority exonerated both officers. As to the medical technical assistant, the hiring authority did not sustain the allegations. The captain's credibility was brought into question after inconsistencies in his written and verbal statements were discovered. The captain's statements were also found to be inconsistent with other witnesses' statements. Therefore, the bureau questioned whether the captain's conduct should be investigated. The hiring authority did not request such an investigation.</p> |
| <p><u>Case No. 06-0149 (Central Region)</u></p> <p>An officer was arrested off-duty for alleged spousal and child abuse on April 8, 2005.</p> | <p>The bureau reviewed the statute of limitations and allegations. The bureau met with the special agent and made suggestions regarding investigative strategy, attended witness interviews, and reviewed the final report. The bureau met with the employee</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was</p> | <p>The staff attorney was unable to convince the victim to testify against the subject. As a result, the officer received a letter of reprimand. The officer agreed to not appeal the disciplinary action. The district attorney's office also filed criminal charges against the</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | relations officer, staff attorney, and hiring authority to discuss charges and reviewed the disciplinary action. The bureau obtained the <i>Skelly</i> hearing recommendation and reviewed the stipulated settlement. | appropriate. The settlement between the hiring authority and the officer was appropriate. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate. | officer and he pled guilty to misdemeanor charges of disturbing the peace. The terms of his probation included parenting and anger management classes. |
| <p><u>Case No. 06-0150 (North Region)</u></p> <p>On April 8, 2005 an inmate allegedly exposed himself to a female officer. Later that day, a lieutenant ordered two officers to remove the inmate from his cell in handcuffs and escort him to his office. The inmate claimed that while he was in the office, the lieutenant intimidated, harassed, and attempted to provoke him to fight. Thereafter, the lieutenant ordered the removal of the restraints and told the inmate to sign a behavior report. When he refused, the inmate claimed he was physically assaulted by the lieutenant and the escorting officers, who punched and kicked him.</p> | The bureau consulted with the special agent and reviewed investigation reports. A meeting occurred between the bureau, warden, employee relations officers and special agent regarding the findings. The bureau recommended that the statute of limitations date be corrected and the operating procedures be clarified to comply with the custom and practice already followed by staff, which requires the handcuffing of all administrative segregation inmates at all times, except during emergency situations. | The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The investigative report was complete and timely. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The hiring authority found the applicable policy governing the release of inmates from handcuffs while being moved was somewhat vague, although custom and practice had been to handcuff inmates at all times whenever they were moved from a secure area or when in proximity to others. The bureau concurred with the hiring authority's findings and decision not to impose disciplinary action against the officers. | The investigation revealed insufficient evidence of wrongdoing. There was insufficient evidence to sustain allegations of misconduct and warrant the imposition of disciplinary action. |
| <p><u>Case No. 06-0151 (South Region)</u></p> <p>On April 19, 2005, an officer ordered an inmate not to enter the shower. The inmate ignored the officer, asking, "What are you going to do, spray me?" The officer ordered the inmate to return to his cell. The inmate ignored the order. The officer used pepper spray on the inmate and activated an alarm. The officer briefed responding supervisors about the incident and submitted a report.</p> | The bureau recommended the investigation of the officer's use of force be handled by the Office of Internal Affairs because the request for investigation stated that unidentified parties told the officer to falsify his report and thus suggested the possible existence of a code of silence. The case was, however, not handled by the Office of Internal | The institution's consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The penalty selected by the hiring authority was appropriate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the | The hiring authority concluded there was sufficient evidence to sustain the allegations against the officer. The officer received a 10 percent salary reduction for 24 months, based on the officer's acceptance of responsibility and truthfulness during the investigation. The hiring authority initiated a separate request for investigation to |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>The report was returned to the officer for corrections after a discussion in which the sergeant and lieutenant questioned his use of pepper spray. Prior to resubmitting his report, the officer was contacted by numerous employees, including two union job stewards. The officer resubmitted his report, in which he alleged the inmate made a threatening move toward him, a fact omitted from his prior briefing and report. When asked about the discrepancy, the officer stated “they told me to put it in.” The officer took back his report and instead filed a corrected report consistent with his original one.</p> | <p>Affairs, but referred to the institution instead. The bureau monitored the institution’s investigation. The bureau reviewed the draft investigative report.</p> | <p>penalty. The penalty was later modified; the bureau was consulted and concurred with the modification. The employee relations officer consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney’s advocacy was adequate.</p> | <p>identify who told the officer to include the false information in his second report.</p> |
| <p><u>Case No. 06-0152 (South Region)</u></p> <p>An officer alleged that on April 19, 2005, two union job stewards told him to falsify his use-of-force report. Specifically, the union job stewards allegedly told the officer to say that an inmate took a threatening stance in order to justify the officer’s use of pepper spray. It was confirmed that two phones, where the union job stewards were assigned, were used to telephone the officer as he was preparing his report.</p> | <p>The bureau researched the applicable statute of limitations date and discussed with the Office of Internal Affairs the applicable statute of limitation. The bureau participated in an initial case conference with the Office of Internal Affairs and a staff attorney.</p> | <p>The hiring authority’s initiation of the request for investigation was untimely. It was submitted just two months before the statute of limitations expired. The 10 month delay by the hiring authority in submitting the request for investigation severely hampered the Office of Internal Affairs’ ability to investigate this case. The bureau disagreed with the department’s opinion regarding the date of discovery and the department’s inability to investigate the union job steward for merely telling the officer to do something. Once the investigation was opened, it was completed in a timely manner and was adequate, given the short time frame. Under the circumstances, the bureau concurred with the hiring authority’s findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The staff attorney consulted with the bureau in an adequate and timely manner. The overall quality of the staff attorney’s advocacy was</p> | <p>The hiring authority concluded that based on the investigation; there was insufficient evidence to sustain the allegations. Hence disciplinary action was not warranted against the subjects.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0153 (Central Region)</u></p> <p>It is alleged that on April 24, 2005, an inmate was required to submit a random urine sample to the substance abuse program and could not produce one. The officer issued the inmate a rules violation. Later that day, cellmates advised the officer that the inmate was ill. Despite the information indicating potential illness, the officer failed to check on the welfare of the inmate. Subsequently, the inmate was transported to a community hospital intensive care unit, suffering from seizures.</p> | <p>The bureau consulted with the assigned special agent and reviewed all underlying reports. The bureau attended the complainant's and the subject's interviews and read transcripts of all other interviews. The bureau reviewed the subject's employment file and complainant's central file. The bureau reviewed the final investigative report. The bureau consulted with the employee relations officer, staff attorney, and hiring authority.</p> | <p>adequate.</p> <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The agent assigned was diligent in advising the bureau of his progress. The investigation was timely and adequate. The agent went to great lengths to locate and interview potential inmate witnesses, even those who were no longer on parole. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings, with which the bureau concurred. The staff attorney adequately consulted with the bureau during the disciplinary process and did so in a timely manner.</p> | <p>The hiring authority did not sustain the allegations. The investigation revealed no medical emergency existed until after the subject had gone off-shift. In addition, due to facts revealed in the investigation, it was determined the officer's belief that the inmate was being manipulative may have been well-founded. Therefore, no disciplinary action was warranted.</p> |
| <p><u>Case No. 06-0154 (Central Region)</u></p> <p>On April 25, 2005, an inmate was found disoriented and possibly having seizures in his cell. Staff attempted to transport him using a gurney with straps that were not secure. The inmate became alert and either fell or was knocked off the gurney, striking his head on a fence and cement walkway. The inmate became uncooperative. Several staff were involved in subduing the inmate and put him back on the gurney with the use of pepper spray, physical force, and additional restraints. The inmate received a bloody nose, abrasions, and bruises. The inmate could not later recall what happened. Staff failed to properly document the inmate's decontamination and details regarding the placement of a spit mask on</p> | <p>The bureau obtained and reviewed the incident reports. The bureau reviewed all medical reports. The bureau made contact and consulted with the special agent on a continuous basis. The bureau reviewed all interviews and the final investigative report. The bureau conferred with the staff attorney and hiring authority. The bureau raised concerns about administrative issues involving spit mask placement and decontamination documentation. The bureau reviewed training material that resulted from the incident.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings as the use of force did not appear to be excessive under the circumstances. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority did not sustain allegations of excessive force on any of the subjects. As a result of this case, training was provided on spit mask placement and decontamination documentation. The bureau reviewed the training materials and found them to be adequate to prevent re-occurrence.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| the inmate. | | | |
| <p><u>Case No. 06-0155 (North Region)</u></p> <p>On April 28, 2005, custody staff discovered several items of contraband including a DVD player and narcotics hidden inside an inmate's television. As a result of the discovery, a facility-wide search was conducted in which two additional televisions were found to contain portable DVD players, numerous DVD movies, Nintendo video games, remote controls, and other contraband. Inmates claimed several officers routinely brought in contraband and delivered it to purported inmate gang members</p> | <p>The bureau discussed investigative strategies with the special agent and reviewed reports.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. There was insufficient evidence of misconduct to proceed against the officers, and the bureau concurred with the hiring authority's findings. As a result of the search, illicit items were confiscated thereby enhancing the safety and security of the institution, however as a consequence, the individuals responsible for smuggling them into the institution were placed on notice of the discovery.</p> | <p>During the course of the investigation, the inmates provided inconsistent and contradictory statements to the investigator. Overall, they denied personally witnessing staff engaging in misconduct and maintained that their statements were based on hearsay from other unknown inmates. The inmates' lack of cooperation hindered the investigation and no independent evidence of misconduct was found to sustain the allegations.</p> |
| <p><u>Case No. 06-0156 (Central Region)</u></p> <p>It is alleged that on May 1, 2005, an officer provided confidential information about an inmate to persons outside the institution.</p> | <p>The bureau reviewed all of the case reports. The bureau consulted with the assigned special agent regarding the investigative plan and regularly received updates on the progress. The bureau reviewed the entire investigation and final report. The bureau conferred with the employee relations officer and the hiring authority on the proposed disciplinary action. The bureau attended the <i>Skelly</i> hearing and as a result consulted further with the hiring authority regarding a settlement of the case.</p> | <p>The internal affairs investigation and consultation with the bureau was timely and adequate. The hiring authority adequately consulted with the bureau regarding the investigative findings and proposed penalty in a timely fashion. Later, it was learned that the original complainant retracted her claims and admitted that part of her initial report was false. Nevertheless, even if the officer did not divulge inmate information, he exercised poor judgment in approaching the inmate without a legitimate reason. He also failed to report a contact that could have been interpreted as soliciting harm to an inmate; the officer conceded he should have reported it. The hiring authority adequately consulted with the bureau in a timely manner regarding the settlement, with which the bureau concurred. The employee relations officer adequately consulted with the bureau</p> | <p>The allegation of willful disobedience was not sustained. The allegation of inexcusable neglect of duty was sustained, based on the officer's failure to report inappropriate contacts. The subject stipulated to a settlement and received a letter of instruction. The officer also was required to obtain additional training in the area of off-duty contacts with families of inmates or persons requesting information about inmates.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | during the disciplinary process in a timely manner. | |
| <p><u>Case No. 06- 0157 (North Region)</u></p> <p>In May 2005, a federal judge received a letter with an attachment from an inmate. The attachment was allegedly a flyer from the union, signed by the union’s chapter president. It purportedly urged enforcement of the code of silence concerning an incident that occurred in the administrative segregation unit. The final paragraph of the flyer was entitled “rumor control.” The inmate’s letter addressed “a recent rumor” of an inmate being choked to death while held in the administrative segregation unit. The flyer admonished staff not to be involved in the spreading of these rumors.</p> | <p>The bureau attended interviews, reviewed the reports, and assessed the case file. The bureau met with the institution staff and the hiring authority and was consulted regarding the investigation and findings.</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was adequate. In the bureau’s review of the report and monitoring of the interviews conducted by the special agent working the case, it was concluded that he conducted a thorough and professional investigation of the allegations. The decision not to sustain any allegations in the case was supported by the evidence.</p> | <p>The hiring authority did not sustain any allegations in the case; thus, no disciplinary action was imposed by the department.</p> |
| <p><u>Case No. 06-0158 (South Region)</u></p> <p>An inmate alleged that on May 1, 2005, his head was shoved into a wall, he was taken to the ground, and officers intentionally placed their knees against areas of his body that had been previously injured.</p> | <p>The bureau monitored the case throughout the investigation, which included attending the interview of the complaining witness and evaluating the adequacy of the final report.</p> | <p>The Office of Internal Affairs’ consultation with the bureau improved during the investigation and became adequate; initially there was an issue with the special agent responding to communications. The investigation was adequate, but untimely. The initial request for an investigation was not submitted for over 60 days and there were many delays where work was not performed. The investigation was not provided to the hiring authority until about two weeks before the statute of limitations expired. The bureau concurred with the hiring authority's findings. The hiring authority failed to consult with the bureau once it received the report.</p> | <p>No charges were sustained against the subject officer. Hence, disciplinary action was not warranted.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0159 (North Region)</u></p> <p>On May 3, 2005, a physician allegedly neglected to treat a patient with lacerations in a timely manner. On June 1, 2005, the physician allegedly cancelled a medical clinic appointment without authorization. On June 2, 2005, the physician allegedly abandoned her post without authorization.</p> | <p>The bureau reviewed the case summary and met with the special agent.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely. The hiring authority consulted with the bureau in an adequate and timely manner. The physician refused to be interviewed, and could not be compelled to do so because she no longer works for the department.</p> | <p>The employee resigned prior to receiving disciplinary action. The investigation is documented in the physician's employment file, for use if she should seek employment with the department in the future.</p> |
| <p><u>Case No. 06-0160 (South Region)</u></p> <p>On May 3, 2005, an outside law enforcement agency notified the department that an officer had been arrested and that during the course of the arrest, the officer disclosed that a female parolee was having a sexual relationship with two parole agents.</p> | <p>The bureau held an initial case conference with the Office of Internal Affairs and reviewed the final investigative report prior to submitting it to the hiring authority.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The investigation was timely in that it was submitted to the hiring authority before the statute of limitations expired. However, seven months elapsed before substantive work was initiated on this case. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. Consultation with the hiring authority was timely.</p> | <p>The hiring authority found there was insufficient evidence to sustain any allegations in this case. A key witness identified by the complainant failed to corroborate anything the complainant alleged. Further, the female parolee denied any improprieties by the agents.</p> |
| <p><u>Case No. 06-0161 (South Region)</u></p> <p>On May 3, 2005, an officer reported overhearing another officer allegedly passing confidential information regarding one inmate to another inmate. It was later alleged the confidential information released may have made one of the inmates the target of a planned assault.</p> | <p>The bureau consulted with the special agent numerous times during the investigation. The bureau reviewed the final investigative report. The bureau participated in discussions with the hiring authority.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The employee relations officer adequately and consulted with the bureau during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority decided that there was insufficient evidence to sustain the allegations against the officer; thus, disciplinary action was not warranted.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0162 (North Region)</u></p> <p>On May 6, 2005, a registered nurse failed to take vital signs of an inmate who presented with acute pain.</p> | <p>The bureau met with the employee relations officer and staff attorney regarding case status.</p> | <p>The bureau did not begin monitoring this case until the disciplinary phase, so there was no consultation during the investigation. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings.</p> | <p>The subject retired from the department prior to disciplinary action being taken.</p> |
| <p><u>Case No. 06-0163 (North Region)</u></p> <p>The review of an incident log following a reported use-of-force incident on May 6 2005, raised questions about a lieutenant who had checked the "no force observed" box on a related form.</p> | <p>The bureau attended the interviews, reviewed the reports, and assessed the case file. The bureau met with the institution staff and the hiring authority and consulted regarding the investigation and findings.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings, which were supported by the evidence.</p> | <p>The hiring authority did not sustain any allegations and the decision was supported by the evidence from the investigation. Hence, disciplinary action was not initiated.</p> |
| <p><u>Case No. 06-0164 (Central Region)</u></p> <p>On May 7, 2005, an inmate died after presenting at a clinic several hours earlier with extremely elevated blood sugar, hypotension, tachycardia and complaints of profound weakness. These were symptoms of a significant medical problem, and the treating physician was accused of providing inadequate care as well as inadequate subsequent monitoring of the patient's condition.</p> | <p>The bureau reviewed the case file and conferred with the assigned investigator. The bureau then reviewed the result of the independent medical review and the autopsy report. The bureau conferred with the assigned special agent prior to the subject interview. The bureau reviewed the subject's resignation letter and the hiring authority's acceptance of the resignation under unfavorable circumstances.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. Due to the death of the pathologist, receipt of the autopsy report was delayed in this case. Independent medical review was requested and an evaluation was issued. The death review appeared thorough and was extremely critical of the subject physician, rating his treatment as grossly below the standard of care in several respects. The employee resigned prior to being interviewed in connection with the investigation, and before the matter was referred to the hiring authority.</p> | <p>The subject physician resigned, and his resignation was accepted under unfavorable circumstances.</p> |
| <p><u>Case No. 06-0165 (Central Region)</u></p> <p>An inmate alleged an officer created a negative work environment in the</p> | <p>The bureau conferred with the special agent on the investigation plan. The bureau reviewed numerous interview tapes and the</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The investigation was untimely and inadequate. The investigation was rushed</p> | <p>The hiring authority determined not to sustain the allegation of misconduct; thus, disciplinary action was not warranted.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>administrative segregation unit from May 11 to July 11, 2005. This included being disrespectful to both staff and inmates; intercepting inmate complaints and preventing their proper processing; and intimidation and threats of retaliation. It also was alleged the officer intimidated inmates from filing complaints. A second officer was alleged to be involved in inappropriate activities resulting in a different inmate being transferred to another institution shortly before his parole.</p> | <p>complainant inmate’s appeal. The bureau reviewed the draft investigation reports and discussed them with the special agent. The bureau attended numerous witness interviews and made suggestions for improving interview and investigative techniques. The bureau conferred with the hiring authority about the sufficiency of the investigation and evidence to sustain the allegations. The bureau recommended that allegations raised during an interview against a second officer be submitted to the hiring authority.</p> | <p>to completion in order to avoid violating the statute of limitations. Given the inadequacies of the investigation, the bureau reluctantly concurred with the hiring authority’s findings. The hiring authority adequately consulted with the bureau regarding the investigative findings in a timely manner. The employee relations officer adequately consulted with the bureau during the disciplinary process in a timely manner. The overall quality of the staff attorney’s advocacy was adequate.</p> | |
| <p><u>Case No. 06-0166 (Central Region)</u></p> <p>It is alleged the subject took time off for military leave for pay under false pretenses.</p> | <p>The bureau reviewed the statute of limitations and the allegations. The bureau conferred with the special agent regarding the investigative plan. The bureau attended the subject interview and suggested numerous questions for clarification. The bureau conferred with the employee relations officer, hiring authority, staff attorney, and the institution services unit regarding the proposed disciplinary action. The bureau reviewed and commented on the investigative report. The bureau attended the <i>Skelly</i> hearing and reviewed the <i>Skelly</i> officer’s recommendation. The bureau conferred with the staff attorney regarding a</p> | <p>The Office of Internal Affairs’ consultation with the bureau during the investigation was inadequate. The special agent failed to interview a material witness. The special agent did not respond to the bureau’s requests for consultation or information in a timely manner. The bureau concurred with the hiring authority’s findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The penalty selected by the hiring authority was appropriate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the penalty and settlement. The bureau reluctantly concurred with the settlement between the hiring authority and employee. The employee relations officer did not consult with the bureau in an adequate or timely manner during the disciplinary</p> | <p>The subject was initially dismissed, but the penalty was reduced pursuant to a settlement agreement to a suspension without pay for 50 working days.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | negotiated settlement agreement. | process. The overall quality of the staff attorney's advocacy was inadequate. | |
| <p><u>Case No. 06-0167 (Central Region)</u></p> <p>A warden is alleged to have improperly interfered with an ongoing investigation. On May 17, 2005, the warden's directives resulted in the removal of surveillance equipment at the institution, thus compromising a covert investigation into alleged sexual misconduct by a non-sworn staff member.</p> | <p>The bureau discussed the case with the Office of Internal Affairs' management. The bureau obtained and reviewed all related documents and reports. The bureau consulted with the special agent concerning the interviews and reviewed the tapes of those interviews. The bureau reviewed the final investigative report. The bureau consulted with the staff attorney and the hiring authority. The bureau monitored subsequent training provided to wardens to ensure future investigations are not similarly compromised.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings and action. The penalty selected by the hiring authority was appropriate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the penalty. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The subject received corrective counseling relative to this incident. The hiring authority also provided training for all wardens to ensure the incident will not reoccur. Specifically, the department gave instruction regarding the appropriate communication process between wardens and the Office of Internal Affairs.</p> |
| <p><u>Case No. 06-0168 (Central Region)</u></p> <p>It was alleged that on May 18, 2005 an officer battered another officer at an institution cafeteria.</p> | <p>The bureau reviewed the request for investigation with the Office of Internal Affairs and the documents contained in the investigative file. The bureau conferred with the assigned special agent and suggested an investigative approach. In light of an unusual similarity between memoranda submitted by two witnesses, the bureau proposed questions for those witnesses. The bureau reviewed the progress of the investigation, audio tapes of investigative interviews and the final investigative report.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The penalty selected by the hiring authority was appropriate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the penalty. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate. The bureau concurred with the stipulation in this case.</p> | <p>Pursuant to a stipulated agreement resolving this matter, the subject received a five percent salary reduction for 12 months.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0169 (South Region)</u></p> <p>On May 18, 2005, an officer was accused of sexual relations with a neighbor who was under 18 years old. The criminal case was investigated by a local sheriff's department. At the trial, the officer was acquitted of some charges, and the jury was unable to reach a verdict on the remaining charges. The judge presiding at the time of the trial dismissed the remaining counts. The subject resigned during this investigation.</p> | <p>The bureau consulted with the Office of Internal Affairs throughout the investigation and reviewed the final report before submission to the hiring authority. The bureau consulted with the hiring authority and the staff attorney regarding the sufficiency of the investigation. The bureau recommended that a letter be included in the subject's file indicating that he resigned while under investigation. When the bureau learned that the hiring authority invited the subject to reapply, the bureau brought this to the attention of department management; the deputy director then advised the subject that the prior letter did not represent the department's position and that he was ineligible for reinstatement.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely but inadequate because the Office of Internal Affairs did not obtain a complete trial transcript because of financial resource issues. However, the hiring authority, staff attorney and bureau felt it necessary to obtain the transcript in order to complete the investigation. The transcript was ultimately obtained by the department. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The bureau disagreed with the warden inviting the subject to reapply for employment with the department.</p> | <p>The hiring authority sustained the allegations. No penalty was assessed because the officer had resigned from state service.</p> |
| <p><u>Case No. 06-0170 (Central Region)</u></p> <p>An inmate alleged that on May 22, 2005, a sergeant and lieutenant verbally abused him, pushed him into a door, and repeatedly punched him in the ribs, back and kidneys.</p> | <p>The bureau reviewed the investigative file and discussed the investigative plan with the assigned special agent. The bureau then monitored the investigation, reviewed the draft final report, and consulted with the hiring authority and staff attorney prior to the hiring authority's decision.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. It was the position of the bureau that the evidence was insufficient to support the allegations. The staff attorney consulted with the bureau in a timely and adequate manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority determined that insufficient evidence existed to sustain the allegations against the subjects. The inmate admitted to provoking the initial use of force, and other evidence tended to corroborate the subjects' version of facts. The inmate did not claim that he had been assaulted when he was examined by medical staff, or during the processing of disciplinary action against the inmate. Department records refuted the inmate's claim he submitted an inmate appeal</p> |

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| | | | form regarding this alleged assault. |
| <p><u>Case No. 06-0171 (South Region)</u></p> <p>A parolee-at-large was arrested while driving a 2003 Mercedes Benz 500SL on May 22, 2005. The registered owner of the car was a parole agent. The parolee-at-large and his female passenger told the arresting officer that he was supposed to get rid of the vehicle so an insurance claim could be filed. The vehicle had not been reported stolen by the time of the car stop.</p> | <p>The bureau devoted substantial time to the monitoring of the case. The bureau expressed concern that the Office of Internal Affairs failed to pursue an investigation into the personal finances of the parole agent who was the subject of the investigation. Initially, the department would not permit the special agent to pursue information concerning the subject's financial background and the vehicle. The bureau elevated the matter to the Office of Internal Affairs headquarters and to the assistant chief counsel in charge of the staff attorneys. After a discussion of the issues and law, the special agent was given direction to pursue the investigation recommended by the bureau.</p> | <p>Except for a file review, contacting the arresting agency and minimal preliminary work, the assigned special agent did no other work for about two months. Then, the special agent and another special agent conducted a completely inadequate interview of the parolee that lasted less than 10 minutes, with one agent claiming to have spent six hours related to preparing for the interview. Little meaningful work was performed on the case before the special agent was taken off the case on November 30, 2005. No further work was completed until after a new special agent was assigned on January 13, 2006. Therefore, the new special agent assigned to the case was not able to complete the investigation until a few days before the statute of limitations expired. Unlike the first special agent, the new special agent engaged in meaningful consultations with the bureau. Once the new special agent was authorized to investigate the financial background of the subject, he did so diligently. Consultation with the hiring authority and the staff attorney assigned from headquarters was adequate and helpful.</p> | <p>The investigation performed did not support the imposition of disciplinary action.</p> |
| <p><u>Case No. 06-0172 (North Region)</u></p> <p>On May 24, 2005, a parolee reported that a parole agent had engaged in inappropriate sexual relationships with other parolees on his caseload and may have impregnated one of them. She also claimed she and other parolees were fearful of retaliation if they</p> | <p>The bureau met with the regional administrator and other top managers for the division of parole regarding the apparent lack of documentation and process in responding to citizen complaints regarding parole agent misconduct. The regional</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority adequately consulted with the bureau regarding the investigative findings.</p> | <p>There was insufficient evidence to support the allegations, thus, no disciplinary action was appropriate. However, the parole agent resigned prior to the completion of the investigation. The case was not referred to the district attorney's office.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>came forward with this information.</p> | <p>administrator agreed to address this issue at the next regional meeting with the parole agents and their supervisors.</p> | | |
| <p><u>Case No. 06-0173 (South Region)</u></p> <p>It is alleged that on May 25, 2005, a physician in a management position told a supervising registered nurse not to allow her staff to add to an inmate's chart that he had requested to see a psychologist. Although not entered into the chart, arrangements were made for the inmate to see a psychologist as requested, but unfortunately, he committed suicide before the appointment. The request was added to the chart as a late entry. It is also alleged that on June 2, 2005, the physician used his upper chest to bump into a psychiatric technician, struck the technician with his hand, called the technician stupid and threatened him by using profanity.</p> | <p>The bureau actively monitored the case throughout the time it was open. This monitoring activity included consultations, reviewing investigative strategy and attending interviews. The bureau participated in an executive review regarding its disagreement with the hiring authority regarding whether a specific allegation should be sustained.</p> | <p>The investigating special agent's consultation and investigation were adequate. Consultation with the hiring authority was adequate. However, the bureau disagreed with the hiring authority's position that there was no attempt to wrongfully prohibit the chart notation. The bureau did agree that the case should be settled with an agreement that the subject leave state service so long as he did not return. Consultation with the staff attorney was not adequate.</p> | <p>The hiring authority did not sustain the allegation that the subject wrongfully attempted to prevent the chart entry. Charges relating to the other conduct were sustained. The hiring authority entered into an agreement with the subject that resulted in the subject leaving state employment and agreeing to not seek re-employment with the department. Local law enforcement conducted a criminal investigation, but the district attorney's office did not file criminal charges against the subject.</p> |
| <p><u>Case No. 06-0174 (North Region)</u></p> <p>On May 25, 2005, an inmate allegedly rubbed against an officer's chest area. When he again moved toward the officer, she allegedly raised her left arm in a forward motion and pushed the inmate's shoulder to deflect further physical contact. It was also alleged that the officer failed to report this incident.</p> | <p>The bureau reviewed initial case summary and supporting documentation. However, the Office of Internal Affairs determined that the case should be sent back to the hiring authority for direct action, and the bureau was no longer updated.</p> | <p>The hiring authority did not consult adequately with the bureau. The bureau was not updated or consulted once the Office of Internal Affairs closed the investigation and returned it to the hiring authority to take direct action. Although it was not consulted, the bureau concurred that the penalty appeared to be appropriate. Consultation was not timely.</p> | <p>The department determined that additional investigation was not necessary. The case was handled as a training issue and the officer was issued a letter of instruction.</p> |
| <p><u>Case No. 06-0175 (Central Region)</u></p> <p>On May 27, 2005, a sergeant ordered staff to</p> | <p>The bureau reviewed the investigative file, conferred with the special agent regarding his investigative plan, monitored the</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the</p> | <p>The subject was served with notice of disciplinary action imposing the penalty of a letter of reprimand. The subject did not</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>assist him in entering the cell of an inmate to retrieve a food tray. It is alleged that the sergeant did not observe proper procedures, used unnecessary force, and did not accurately report the use of force.</p> | <p>investigation, attended the subject interview, and reviewed the final report. The bureau also consulted with the employee relations officer and hiring authority regarding discipline prior to findings being made, and reviewed documents relating to the discipline imposed.</p> | <p>hiring authority's findings. The hiring authority adequately consulted with the bureau in a timely manner. The penalty selected by the hiring authority was appropriate. The staff attorney consulted with the bureau in a timely and adequate manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>request a <i>Skelly</i> hearing or appeal the discipline imposed.</p> |
| <p><u>Case No. 06-0176 (Central Region)</u></p> <p>It is alleged that on May 31, 2005, two officers used unnecessary force on an inmate. It is also alleged that a sergeant and lieutenant failed to properly supervise the officers and failed to document the use of force on the inmate.</p> | <p>This matter was referred to the institution from the central intake panel for direct action. The bureau met with the employee relations officer, institution services unit staff, the use-of-force analyst and the facility captain to clarify issues pertaining to bureau consultation on direct action cases. The bureau reviewed the use-of-force committee reports. A meeting was held to discuss staff misconduct identified by the first and second level review. Despite meeting with staff, the institution would not reconsider its response to the conduct. The bureau considered seeking executive review, but did not because action had already been taken. The bureau was assured that if the staff members commit the same infraction within a one year time period, progressive discipline will be taken.</p> | <p>The investigation into this incident was incomplete, untimely and not objective. The bureau did not concur with the hiring authority's findings. The penalty selected by the hiring authority was inappropriate. Although the evidence indicated a basis to take adverse or corrective action against all subjects, the hiring authority only took action as to one of the subjects. The hiring authority did not adequately consult with the bureau. The bureau was not consulted in a timely manner as to appropriate penalties. This discussion took place after the decision was made and corrective action had already been taken. The employee relations officer did not consult adequately with the bureau as consultation did not take place as to several key issues and decisions. Consultation with the staff attorney was not timely. The overall quality of the staff attorney's advocacy was inadequate.</p> | <p>Corrective training was imposed as to one of the officers. No action was taken on the allegations as to the remaining three subjects.</p> |
| <p><u>Case No. 06-0177 (South Region)</u></p> | <p>The bureau consulted with the</p> | <p>The Office of Internal Affairs' consultation</p> | <p>The allegations for sexual assault</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>In May 2005 a youth counselor allegedly sexually assaulted a minor ward. The institution did not report this information to outside authorities as required by law. It was also alleged that the same youth counselor hit another ward in the face. Both allegations were allegedly reported in writing and provided to supervisors up the chain of command up to the major. The superintendent is also alleged to have knowledge of the allegations. Additionally, a conversation between wards suggesting battery may have occurred was reported by staff to supervisors. An investigation into these allegations was not initiated by institution staff.</p> | <p>Office of Internal Affairs throughout the investigation and reviewed the final report as to the sexual assault and battery allegations. The bureau consulted with the hiring authority and the employee discipline unit regarding the sufficiency of the investigation, the charges to be sustained and penalties to be imposed. The bureau raised concerns that no investigation occurred into the failure to investigate the reported allegations. The bureau questioned the hiring authority about its decision not to make subjects of the persons who allegedly failed to report.</p> | <p>with the bureau during the investigation was adequate. The investigation was timely. Additionally it became apparent that the policies and procedures for reporting child abuse were unclear to the institution's staff. Further, a nurse refused to provide the special agent with the victim ward's medical records, but later provided the information in the interview. The hiring authority did consult in a timely and adequately manner with the bureau regarding the investigative findings and the bureau concurred with the findings regarding the subject youth counselor. The employee discipline unit consulted with the bureau in a timely and adequate manner.</p> | <p>and battery against the youth counselor were not sustained. Therefore, no disciplinary action was imposed. The superintendent implemented a training plan regarding the policies and procedures related to reporting child abuse.</p> |
| <p><u>Case No. 06-0178 (Central Region)</u></p> <p>On June 2, 2005, an inmate alleged that on 20 to 30 occasions since June 2004, an officer paid him for information regarding contraband, drug trafficking, and security issues by giving the inmate canteen ducats and tobacco confiscated from other inmates.</p> | <p>The bureau repeatedly reminded the Office of Internal Affairs of the need to commence the investigation into this matter and attempted to have the investigation expedited. The bureau conferred with the assigned special agent regarding the interview of the complaining witness and investigative plan, monitored the progress of the investigation, and reviewed the final report. The bureau conferred with the assigned staff attorney and the employee relations officer from the institution regarding the allegations.</p> | <p>The investigation of this matter was delayed. According to the Office of Internal Affairs, its caseload prevented this matter from being investigated while the allegations were fresh. The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was untimely and inadequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The staff attorney adequately consulted with the bureau during the disciplinary process. Consultation with the staff attorney was timely. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>Before interviews finally commenced, the complaining witness had become uncooperative. Accordingly, the hiring authority found that there was insufficient evidence to support a disciplinary action against the officer.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0179 (Central Region)</u></p> <p>An officer was accused by his ex-wife's boyfriend of numerous incidents of verbal and physical abuse toward him. In the last incident, on June 3, 2005, the boyfriend called law enforcement and reported that the officer failed to leave the ex-wife's house and had pushed him. Law enforcement conducted an investigation which did not result in any criminal charges being filed.</p> | <p>The bureau obtained underlying criminal reports and reviewed the law enforcement investigation, including 911 tapes. The bureau consulted with the assigned special agent regularly and suggested additional avenues of investigation which were pursued by the agent. The final investigative report was reviewed by the bureau and discussed with the department. The bureau consulted with the hiring authority and the employee relations officer regarding decisions on the allegations and penalty.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings and penalty. The penalty selected by the hiring authority was appropriate. The employee relations officer adequately consulted with the bureau during the disciplinary process in a timely manner. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority sustained an allegation of discourteous treatment of a member of the public and issued the officer a letter of reprimand.</p> |
| <p><u>Case No. 06-0180 (Central Region)</u></p> <p>It was alleged that on June 3, 2005 a sergeant and an officer forcefully pulled the inmate's hands from a bench, wrestled the inmate to the ground and handcuffed him, then lifted the inmate up and began escorting him to the housing unit with the assistance of a second officer. It was alleged after the inmate kicked the second officer, the sergeant and the other officer forcefully took the inmate to the ground, held the inmate's face to the ground, turned the inmate's head and rubbed the inmate's face on the asphalt. It was further alleged that the sergeant and the first officer falsified documentation by not reporting the initial use of force on the inmate.</p> | <p>The bureau reviewed the investigative file of this matter and consulted with the special agent regarding his investigative plan, then monitored the ensuing investigation. The bureau attended one of the subject interviews and reviewed the audio tape of the interview of a critical witness. The bureau reviewed the draft final report prior to submission and consulted with the hiring authority and reviewed the warden's findings in this case.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority adequately consulted with the bureau regarding the investigative findings in a timely manner. The bureau concurred with the hiring authority's finding that the investigation did not produce sufficient evidence to support any disciplinary action. The staff attorney adequately consulted in a timely fashion with the bureau during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>Upon careful review of the investigation, it was determined that no independent witness directly observed the first alleged use of force. No credible evidence was found in support of the second alleged use of force. One officer was determined not to have been involved in any alleged use of force. Letters of instruction were issued to the other two subjects dealing with the physical control techniques they employed.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0181 (Central Region)</u></p> <p>An inmate alleged that on June 7, 2005, he arrived back at the institution from a medical appointment and the transporting officers physically assaulted him. One of the officers allegedly slammed the inmate's head against the institution van several times. An officer allegedly punched the inmate in the ribs, while another officer allegedly twisted the inmate's thumb back. A medical report was conducted of the inmate. The inmate had a minor injury to the inside of his mouth. The inmate alleged that the officers believed that they had been disrespected during the transport.</p> | <p>The bureau previously monitored the criminal investigation of this matter which resulted in no referral to the district attorney's office. The bureau consulted regularly with the assigned agent, read all reports, reviewed all interviews and the final report. The bureau conferred with the employee relations office and the hiring authority. The bureau also reviewed an additional report written by an uninvolved staff member on the day of the incident wherein it is reported that this inmate was going to make false claims against officers.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The bureau concurred with the decision not to sustain allegations in large part due to a memo authored on the day of the incident that documented threats by the inmate to make false claims against the officers, and the complete absence of any corroborating evidence of the inmate's claims. The employee relations officer adequately consulted with the bureau during the disciplinary process. Consultation with the employee relations officer was timely. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>No allegations were sustained against any of the subject officers and no disciplinary action was taken. There were no corroborating injuries to the event as described by the inmate. It was reported that on the day of the transport the inmate made efforts to extort favorable treatment from the officers under a threat of filing a false claim against them. The minor injury to his mouth was not observed until some time after the transport and could have easily been self-induced.</p> |
| <p><u>Case No. 06-0182 (Central Region)</u></p> <p>On June 9, 2005, staff discovered contraband in an inmate's cell. The inmate alleged that a sworn staff member gave him the contraband. The inmate further alleged that the sworn staff member asked him to use a contraband razor on another inmate. No assault took place with the razor.</p> | <p>The bureau checked the accuracy of the allegations and the statute of limitations date. The bureau met with the special agent and attended the subject interview. The bureau made suggestions regarding interrogation of the subject and the final investigation report, which were incorporated. The bureau reviewed and commented upon the final administrative investigation report. The bureau conferred with the employee relations officer and reviewed the draft review of investigation, justification of penalty and a</p> | <p>The investigation was timely, thorough, complete and objective. The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. Many of the bureau's suggestions were incorporated by the special agent. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The employee relations officer adequately consulted with the bureau during the disciplinary process. Consultation with the employee relations officer was timely. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority determined that the evidence uncovered by the administrative investigation was insufficient to sustain any allegation of misconduct made against the subject. Therefore, disciplinary action was not warranted.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | closure memo. | | |
| <p><u>Case No. 06-0183 (South Region)</u></p> <p>On June 11, 2005, an officer who had just completed his count asked another officer to check his count slip for mistakes. After checking the slip, the second officer informed the first officer that the count slip was off by one inmate and that he had not accounted for an inmate in a specific cell. The first officer replied that there was no inmate in that cell. The second officer immediately went to the cell and observed the single-celled inmate hanging from a sheet wrapped around his neck. The second officer notified central control that assistance was needed. The inmate was cut down and transported to central health where he was pronounced dead.</p> | <p>The bureau learned about this incident from the department's daily reports. The bureau contacted the institution and initiated monitoring of the case. The bureau remained in contact with the special agent during the initial review of the files and monitored witness interviews. The bureau discussed with the employee relations officer the need to establish a record of a timely decision in the event that the officer attempted to seek reinstatement from his absence without leave dismissal. The bureau recommended that the hiring authority make findings before the statute of limitations lapsed and place the related documents in the employee's file.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The employee was terminated for being absent without leave prior to the completion of the investigation; however, the investigation was completed. The hiring authority decided the matter to insure a record of the completed investigation was included in the personnel file. The bureau concurred with the hiring authority's action and findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings.</p> | <p>The subject employee simply ceased reporting for work and was terminated for being absent without leave prior to completion of the investigation. However, the investigation was completed and the hiring authority sustained the allegations. No penalty was assessed or served because the employee was separated from state service.</p> |
| <p><u>Case No. 06-0184 (Central Region)</u></p> <p>On June 13, 2005, an inmate alleged that he received a head injury as a result of excessive force. The inmate claimed the subject officer was retaliating for a prior verbal dispute between them where they called each other names. The officer denied calling the inmate any names, but did report attempting to counsel the inmate for a racial comment made in the unit. The officer indicated that the inmate became combative, refused to be handcuffed and was pepper sprayed. The inmate claimed he was struck in the head by</p> | <p>The bureau obtained and reviewed all initial reports. The bureau conferred with the assigned special agent throughout the investigation. The bureau attended and reviewed tapes of interviews. The bureau conferred with the staff attorney and reviewed the final internal affairs report. The bureau consulted with the hiring authority, employee relations officer, and staff attorney regarding decisions on the allegations.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigative process was delayed at multiple junctures. The institution did not request an investigation until almost three months after the incident occurred and was discovered. The central intake panel opened a case 15 days after the request. The special agent did not get the case to start the criminal investigation until one month later. The criminal investigation took approximately seven months and was not completed until May 9, 2006. Although the administrative investigation began the next</p> | <p>No allegations of excessive force or code of silence were sustained against any of the subjects. The subject officer who was directly involved with the inmate received a letter of instruction for failing to utilize his personal alarm and for attempting to counsel the inmate in an unsafe situation without additional officers providing support. The institution is also formulating training for circumstances where the need exists to counsel</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>the subject officer, while other officers covered both ends of the corridor. Staff reports did not account for the injury.</p> | | <p>day and concluded on June 6, only 10 days remained before the statute of limitations expired. The hiring authority took action three days before the end of the statutory period. The bureau considers this to be untimely. The hiring authority adequately consulted with the bureau regarding the investigative findings in a timely manner to avoid passing the statute date. The bureau concurred with the hiring authority's findings.</p> | <p>inmates in a safe manner for staff and the inmate.</p> |
| <p><u>Case No. 06-0185 (Central Region)</u></p> <p>On June 13, 2005, an uncuffed inmate became belligerent and resistant while being escorted. After utilizing pepper spray to subdue the inmate who had run into a hospital clinic, an employee who witnessed the event alleged that the officer kicked the inmate's arms while he was on the ground. None of the officers involved reported that use of force.</p> | <p>The bureau consulted with the senior special agent assigned to oversee the case. The case was sent back to the investigative services unit at the institution to complete the investigation; the bureau conferred with the unit supervisor and assigned investigator. The bureau continually urged the staff to complete the investigation. The bureau conferred with the assigned staff attorney assigned. The bureau reviewed the final report on the incident and attended the use-of-force review committee meeting on the case. The bureau suggested clarification in reports be obtained from one of the involved officers; the investigator executed the suggestion. The bureau consulted with the hiring authority regarding the appropriate decision on the case.</p> | <p>The investigative services unit's consultation with the bureau during the investigation was adequate. The investigation was adequate in scope and final outcome, but it took approximately eight months to complete what should have been a straightforward case. The institution experienced repeated turnover in the investigative services unit during that time frame and this case was reassigned at least three times. The bureau continually urged the staff to complete the investigation within the statute of limitations out of fairness to all involved. The bureau concurred with the hiring authority's findings that there was insufficient evidence to sustain an excessive force allegation. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The staff attorney adequately consulted with the bureau during the disciplinary process. Consultation with the staff attorney was timely. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>No allegations were sustained against the subject. The circumstances were such that the employee may have witnessed the officer in the process of keeping the inmate from reaching for a weapon, or trying to get back to his feet. There was no corresponding injury to the inmate and the inmate did not complain that excessive force was used. The institution did institute training regarding the handling of inmates under these circumstances, and dangers of escorting an inmate uncuffed, which led to this situation.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0186 (Central Region)</u></p> <p>On June 14, 2005, a non-sworn department employee's daughter called the police to report her mother possessed methamphetamine for the second time. A search of the residence produced narcotics. The subject waived Miranda and admitted use, but denied possession of drugs in the house, claiming her daughter was setting her up. A drug test confirmed methamphetamine in the subject's system. She was arrested.</p> | <p>The bureau conferred with the assigned special agent. The bureau obtained and reviewed police reports from both incidents. The bureau contacted the district attorney's office supervisor and the sheriff's department regarding the case. The criminal case was monitored until the district attorney's office dismissed the case. The bureau reviewed the final internal affairs report and conferenced with hiring authority. The bureau conferred with the employee relations officer to insure the personnel file appropriately noted the circumstances of the resignation.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The employee resigned pending a disciplinary action prior to the hiring authority making a decision related to the case.</p> | <p>The subject resigned before any disciplinary action notice was served by the department. The circumstances of the employee's resignation were noted in her personnel file. The district attorney's office filed criminal charges, but subsequently dismissed the case when the daughter became uncooperative.</p> |
| <p><u>Case No. 06-0187 (Central Region)</u></p> <p>On June 18, 2005, a sergeant and an officer were accused by an inmate of humiliating the inmate by using obscene language, forcing the inmate to assume humiliating positions, sexually abusing the inmate by touching his genitals, and battering the inmate by shoving his head into a wall and punching him in the ribs and face.</p> | <p>The bureau reviewed the case file and conferred with the special agent regarding the investigative plan. The bureau representative attended several key witness interviews and the interview of one of the subjects. The bureau then reviewed the final report of investigation and consulted with the hiring authority and staff attorney. The bureau reviewed documents reflecting the hiring authority's findings.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings and concurred with the findings. The staff attorney adequately consulted with the bureau during the disciplinary process in a timely manner. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority found insufficient evidence was developed to sustain any disciplinary action against the subjects.</p> |
| <p><u>Case No. 06-0188 (South Region)</u></p> <p>On June 18, 2005, a patient, who had been</p> | <p>The bureau monitored the investigation from its inception. The bureau monitoring activity consisted primarily of case</p> | <p>The consultations engaged in by the assigned special agent were timely and adequate. During the investigation, the special agent determined there were a myriad of problems</p> | <p>The investigation resulted in two officers receiving discipline for dereliction of duty in failing to properly observe their assigned</p> |

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| <p>deemed mentally incompetent to stand trial, escaped from a Department of Mental Health hospital. The perimeter and tower security officers for the hospital were provided by the department employees. The evidence indicated that the patient escaped through a gate in the perimeter fence that may have been left open, or at least unlocked.</p> | <p>conferences with the assigned special agent, reviewing and strategizing about the progress of the investigation.</p> | <p>with custody procedures such as officers having uncontrolled access and use of cell phones and reading materials while on duty. The towers have shades that can be pulled down and mirrored glass that prevents a supervisor from looking in for the purpose of insuring that tower officers are observing the area under surveillance. The agent appropriately expanded her investigation as she discovered new information. The investigation was not timely as it was presented to the hiring authority 10 days before the statute of limitations was set to expire. The hiring authority did not consult with the bureau about the investigative findings and penalty, however, the penalty was appropriate. The department failed to provide the bureau with notice of the <i>Skelly</i> hearing.</p> | <p>areas of responsibility for possible escapes. Both received a 10 percent salary reduction for 13 pay periods.</p> |
| <p><u>Case No. 06-0189 (Central Region)</u></p> <p>It was alleged that during an escort on June 19, 2005, an officer used excessive force against an inmate by sending the inmate to the floor and repeatedly slamming the inmate's head on the ground.</p> | <p>The bureau reviewed the investigative file, consulted with the special agent assigned to the case, monitored the progress of the investigation, and reviewed the final report. The bureau attempted unsuccessfully to confer with the hiring authority prior to the matter being closed without disciplinary action. The consultation requirements of Article 22 were explained to the hiring authority.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority did not consult adequately with the bureau regarding the investigative findings. The employee relations officer did not consult adequately with the bureau. Consultation with the employee relations officer was not timely. The bureau concurred with the hiring authority's conclusion not to impose disciplinary action.</p> | <p>The hiring authority found the investigation sufficient but that no disciplinary action was appropriate.</p> |
| <p><u>Case No. 06-0190 (Central Region)</u></p> <p>On June 20, 2005, two inebriated inmates were involved in a fight in their cell. They</p> | <p>The bureau first learned of this case several hours after the event and after the injured inmate was already at the hospital and the</p> | <p>The bureau was not notified of the incident in time for a bureau response to the scene to be useful. The Office of Internal Affairs' consultation with the bureau during the</p> | <p>The officer was exonerated of any misconduct; no disciplinary action was warranted. The evidence showed that the officer</p> |

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| <p>disregarded all verbal commands to stop fighting. Copious amounts of pepper spray were put in the cell through the food port with no effect. The officers believed that one inmate was stabbing the other inmate. The sergeant had the door partially open and, while standing outside the cell, struck the aggressor inmate to stop the attack.</p> | <p>investigation was well under way. The bureau spoke to the investigative services unit captain and obtained all of the incident reports for review. The bureau spoke to the hospital and determined the inmate's condition. The bureau consulted with the special agent assigned, was updated on progress, and reviewed the final report. The bureau also made suggestions and assisted in obtaining relevant medical records of inmates involved. The bureau attended the use-of-force committee meeting. The bureau consulted with the hiring authority regarding disposition of the case.</p> | <p>investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings.</p> | <p>reasonably felt the cellmate was in danger of being killed and used only that amount of force required to stop the attack.</p> |
| <p><u>Case No. 06-0191 (South Region)</u></p> <p>During the late night hours of June 22, 2005, an inmate on inmate homicide occurred in the bathroom area of a housing unit. Upon arrival at the institution, the bureau and the investigative lieutenant observed wet footprints leading from a water puddle out of the cordoned off crime scene. Because hours had passed since the crime scene was secured and it was over 80 degrees in the housing unit, the investigative lieutenant asked the officer posted at the crime scene if he had left his post or whether someone had been in the crime scene. The officer denied that he had left his post or that anyone had entered the crime scene. During this time, the foot prints began evaporating. The lieutenant</p> | <p>The bureau responded to the scene on June 23, 2005, viewed the secured crime scene and observed wet footprints which started to evaporate. The bureau recommended the footprints be photographed. The bureau made a follow-up inquiry and was advised that the homicide and related issues, including the issue relating to crime scene integrity, would be the subject of a management review by the institution. When the bureau inquired about the results of the management review, it learned that no request for investigation had been initiated, the matter had not been investigated and that</p> | <p>Based on the crime scene officer's statements that he had not left his post and no one had entered the crime scene, the bureau believed that an investigation into the officer's apparent false and misleading statements to the investigative services unit lieutenant was warranted. Instead, the warden issued a letter of instruction for neglect of duty to the officer, and failed to take other more appropriate action for making a false statement. The bureau disagreed with the hiring authority's action. The hiring authority failed to appropriately consult with the bureau before taking action. The manner in which the hiring authority reviewed the underlying facts, failed to initiate a request for investigation, and disposed of the case with a letter of instruction for much lesser</p> | <p>The hiring authority issued the crime scene officer a letter of instruction for neglect to duty without any investigation. The hiring authority took a similar action in response to a prior incident involving serious allegations. Both actions appeared to be an overt attempt by the warden to preclude more significant disciplinary action being taken against the officers involved in serious misconduct. The warden was removed from her position for reasons unrelated to this incident.</p> |

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| <p>concluded that the officer had made false and misleading statements and had neglected his security responsibilities.</p> | <p>the crime scene officer had been issued a letter of instruction precluding further action. The bureau learned the warden had also issued a letter of instruction to adjudicate serious allegations in another case. The bureau was preparing to take the matter to executive review when the bureau learned that the warden had been removed for other reasons.</p> | <p>charges was inconsistent with Article 22.</p> | |
| <p><u>Case No. 06-0192 (South Region)</u></p> <p>On July 19, 2005, an officer informed a supervisor that a lieutenant grabbed her by the back of the neck with one of his hands and pushed her head down. The officer said the incident occurred on approximately June 23, 2005. The supervisor receiving the complaint prepared a memo dated July 31, 2005, summarizing the reported information.</p> | <p>The bureau became interested in this case because of the allegations and the fact that the lieutenant involved had been the subject of prior investigations. The central intake panel was informed of the bureau's interest on August 29, 2005, but may not have communicated that fact to the south region office of internal affairs when a criminal case was initiated. Once the criminal case was concluded, the special agent was advised that the bureau was interested in monitoring this administrative case. The bureau's ability to monitor the investigation was frustrated by the lack of cooperation by the special agent. The bureau conferred with the hiring authority.</p> | <p>The bureau had minimal consultation with the special agent. The special agent proceeded to perform work without first contacting the bureau. At the end of November 2005, the special agent indicated to the bureau that she had nothing new to report on the case and she would not be doing anything on the case until December because she was working on older cases. The special agent then proceeded to conduct the subject's interview in December without first advising the bureau. The special agent completed and submitted her report and the Office of Internal Affairs closed its investigation without notifying the bureau. The final report did not address certain conflicts and did not address certain issues. A written memorandum stated the victim reported her head was pushed down to her waist area. The victim's verbal statement stated her head was grabbed and pushed down towards the male lieutenant's waist area. The investigative report did not resolve the conflict. The report did not fully specify the positions of people at specific times and did not clearly indicate the words spoken. It is not clear if cell phone records were sought</p> | <p>No charges were sustained by the hiring authority against the subject. The subject was dismissed from employment with the department in connection with another incident.</p> |

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| | | <p>although their relevance is suggested by the investigation. Although there were several questions left unresolved by the investigation, it did not appear as though there was a sufficient basis upon which to proceed with disciplinary action.</p> | |
| <p><u>Case No. 06-0193 (North Region)</u></p> <p>On June 23, 2005, it was alleged that a psychological technician had been giving an inmate contraband, specifically tobacco. It was also alleged the employee contacted the inmate's family telephonically and the family sent the employee money for payment for contraband. It was alleged that the transactions took place on third watch when the employee was making his rounds in the administrative segregation unit.</p> | <p>The bureau reviewed the reports and assessed the case file. The bureau met with the institution staff and the hiring authority and consulted regarding the investigation and findings.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The penalty of dismissal selected by the hiring authority was appropriate. The hiring authority adequately consulted with the bureau regarding the penalty. Consultation was timely.</p> | <p>The hiring authority sustained the allegations and served the psychological technician with notice of dismissal. The employee resigned.</p> |
| <p><u>Case No. 06-0194 (North Region)</u></p> <p>On June 25, 2005, a psychiatric technician was allegedly documenting medical information related to patient care in a personal notebook. Confidentiality regulations and patient protocols require that such information only be annotated in the inmate's chart or other department approved locations. It was also alleged that the psychiatric technician was being overly familiar with inmates and engaged in a code of silence with respect to his knowledge of various staff members' conduct while performing their duties.</p> | <p>The bureau attended the interviews, reviewed the reports, and assessed the case file.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority did not consult with the bureau regarding the investigative findings.</p> | <p>The hiring authority did not sustain the allegations and no disciplinary action was deemed necessary. The subject received some additional training regarding confidentiality protocols.</p> |

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| <p><u>Case No. 06-0195 (Central Region)</u></p> <p>It is alleged that on June 25, 2005, an officer became aware of serious employee misconduct by a relative who was the subject of an investigation and failed to report it. It was alleged that the officer may have known of a letter received by the relative employee from an inmate.</p> | <p>The bureau had an initial case conference with the investigator assigned from the institution. The bureau monitored the investigation of the subject's relative. The bureau consulted with the employee relations officer, hiring authority, and special agent. The bureau was consulted regarding the decision to terminate the investigation before its conclusion.</p> | <p>The investigative services unit's consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The employee relations officer adequately consulted with the bureau in a timely manner. The investigation was terminated based on information obtained in the relative's case; the bureau concurred.</p> | <p>As a result of the investigation of the officer's relative, it became clear that this employee had no part in any misconduct, nor actual knowledge of a relationship between the relative and any inmates. The decision was made by the hiring authority to terminate the investigation.</p> |
| <p><u>Case No. 06-0196 (Central Region)</u></p> <p>On June 26, 2005, an employee was arrested by the sheriff's department for assault with a deadly weapon because he allegedly punched the victim then tried to hit him with his car. The employee did not immediately notify the institution of his arrest as required.</p> | <p>The bureau obtained police reports, consulted with the special agent, contacted the district attorney's office and obtained ongoing information on the criminal case. The bureau advised internal affairs of the subject's plea. The bureau obtained copies of other criminal case reports and obtained the toxicology report revealing drugs in the subject's system, and forwarded the report to special agent and the institution. The bureau reviewed the final internal affairs report and consulted with the employee relations officer and hiring authority.</p> | <p>The investigation and consultation by the Office of Internal Affairs were timely and adequate. The bureau did not concur with the hiring authority's findings because the bureau felt the battery allegation was sustainable at the level of proof required for disciplinary action. The issue was rendered moot inasmuch as the employee was dismissed based on another case in which he was sentenced to a jail sentence. The hiring authority adequately consulted with the bureau regarding the investigative findings and penalty of dismissal in a timely manner. The employee relations officer adequately consulted with the bureau and handled the case during the disciplinary process in a timely and adequate fashion.</p> | <p>The hiring authority sustained inexcusable neglect of duty allegations on this case, but did not sustain the battery allegation. The criminal case against the employee was dismissed in exchange for a guilty plea in a separate misdemeanor case, for which he received a 45 day jail sentence. The employee was dismissed based on the guilty plea.</p> |
| <p><u>Case No. 06-0197 (Central Region)</u></p> <p>Several inmates complained that in June or July 2005, a particular inmate was abused by several officers in a security housing unit.</p> | <p>The bureau conferred with the assigned special agent as to the scope of the investigation, the investigation plan, and identity of the subjects. The bureau noted an incorrect statute of limitations</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate due primarily to the failure to provide the bureau with advance notice of investigatory activities. The investigation itself was timely and adequate. The bureau</p> | <p>The hiring authority did not sustain any of the charges against the officers. Thus, no disciplinary action was imposed against the officer.</p> |

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| <p>The inmates alleged that the victim inmate was beaten, deprived of food and access to medical care for more that a week, and placed in a strip cell with no mattress or bedding of any kind. It was further alleged that the inmate tried to file numerous appeals and put in numerous requests to be seen by medical staff, but those requests were discarded by staff on the unit.</p> | <p>date and verified that no parallel criminal case conflict existed. The bureau reviewed all investigation file documents. The bureau conferred with the employee relations officer and the investigative services unit captain. The bureau reviewed an earlier internal affairs report generated by another agent as to the allegations which were the focus of this investigation. The bureau conferred with internal affairs staff as to the need of internal affairs to give timely, advance notice of all interviews so that bureau attendance can be arranged if necessary.</p> | <p>concurrred with the hiring authority's findings. The bureau concurred with the hiring authority's determination that the evidence was not sufficient to sustain the charges; there was almost a complete absence of corroborating evidence for the inmates' complaints. The hiring authority adequately consulted with the bureau regarding the investigative findings in a timely manner. The employee relations officer adequately consulted with the bureau. The overall quality of the staff attorney's advocacy was adequate.</p> | |
| <p><u>Case No. 06-0198 (Central Region)</u></p> <p>It is alleged that in July 2005, an officer stole canteen items from inmates and improperly redistributed the items to other inmates.</p> | <p>The bureau conferred with the assigned special agent and reviewed the internal affairs file, including incident reports and interview tapes. The bureau conferred with the investigative services lieutenant who initially reported the complaint to ensure that there was no retaliation against the complaining officer. The bureau addressed concerns with the special agent and the senior special agent as to timely advance notice of critical investigation steps. The bureau raised concerns with internal affairs as to the objectivity of the investigation. The bureau attended the subject interview, and reviewed and commented</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate as the special agent failed to give the bureau notice of critical investigative steps. Although the investigation was completed within the statutory time period, it was not complete. The investigation was not thorough as the agent did not follow through on the investigation in critical areas and was unnecessarily hostile to the complaining witness which affected his ability to conduct a neutral, fact finding investigation. The bureau concurred with the hiring authority's determination that the investigation was insufficient and that there was insufficient evidence to sustain two of the three allegations against the subject. The hiring authority consulted with the bureau in a timely and adequate manner regarding the investigative findings, even though the</p> | <p>The allegations against the subject were not sustained. Therefore, no disciplinary action was taken.</p> |

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| | <p>upon the draft investigation report. The bureau conferred with the hiring authority and the employment relations officer as to the insufficiency of the investigation and the insufficiency of the evidence to sustain the charge.</p> | <p>bureau disagreed with the hiring authority's decision not to sustain a neglect of duty allegation. The hiring authority adequately and in a timely manner consulted with the bureau regarding the penalty. The employee relations officer adequately consulted with the bureau during the disciplinary process and the consultation was timely. The assigned staff attorney was never involved and only contacted the bureau two months after the case had been concluded. In fact, the bureau was unaware that a staff attorney had even been assigned to the case. The bureau was led to believe the matter was being handled by the employee relations officer.</p> | |
| <p><u>Case No. 06-0199 (North Region)</u></p> <p>On July 6, 2005, an inmate committed suicide by hanging himself. Inmates alleged that the inmate who committed suicide screamed that he was going to kill himself. and called out to the officers that he was suicidal. Based upon the allegations, the control booth and floor officers were investigated for neglect of duty and other failure of good behavior.</p> | <p>In the initial meeting with the Office of Internal Affairs' special agent advised the bureau that the investigation was complete. The bureau consulted with the hiring authority regarding its findings.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate as there was no consultation until the investigation was complete. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The hiring authority did not sustain any allegations; the decision was supported by the evidence. The investigation showed that there were procedural errors on the part of the attending psychiatric technician. In addition, the inmate refused his medications the night before the suicide.</p> | <p>The investigation revealed there was no evidence of negligence or misconduct and therefore the allegations were not sustained and no disciplinary action was imposed.</p> |
| <p><u>Case No. 06-0200 (Central Region)</u></p> <p>On July 7, 2005, it was discovered that a non-sworn staff member was allegedly involved in an overly familiar and possible sexual relationship with an inmate over a period of</p> | <p>The bureau initially monitored a criminal investigation involving this same allegation and subject that did not result in criminal charges being filed. The bureau then consulted with the special</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an</p> | <p>The allegation of over-familiarity was not sustained, but allegations of neglect of duty and other unprofessional conduct were sustained. The subject received a five percent salary reduction for</p> |

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| <p>several months. It was further alleged that she brought home love letters and various items of jewelry that were made by inmates, delivered mail to and from the inmates including small package items, and brought food items to the institution for the inmates to eat.</p> | <p>agent assigned to this administrative case and his supervisor regarding investigative strategies. The bureau reviewed all interviews and report, as well as consulted with the employee relations officer and warden regarding disposition of case. The bureau monitored the <i>Skelly</i> hearing and subsequent imposition of penalty.</p> | <p>adequate and timely manner. The penalty selected by the hiring authority was appropriate. The employee relations officer adequately consulted with the bureau during the disciplinary process in a timely manner. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>12 months.</p> |
| <p><u>Case No. 06-201 (Central Region)</u></p> <p>On July 11, 2005, an officer was arrested for driving under the influence of drugs or alcohol, involvement in a hit and run accident, and assault with a deadly weapon for almost striking a victim with her vehicle as she fled the scene. The victim obtained the vehicle plate number and the subject was arrested at her home.</p> | <p>The bureau obtained and reviewed all police reports. The bureau conferred with the assigned special agent. The bureau contacted the district attorney's office, monitored criminal proceedings and advised the Office of Internal Affairs of the outcome. The bureau reviewed the Office of Internal Affairs' investigation and final report. The bureau consulted with the staff attorney, employee relations officer and hiring authority regarding appropriate administrative action.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings in light of the disposition by the district attorney and evidence in the case. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate. The bureau felt this incident was aggravated by the officer leaving the scene. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate.</p> | <p>The hiring authority sustained the allegation that the subject had been driving while intoxicated and did not sustain the allegation that the subject had committed a battery on a member of the public. The subject received a salary reduction of five percent for 13 months and did not file an State Personnel Board appeal. The subject entered a plea bargain on criminal case, and was only convicted of driving under the influence</p> |
| <p><u>Case No. 06-0202 (South Region)</u></p> <p>It was alleged that a medical technical assistant was called to assist an inmate on three occasions who was complaining of chest pain on July 13, 2005, and allegedly failed to provide the inmate with needed medical care. It is alleged that an officer made an entry into the logbook directing</p> | <p>The bureau monitored the investigation in this case.</p> | <p>The special agent was prompt and responsive in consultation with the bureau. The investigation was adequate. The hiring authority did not communicate with the bureau upon receipt of the investigation and before proceeding with findings; therefore, consultation was inadequate.</p> | <p>Allegations of neglect of duty were sustained against all four subjects. One subject received a five percent pay decrease for three months, one subject received a letter of instruction, one subject received only additional training, and one subject's received a 10 percent</p> |

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| <p>others to ignore the inmate's complaints of chest pain, and officers ignored the inmate's calls for help or accused the inmate of faking. The inmate died later that night.</p> | | | <p>salary reduction for 24 months and his appeal is currently pending before the State Personnel Board.</p> |
| <p><u>Case No. 06-0203 (North Region)</u></p> <p>On July 18, 2005, it was alleged that an associate warden became hostile and insubordinate when he refused the warden's order to assume the duties of acting warden during the warden's vacation. In addition, it was alleged that the associate warden used profanity toward interview panel members at the institution when he inappropriately approached the panel members to recommend an applicant.</p> | <p>The bureau was involved in all aspects of the investigation, including discussions of investigative strategy and attending several witness interviews conducted by the special agent. The bureau reviewed the request for investigation, case file, and draft notice of disciplinary action. The appropriate penalty was discussed with the staff attorney and regional administrator on multiple occasions.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner. The bureau concurred with the hiring authority's findings. The bureau did not concur with the hiring authority's decision to place the employee on administrative time off.</p> | <p>Prior to the completion of the drafting of the disciplinary action papers, the subject retired from the department. The disciplinary papers will be completed by the staff attorney and maintained by the department in the event the subject attempts to return to employment with the department in any capacity.</p> |
| <p><u>Case No. 06-0204 (Central Region)</u></p> <p>An allegation was received that on or about July 22, 2005, the subject employee assaulted his live-in girlfriend and destroyed her cellular telephone while she was summoning the police.</p> | <p>The bureau conferred with the assigned special agent as to the investigative plan and reviewed the entire investigatory file. The bureau confirmed the statute of limitations date and the scope of the allegations filed against the subject. The bureau liaised with the district attorney's office regarding potential criminal prosecution. The bureau conferred with the institution services unit, employee relations officer and the use-of-force analyst regarding the status of the disciplinary action proposed. The bureau conferred with staff regarding the hiring authority's</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate. The special agent would not adequately communicate his investigation strategy or interview schedule to the bureau. He was hostile to any suggestions or criticisms of his investigations. The bureau received and reviewed the final investigation report only after it was finalized and sent to the hiring authority. The victim was not interviewed because she postponed the interview twice and the department decided that the investigation would proceed without her, even though the statute of limitations date was not due to lapse for several months. The investigation failed to address the potential issue of the subject failing to report his off-duty arrest for domestic violence</p> | <p>The hiring authority initially sought a penalty of a 10 percent salary reduction for 12 months. The penalty was reduced pursuant to the settlement agreement; the subject received a 10 percent reduction in salary for six months and was required to complete a certified anger management course within a specific period of time.</p> |

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| | <p>review of the investigation and the proposed disciplinary action. The bureau reviewed and commented upon the draft settlement agreement.</p> | <p>which is another ground for discipline, and there was no attempt to have the subject explain why he did not report this incident if he truly believed he acted in self defense. The investigation was not thorough or complete. The hiring authority adequately consulted with the bureau. The bureau concurred with the hiring authority's findings and identified penalty. The settlement agreement was inappropriate as a higher level disciplinary action consistent with the disciplinary matrix should have been imposed. The employee relations officer failed to consult with the bureau in an adequate or timely manner. The notice related to disciplinary action was not provided for review before service. The bureau was frequently informed of events and decisions after-the-fact without the opportunity for meaningful consultation. The overall quality of the staff attorney's advocacy was inadequate.</p> | |
| <p><u>Case No. 06-0205(Central Region)</u></p> <p>On July 25, 2005, it was alleged that an officer had engaged in sexual relations with an inmate, removed confidential documents from the inmate's central file, had on-duty telephone contact with the inmate, and brought tobacco into the institution for the inmate. Handwriting analysis established that personal letters in possession of the inmate were written by the subject.</p> | <p>The bureau originally monitored the criminal investigation that preceded this administrative investigation. The bureau examined the case file and documentary evidence and consulted with the special agent regarding completion of the investigation. The bureau reviewed the subject's resignation letter and the institution's response.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was inadequate in that the final report was not submitted to the bureau for review prior to submission to the hiring authority. In all other respects, the investigation was timely and adequate.</p> | <p>The subject resigned under unfavorable circumstances before the hiring authority made findings regarding the allegations.</p> |
| <p><u>Case No. 06-0206 (North Region)</u></p> <p>On July 25, 2005, an officer allegedly</p> | <p>The bureau reviewed the reports related to the case. The bureau also conferred with the special</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely,</p> | <p>The officer admitted being present during the conversation between the sergeant and the</p> |

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| <p>overheard a conversation between a sergeant and an inmate wherein the inmate told the sergeant that a control booth officer allowed inmates to enter another inmate's cell and assault him. The sergeant did not report or document such conversation.</p> | <p>agent, staff attorney and hiring authority regarding this matter.</p> | <p>thorough and complete. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The bureau agreed with the hiring authority's assessment that there was insufficient evidence of misconduct.</p> | <p>inmate but denied that the inmate took responsibility for the assault. Given the lack of evidence, the warden did not sustain any of the allegations against the sergeant.</p> |
| <p><u>Case No. 06-0207 (North Region)</u></p> <p>On July 27, 2005, a ward allegedly failed to follow verbal instructions and refused to be handcuffed. A youth counselor used a leg sweep to take the ward to the ground and subsequently handcuffed him. The ward filed a staff action grievance on August 2, 2005, alleging that the youth counselor had used unnecessary physical force on him and had sexually harassed him. An inquiry conducted by the treatment team supervisor revealed that the ward's statements were consistent with other wards accounts and the video evidence of the incident.</p> | <p>The bureau conferred with the special agent to discuss investigative strategies, reviewed the reports and video, and consulted with the hiring authority. Also, during the monitoring process, the bureau observed that there was a delay in assigning an agent to the case for investigation. The bureau consulted with the Division of Juvenile Justice management and the Office of Internal Affairs to ensure the timely assignment of cases to agents.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority adequately consulted with the bureau regarding the investigative findings.</p> | <p>The subject retired after the investigation was completed but prior to the hiring authority's findings arising from the investigation. The hiring authority sustained the allegations of unnecessary force but did not sustain the sexual harassment allegation. No disciplinary action could be taken against the employee due to his retirement.</p> |
| <p><u>Case No. 06-0208 (Central Region)</u></p> <p>On July 28, 2005, a sergeant alleged that he was the subject of retaliation for reports he had previously made regarding staff misconduct. The sergeant alleged that an inmate had been recruited by a staff member to bring false allegations of misconduct against the sergeant.</p> | <p>The bureau monitored the investigation. Upon receiving the special agent's confidential memorandum, the bureau sought clarifications from the special agent. The memorandum stated that a witness had recanted his story, but it was not clear that the witness had ever given an inconsistent statement. The bureau also made telephonic inquiries at the institution in order to resolve this apparent ambiguity.</p> | <p>The consultation by the Office of Internal Affairs' retaliation unit with the bureau during the investigation was adequate. The investigation was adequate. However, there was an extended delay in completing the investigation because the complainant requested that the investigation be deferred until the State Personnel Board acted in another matter in which he was involved.</p> | <p>During the investigation, the inmate denied he had been recruited, denied that he had made allegations against the sergeant, and denied that such misconduct had occurred. The hiring authority found that the allegations were not sustained. Therefore, no disciplinary action was imposed on the subject.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0209 (South Region)</u></p> <p>On July 30, 2005, an institution received a telephone call from a private citizen who explained that her friend, a parolee, was inside her mother's house under the influence of drugs. Allegedly, the parolee had been taken to her mother's house by a lieutenant employed at the institution. The citizen provided contact information for the parolee's mother. The institution contacted the mother and learned the parolee had a relationship with the lieutenant since she had been incarcerated at the institution. The parolee's mother also alleged the lieutenant was supplying drugs to the parolee. The subject was placed on administrative time off. At this interview, the lieutenant disclosed that his privilege to drive in California had been suspended and he admitted that he drove to the location of the interview his interview. During his interview, the Office of Internal Affairs developed a reasonable suspicion the lieutenant was under the influence of a controlled substance. Together with personnel from the institution they compelled the lieutenant to take a drug test. The test results showed the lieutenant had amphetamine and methamphetamine in his system.</p> | <p>The bureau consulted with the Office of Internal Affairs during the investigation, but the Office of Internal Affairs provided the final report to the hiring authority before the bureau could review it. After reviewing the final report, the bureau recommended the Office of Internal Affairs interview other witnesses in connection with this case. The special agent accepted the bureau's recommendations. The bureau recommended that the allegation regarding the subject's failure to be available while on administrative time off, as required by policy, be investigated.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. Although a supplemental investigation was necessary after the initial report was delivered to the hiring authority, the investigation was otherwise adequate and timely. The bureau did not concur with the hiring authority's findings. The hiring authority made its determination based on the original report, without the benefit of the supplemental investigation. The bureau did not believe there was enough information at the time to show the lieutenant knew the victim was an inmate and parolee. Additionally, the hiring authority inappropriately failed to pursue the allegation that the subject was not available while on administrative time. The hiring authority did not consult adequately with the bureau. The penalty selected by the hiring authority was appropriate. The staff attorney did not consult adequately with the bureau. The staff attorney solicited input from the bureau regarding disciplinary notice before the consultation with the hiring authority and failed to provide the bureau an opportunity for review before it was served. The consultation with the staff attorney was timely. The overall quality of the staff attorney's advocacy was inadequate. The disciplinary notice included an allegation that the lieutenant was dishonest, but the facts to support this were not included. The bureau concurred with the hiring authority's decision to place the employee on administrative time off.</p> | <p>The hiring authority charged the subject with over-familiarity; appearing at his investigatory interview while under the influence; and driving to his investigatory interview on suspended driver license. The subject was dismissed from state service and has appealed the disciplinary action to the State Personnel Board.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p><u>Case No. 06-0210 (North Region)</u></p> <p>On August 5, 2005, a homicide occurred in a dayroom, while officers allegedly were in the staff office located nearby in the building rotunda. It was alleged that officers were negligent in their duties as they failed to observe the operation of the dayroom programs.</p> | <p>The bureau attended the interviews, reviewed the reports, and assessed the case file. The bureau met with the institution staff and the hiring authority and consulted regarding the investigation and findings.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority adequately consulted with the bureau regarding the investigative findings.</p> | <p>This investigation revealed no staff misconduct. Therefore no disciplinary action was required.</p> |
| <p><u>Case No. 06-0211 (North Region)</u></p> <p>On August 9, 2005, it was alleged that on or about June 30, 2005, officers used inappropriate force by grabbing an inmate's arm and dragging him up a flight of stairs with such force that the inmate lost his shoes. During the escort, it was alleged that an officer smashed the inmate's head into the wall several times. The officer allegedly stated "The next time you try to grab my keys, I'll smash your head in." The other officer did not participate in the excessive use of force, but did not intervene. Other staff and inmates allegedly witnessed the incident.</p> | <p>The bureau attended interviews, reviewed the reports, and assessed the case file. The bureau met with the institution staff and the hiring authority. The bureau also consulted with the staff attorney regarding the investigation and findings.</p> | <p>The investigation was timely and adequate. The Office of Internal Affairs' consultation with the bureau during was adequate. The Office of Internal Affairs brought to the attention of the bureau that the hiring authority was not taking appropriate or timely action. Initial consultation by the staff attorney and hiring authority was not timely and only through the persistence of the Office of Internal Affairs and the bureau was action taken and notice of disciplinary action served in a timely manner. After settlement negotiations were rejected, the penalty of dismissal was selected by the hiring authority. The hiring authority adequately consulted with the bureau regarding the proposed settlement and that consultation was timely.</p> | <p>One officer received a suspension from duty for 60 days, but the most culpable officer retired after receiving his notice of dismissal, albeit at a lower retirement rate. The notice of disciplinary action was placed in the retired officer's personnel file.</p> |
| <p><u>Case No. 06-0212 (Central Region)</u></p> <p>It was alleged that on August 9, 2005, an officer committed spousal battery.</p> | <p>The bureau consulted with the special agent and reviewed investigative reports. The bureau also conferred with the sheriff's department and the district attorney's office regarding the criminal case, facilitating an exchange of information.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The employee relations officer adequately consulted with the bureau</p> | <p>The subject resigned during pending administrative investigation, however the circumstances under which he resigned were noted in his personnel file. The district attorney's office dismissed the criminal case because the victim</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | | no longer wanted to cooperate. |
| <p><u>Case No. 06-0213 (North Region)</u></p> <p>On August 18, 2005, information was received that an officer was allegedly involved in over-familiar activity with parolees. The officer allegedly associated on a regular basis with several individuals who were either on probation or parole. It was alleged one parolee, who was on parole for possession and sale of narcotics, lived at the officer's residence.</p> | <p>The bureau attended the interviews, reviewed the reports, and assessed the case file. The bureau met with the institution staff and the hiring authority and consulted regarding the investigation.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate.</p> | <p>The officer resigned during the investigation when she was confronted by the evidence during her subject interview.</p> |
| <p><u>Case No. 06-0214 (Central Region)</u></p> <p>It was alleged that on August 19, 2005, a supervising cook provided confidential information from an inmate's file to others in violation of policy and then was untruthful when asked about it.</p> | <p>The bureau consulted with the institution's investigative services unit that handled the investigation. The bureau corrected the statute of limitations date for the non-sworn employee. The bureau consulted with the employee relations officer, staff attorney and hiring authority. The bureau monitored the <i>Skelly</i> hearing and the settlement agreement.</p> | <p>The investigative services unit's consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty was appropriate. The settlement agreement terms were appropriate. The staff attorney timely and adequately consulted with the bureau during the disciplinary process.</p> | <p>The hiring authority sustained allegations of neglect of duty and dishonesty. The original penalty selected by the hiring authority was 45 days suspension. However, pursuant to a settlement agreement between the hiring authority and the subject, a penalty of a 35 working day suspension was imposed.</p> |
| <p><u>Case No. 06-0215 (North Region)</u></p> <p>On August 19, 2005, a parole agent informed his supervisor that he had been arrested for an alleged domestic violence incident. The victim sustained injuries to her forehead, back and arms. The victim also reported that the parole agent pointed a firearm at her.</p> | <p>The bureau met with the Office of Internal Affairs and reviewed the investigative plan.</p> | <p>The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate. Given the victim's reluctance to cooperate with the prosecution of the case, the bureau concurred with the hiring authority's decision to settle the case so as to avoid compelling</p> | <p>During the pendency of the case, the victim relocated out of state and did not want to have any further contact with the employee. The disciplinary action was modified from a 10 percent salary reduction for 14 months to a 10 percent salary reduction for nine months pursuant to a</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | the victim to appear or otherwise compromise the case. The settlement between the hiring authority and employee was appropriate. The staff attorney consulted with the bureau in an adequate and timely manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate. | settlement agreement. |
| <p><u>Case No. 06-0216 (North Region)</u></p> <p>On August 23, 2005, two parole agents entered an institution's sally-port driving a state-issued vehicle. During two routine searches of the trunk, officers found a small baggie containing 1.6 grams of suspected marijuana, two boxes of ammunition, two knives, and cigarette rolling paper.</p> | <p>The bureau reviewed reports and discussed investigative strategies with the Office of Internal Affairs.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The administrative case was completed in a timely and thorough manner. The hiring authority did not consult with the bureau regarding the findings or penalties. The bureau, however, concurred with the findings and the penalty imposed. The bureau recommended remedial training for both parole agents.</p> | <p>The hiring authority did sustain allegations against the parole agent who was driving the vehicle and issued her a letter of instruction. The hiring authority did not sustain the allegations against the parole agent who was a passenger in the vehicle issued to the other parole agent, who claimed that she was unaware of how or when the marijuana and ammunition were placed in the trunk.</p> |
| <p><u>Case No. 06-0217 (South Region)</u></p> <p>On August 29, 2005, a sergeant was allegedly seen in the company of a parolee while off-duty. The sergeant was also allegedly seen in the company of the parolee at a party where numerous other staff members were present. The parolee was alleged to have been living with the sergeant at the sergeant's home.</p> | <p>The bureau remained in contact with the Office of Internal Affairs agent during the course of this investigation. The bureau discussed the findings and penalty with the hiring authority.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate. The employee relations officer consulted with the bureau in a timely and adequate manner during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate. The bureau concurred with the hiring authority's decision to place the employee on</p> | <p>The investigation sustained allegations that the sergeant was overly familiar with a parolee and that the sergeant was dishonest with the department and to the internal affairs agent during the investigation. After consultation, the hiring authority determined that dismissal was appropriate. After being served with a notice of disciplinary action, the sergeant resigned.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | administrative time off. | |
| <p><u>Case No. 06-0218 (Central Region)</u></p> <p>On September 3, 2005, an inmate was found unresponsive inside his cell and transported to the hospital where he was pronounced dead. A medical technical assistant had responded to the inmate's cell approximately three hours earlier because the inmate, who had a history of chest pain, complained of heart problems. According to the log, the medical technical assistant took the inmate's vital signs through the food port of the cell, told the inmate it was only heartburn and left. Allegations of substandard care and inadequate documentation of the contact were made.</p> | <p>At the time of the death, the institution notified the bureau that the single celled inmate died from natural causes. However, the review of the reports indicated that the circumstances preceding the death may have involved staff neglect. The inmate's family contacted the bureau to request an investigation. The bureau met with the special agent assigned to the investigation and reviewed all reports and interviews. The bureau also assisted the chief medical officer, who was unfamiliar with the new disciplinary process, with the steps required by Article 22. The bureau consulted with the employee relations officer and hiring authority regarding appropriate discipline and made suggestions regarding procedural remedies to keep such an incident from reoccurring. The bureau was instrumental in making sure the hiring authority was aware of all of the complaints pending against the subject.</p> | <p>The investigation and consultation between internal affairs and the bureau were adequate and timely, and the appropriate allegations were sustained by the hiring authority. The hiring authority consulted in a timely manner with the bureau and the bureau concurred in the decision to dismiss the employee. The employee relations officer and staff attorney consulted with the bureau in a timely manner and their involvement was adequate.</p> | <p>The hiring authority sustained the allegations and sought dismissal of the medical technical assistant. The bureau concurred with the decision to terminate employment. The employee resigned with multiple disciplinary actions pending.</p> |
| <p><u>Case No. 06-0219 (North Region)</u></p> <p>On September 15, 2005, an officer reported finding a laundry cart with the words</p> | <p>The bureau concurred with the warden's decision to conduct an investigation into the matter. The bureau conferred with the Office</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with</p> | <p>There was inconclusive evidence regarding the origin of the writing and when it was written. There was no apparent connection</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>"GREEN WALL" scrawled across it. The cart was located in the sally port area of the institution. The officer had previously testified in a whistle blower retaliation case filed by a former officer. It was rumored that his testimony hurt the former officer's case against the state. The officer suspected that someone sympathetic towards the former officer was attempting to threaten and intimidate him.</p> | <p>of Internal Affairs and consulted with the hiring authority.</p> | <p>the bureau in an adequate and timely manner regarding the investigative findings. The bureau concurred with the hiring authority's decision not to sustain the allegations due to insufficient evidence.</p> | <p>between the officer's testimony and the case. Therefore, the hiring authority did not sustain the allegations of misconduct against any particular employee.</p> |
| <p><u>Case No. 06-220 (North Region)</u></p> <p>On September 24, 2005, a parole agent was arrested by the sheriff's department for domestic violence. The parole agent allegedly grabbed his spouse by the hair and pulled her to another area of the residence.</p> | <p>The bureau conferred with the Office of Internal Affairs to review investigative strategies. The bureau also reviewed law enforcement reports. The hiring authority and bureau also consulted.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings.</p> | <p>The victim subsequently recanted her allegations citing that she lied to law enforcement officers. The only other witness to the incident did not report seeing any acts of violence other than observing that the subject grabbed the victim's arm. Consequently, there was insufficient evidence to proceed with disciplinary action against the employee.</p> |
| <p><u>Case No. 06-0221 (North Region)</u></p> <p>On September 29, 2005, a correctional counselor conducted an interview with a confidential inmate informant. During the interview, the confidential informant made allegations that an officer had trafficked illicit drugs into the adjustment center on at least four occasions. The confidential informant identified three inmates who he claimed were in possession of the drugs brought in by the officer. A subsequent search revealed drugs in the property and/or on the person of two of the three inmates identified. The quantities of drugs were as follows: 78.27 grams of</p> | <p>The bureau responded to the scene and participated in the initial investigative plan and interviews. The bureau reviewed reports and evidence, the final investigative report, the hiring authority's determination documents, and the notice of disciplinary action prior to resignation of the employee.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau disagreed with the hiring authority's decision to immediately place the employee on administrative leave. The warden's decision in this case to place the subject on administrative time off, despite the Office of Internal Affairs' insistence that such action be temporarily delayed, was a significant mistake in that it prevented a sting operation which could have developed more evidence in both the administrative and criminal cases. Fortunately, enough evidence was obtained</p> | <p>The employee resigned immediately following receipt of the notice of disciplinary action, but prior to the effective date of the dismissal from state service.</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| marijuana, 58.51 grams of methamphetamine, and 45.9 grams of heroin. | | through the seizure of phone records to establish that the subject was indeed overly familiar with the inmate's family members and was in fact bringing drugs into the institution. Unfortunately, the lack of more information which could have been established through a successful sting operation prohibited a criminal filing in this case or the development of information that could have led to other involved employees. | |
| <p><u>Case No. 06-0222 (North Region)</u></p> <p>On October 1, 2005, a police officer observed a vehicle driven by an officer make a right hand turn without coming to a complete stop. The police officer initiated a traffic stop. During the stop, it was discovered that the passenger was a parolee from the same institution to which the officer was assigned.</p> | The bureau reviewed the request for action and supporting documentation. Upon notification that the subject resigned from the department, the bureau advised the employee relations officer to place all documentation related to this matter in the subject's personnel file. | The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings. The bureau concurred with the hiring authority's decision to place the employee on administrative time off. | The subject resigned from the department prior to the completion of the investigation. |
| <p><u>Case No. 06-0223 (Central Region)</u></p> <p>On October 3, 2005, a sergeant, who had been the subject of a complaint, found what he interpreted as threatening statements directed toward him on a popular website. The postings stated that an unidentified supervisor deserved "parking-lot therapy" and "... next time he passes the line, he'll get a treatment from me just like he would on the streets. You know what the Irish said: Your nose begins, where my fist ends."</p> | The bureau reviewed the allegations and was of the opinion that, if true, the allegations would not constitute actionable threats because it was not directed to a specific person, among other reasons. The bureau concerns prompted the central intake panel to re-evaluate the case. | In response to bureau concerns, the central intake panel took up this case again and decided to close the investigation. The bureau concurred with that decision | After re-evaluating the case, the department's central intake panel concluded that there were insufficient actionable threats to warrant an investigation. Accordingly, the investigation was terminated and the case was closed. |
| <p><u>Case No. 06-0224 (Central Region)</u></p> | The bureau conferred with the employee relations officer and | The Office of Internal Affairs' consultation with the bureau during the investigation was | The hiring authority determined that dismissal was the appropriate |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>On October 11, 2005, during the course of a narcotics investigation conducted by the investigative services unit, information determined that a stationary engineer allegedly was involved in the introduction of narcotics into the institution.</p> | <p>staff attorney on the draft disciplinary package, suggesting corrections and clarifications. The bureau noticed that the administrative statute date was in error. The bureau conferred with the employee relations officer and staff attorney regarding the adequacy of the subject's resignation and the response by the institution. The bureau obtained and reviewed a copy of the resignation letter and the reply by the institution which was sent pursuant to the bureau's recommendation.</p> | <p>adequate. The investigation was timely, thorough and complete. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate. The employee relations officer adequately consulted with the bureau during the disciplinary process. The overall quality of the staff attorney's advocacy was adequate. The bureau concurred with the hiring authority's decision to place the employee on administrative time off.</p> | <p>penalty, but the subject resigned one day before the effective date of the dismissal. There is a concurrent criminal case pending against the subject.</p> |
| <p><u>Case No. 06-0225 (North Region)</u></p> <p>On October 14, 2005, it was alleged that an officer used force on an inmate by physically controlling the inmate, then attempted to escalate the situation by stating "come on turn on me." It was also alleged that a sergeant was negligent in his duties by not supervising his subordinate staff during the volatile situation, made an inappropriate statement and participated in a code of silence by not reporting the officer's conduct.</p> | <p>The bureau attended the interviews, reviewed the reports, and assessed the case file. The bureau met with the institution staff and the hiring authority and consulted regarding the investigation and findings.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate for the involved officer. The evidence supported that the sergeant did not participate in a code of silence, did not fail to properly supervise and did not make inappropriate comments.</p> | <p>As a result of the investigation, neither allegation was sustained against the sergeant. The officer was forthright about physically controlling the inmate and received a letter of instruction for neglect of duty and failure to report a use of force.</p> |
| <p><u>Case No. 06-0226 (South Region)</u></p> <p>On October 26, 2005, an officer received information from a private citizen alleging that another officer had been involved in an off-duty sexual relationship with a 15-year</p> | <p>The bureau very closely monitored the investigation conducted by the Office of Internal Affairs. After several notices that he would be terminated because of his unexcused absences, the hiring</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner regarding the</p> | <p>The subject failed to report for work following his criminal arrest. He was dismissed from state service for being absent without leave, which he did not challenge. The administrative investigation was completed by</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| old female since December 2003. | authority dismissed the officer for being absent without leave. The bureau recommended that the investigation be submitted to the hiring authority and that the hiring authority decide the case before the statute of limitations expired. | investigative findings. The employee relations officer adequately consulted with the bureau during the disciplinary process and did so in a timely manner. The overall quality of the staff attorney's advocacy was adequate. The officer was terminated for failing to report for duty. However, the hiring authority did sustain the allegations once the investigation was received and reviewed. The bureau agrees that this was the correct course of action. | the department. The hiring authority concluded that there was sufficient evidence to sustain the allegations against the officer. The bureau concurred with this determination. |
| <p><u>Case No. 06-0227 (North Region)</u></p> <p>On October 29, 2005, a former inmate alleged that two officers had engaged in sexual relationships with inmates in a privately run institution. The inmate alleged that she complained over a six month period to a lieutenant, assistant director, and supervisor, but did not further identify them.</p> | The bureau reviewed the investigation materials and consulted with the special agent regarding the investigative strategy. The bureau also secured a final briefing regarding the outcome of the case. | The Office of Internal Affairs' consultation with the bureau during the investigation was adequate, and the investigation itself was adequate. The appropriate allegations against the subjects were sustained and the department responded appropriately. | The investigation revealed that the subjects had engaged in over-familiarity with parolees; the department revoked their security clearances. The private security firm employer immediately terminated both subjects. Because the employees are not state employees, they have no appeal rights. |
| <p><u>Case No. 06-0228 (South Region)</u></p> <p>On November 8, 2005, an inmate alleged that an officer provided him and two other inmates with tobacco over a period of two and one-half months in exchange for approximately \$1,500.</p> | The initial steps of an administrative investigation were initiated. The bureau monitored these actions and consulted with the department. | Consultation with the investigating special agent was timely and adequate. The bureau did not oppose the decision to close the investigation in the hopes an investigation of more recent activity would be more fruitful. Therefore the hiring authority did not file disciplinary action against the subject. The Office of Internal Affairs and the staff attorney decided to not interview the subject in the hopes of pursuing a new investigation that could involve surveillance. Such an investigative tool could not be pursued in this case because the inmates involved and subject had all been transferred to other yards before this case was opened. The | Although the preliminary information certainly suggested the officer had engaged in smuggling contraband into the institution, there was a lack of sufficient evidence to consider pursuing disciplinary action. |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| | | bureau did not oppose the decision | |
| <p><u>Case No. 06-0229 (North Region)</u></p> <p>On or about December 7, 2005, the bureau was informed that an institution's investigative services unit had begun looking into suspected drug activities involving two office technicians and inmates since November 2005. These office technicians were allegedly facilitating drug transactions within the facility by accepting money from the inmates and purchasing narcotics from outside sources that they later smuggled into the institution. They also reportedly used their positions with the institution volunteer program to promote their personal relationships with these inmates.</p> | <p>The bureau spoke with the investigative services unit lieutenant and the warden regarding concerns about their authority to conduct the investigation and a potential conflict of interest. The bureau recommended that the Office of Internal Affairs assume primary responsibility for conducting the investigation.</p> | <p>The investigative services unit failed to adequately consult with the bureau at the inception of the investigation. During the course of this investigation, they obtained phone recordings, warrants for phone records and were planning to conduct video surveillance. These activities occurred without consultation with or the approval of the Office of Internal Affairs which is solely authorized to conduct staff investigations. The bureau expressed concern that the institution lacked the authority under the department's policies to conduct staff investigations. Furthermore, the investigative services officers lacked the training and experience to adequately handle this type of investigation, and the lieutenant leading the investigation was a union leader which posed a potential conflict of interest. At bureau's recommendation, the Office of Internal Affairs opened a formal administrative investigation into the matter, which was completed; however no findings were made due to the employee's resignations.</p> | <p>Both office technicians submitted their resignations effective December 30, 2005, while the investigation was in progress.</p> |
| <p><u>Case No. 06-0230 (Central Region)</u></p> <p>On December 9, 2005, an inmate, who had been incarcerated for six years without conjugal visits, gave birth to a child. Custody staff was not previously aware of the pregnancy. It is alleged that on or about March 2005, a staff member engaged in sexual misconduct with the inmate, resulting</p> | <p>The bureau reviewed the file and consulted with the assigned investigator regarding his plan for the investigation. The bureau assisted in the drafting of a search warrant to seize biological samples from the body of the subject for DNA comparison. The bureau consulted with the investigator regarding the</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely, thorough and fair. The bureau concurred with the hiring authority's findings. The hiring authority adequately consulted with the bureau regarding the investigative findings and the penalty in a timely manner. The penalty selected by the hiring authority was appropriate. The bureau concurred with</p> | <p>DNA comparison established the subject's paternity with a high degree of certainty, a finding which is consistent with statements of the victim. The hiring authority concluded that the subject employee should be dismissed. The subject employee resigned prior to being served with notice of the disciplinary</p> |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| in her pregnancy. | interrogation prior to the subject interview and attended the interview. The bureau reviewed the draft final report and consulted with the hiring authority regarding the notice of disciplinary action prior to the subject's resignation. | the hiring authority's decision to place the employee on administrative time off. | action. |
| <p><u>Case No. 06-0231 (North Region)</u></p> <p>On December 19, 2005, during a department investigation of a supervising cook, it was discovered that she was formerly employed by the California Youth Authority. She had previously been the subject of a California Youth Authority investigation which sustained allegations that she introduced narcotics into an institution for her inmate husband. She resigned from the California Youth Authority. Subsequent to her resignation from the California Youth Authority, she was hired by the department. Her application to the department stated that she resigned from the California Youth Authority without fault. However, a memorandum from a California Youth Authority official indicated that she resigned under unfavorable circumstances. Additionally, there was no evidence in her department personnel file that she had informed the department that her husband was an inmate in one of the department's institutions.</p> | The bureau attended the interviews, reviewed the reports, and assessed the case file. The bureau met with the institution staff and the hiring authority and consulted regarding the investigation and findings. | The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate. The hiring authority consulted with the bureau in an adequate and timely manner regarding the investigative findings exonerating the supervising cook. The hiring authority adequately consulted with the bureau regarding the findings. Consultation was timely. | The subject was exonerated of all allegations. The subject was able to provide documentation that she had in fact informed the department that her husband was an inmate. She also provided evidence that the State Personnel Board had ruled that she had resigned from the California Youth Authority without fault, thus, had been truthful in her application to the department. Therefore, the allegations of dishonesty in her application and failure to inform the department of her husband's status were not sustained and no disciplinary action was taken. |
| <p><u>Case No. 06-0232 (North Region)</u></p> | The bureau attended the interviews, reviewed the reports, and assessed the case file. The | The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and | The investigation was closed. The officer was referred to the |

| SUMMARY OF ADMINISTRATIVE INCIDENT | BUREAU ACTION | BUREAU ASSESSMENT | CONCLUSIONS & NOTES |
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| <p>On December 29, 2005, an investigative services unit was notified that an officer voluntarily disclosed to department management that he suffered from problems related to soliciting prostitutes, and had been late to training because he had been in the company of a prostitute.</p> | <p>bureau met with the institution staff and the hiring authority, as well as with the staff attorneys regarding the investigation and findings.</p> | <p>adequate. The hiring authority viewed the employee conduct as an employee assistance referral rather than a disciplinary matter. The bureau concurred with this action.</p> | <p>employee assistance program.</p> |
| <p><u>Case No. 06-0233 (Central Region)</u></p> <p>On January 5, 2006 information was received alleging an overly familiar relationship between an officer and an inmate. It was alleged that the officer shared personal information with the inmate, as well as sent letters, money, and other gifts to the inmate under a false name.</p> | <p>The bureau reviewed the initial allegations, discussed the investigative plan with the assigned special agent, and consulted with the agent regarding interviews throughout the investigation. The bureau reviewed the final report from the agent and discussed it with the hiring authority, the employee relations officer and the staff attorney assigned to the case. The bureau urged the matter be expedited due to the officer being put on administrative time off.</p> | <p>The Office of Internal Affairs' consultation with the bureau during the investigation was adequate. The investigation was timely and adequate; the special agent completed a thorough investigation very expeditiously. The bureau concurred with the hiring authority's findings. The hiring authority consulted with the bureau in an adequate and timely manner. The penalty selected by the hiring authority was appropriate. The employee relations officer consulted with the bureau in a timely and adequate manner</p> <p>. The overall quality of the staff attorney's advocacy was adequate. The staff attorney also acted expeditiously to have a disciplinary action prepared for service.</p> | <p>The allegations against the subject were sustained. The hiring authority served the subject with a notice of disciplinary action for dismissal. Thereafter, the officer resigned prior to the effective date of dismissal.</p> |

APPENDIX A: STAFF BIOGRAPHIES

HEADQUARTERS — SACRAMENTO, CALIFORNIA

David R. Shaw was appointed chief assistant inspector general of the Bureau of Independent Review by Governor Arnold Schwarzenegger in July 2004. Mr. Shaw previously directed the Victims of Crime program and the Restitution and Recovery Program at the California Victim Compensation and Government Claims Board; served as the Executive Director of the Governor's Office of Criminal Justice Planning; Chief Counsel to the Assembly Public Safety Committee; and as a deputy district attorney in the Sacramento County District Attorney's Office, where he was cross-designated as a Special Assistant United States Attorney in the Eastern District of California. Mr. Shaw is a Colonel in the United States Army Reserve and has been a reserve police officer for over 25 years. He is also an adjunct professor of law at McGeorge School of Law.

Howard E. Moseley was recently elevated by appointment to senior assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger following his service as lead special assistant inspector general for the bureau since January 2005. He previously served as a deputy attorney general in the Criminal Law Division of the California Department of Justice. While at the Attorney General's Office he was a member of the trial litigation team, was appointed the legal liaison for the California Witness Protection Program, and was the primary reviewer of criminal referrals from the California Department of Corrections. Before that, he was a linguist in military intelligence for the United States Army.

Jennifer Shaffer was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in June 2006. Before her appointment, Ms. Shaffer served as Assistant Secretary for the California Department of Corrections and Rehabilitation, where she was responsible for the Office of Victim and Survivor Services. She previously participated on the California Performance Review as counsel and as an analyst. Ms. Shaffer also formerly served as staff counsel and deputy executive officer for the California Victim Compensation and Government Claims Board, where she practiced employment law and was responsible for the board's criminal restitution program. Ms. Shaffer also has worked in the state legislature, where she was staff counsel to the Assembly Committee on Public Safety. Ms. Shaffer began her career as a public servant working on legislation and policy for the California Office of the Attorney General.

Tamara M. Colson was appointed Special Assistant Inspector General for the Bureau of Independent Review by Governor Arnold Schwarzenegger in June 2006. Prior to her appointment, Ms. Colson served as an Administrative Law Judge of the Office of Administrative Hearings, presiding over evidentiary hearings on behalf of numerous public entities. Ms. Colson also served as a deputy attorney general for the California Department of Justice, where she represented state agencies in employment law and law enforcement record related matters. Before joining the Department of Justice, Ms. Colson worked as an attorney in the law firm of Kronick Moskowitz Teidemann & Girard, assisting school districts with employment and education law matters.

Jeff Beeson was transferred as deputy inspector general to the Bureau of Independent Review in April 2006. Mr. Beeson previously served as deputy inspector general for the Bureau of Audits and Investigations where he conducted management review and special review audits, including several

assignments addressing correctional employee discipline processes. Mr. Beeson joined the Office of the Inspector General in 2000. He is a certified internal auditor with 20 years of governmental and private audit experience, and a certified range master for the Office of the Inspector General.

NORTHERN REGIONAL OFFICE— RANCHO CORDOVA, CALIFORNIA

Tim L. Rieger was appointed senior assistant inspector general of the Bureau of Independent Review, Northern Region, by Governor Arnold Schwarzenegger in May 2005. Before his appointment, Mr. Rieger served as the deputy director and chief counsel for the California Attorney General's Department of Justice Firearms Division. He also served the California Attorney General for several years as a deputy attorney general in the Criminal Division. Before he began his ten years with the Attorney General's Office, Mr. Rieger worked as a prosecutor in the Sacramento County District Attorney's Office. Mr. Rieger is a lieutenant colonel in the Judge Advocate General's Corps, serving in the 115th Regional Support Group, United States Army National Guard.

Neil Robertson was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in January 2005. Prior to his appointment, Mr. Robertson served as senior tax counsel in the General Counsel Section of the California Franchise Tax Board, where he represented the department in all aspects of public sector employment law and provided legal support to the Criminal Investigations Unit for prosecution of state tax crimes. He also served as staff counsel to the California Department of Corrections, Office of Internal Affairs, and as staff attorney representing law enforcement agents with the California Union of Safety Employees and the California Correctional Peace Officer's Association.

Abel D. Ramirez was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in January 2005. Before his appointment, Mr. Ramirez served as staff counsel for the California Youth Authority, where he represented the department in administrative hearings before the State Personnel Board. Mr. Ramirez also worked as a prosecutor for several years in the Sacramento County District Attorney's Office and as a deputy probation officer for the Sacramento County Probation Office.

Lee Seale was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in June 2006. Before his appointment, Mr. Seale served as a deputy attorney general in the criminal division of the California Attorney General's Office. While there, Mr. Seale served as an instructor in the areas of interrogation law and search and seizure law for the state commission on Peace Officers Standards and Training. Prior to joining the Attorney General's Office, Mr. Seale taught at Arizona State University as an associate faculty member in the Department of Religious Studies.

Samuel Dudkiewicz was hired as assistant inspector general for the Bureau of Independent Review in December 2005. Mr. Dudkiewicz served for 30 years in California law enforcement, including 12 years with the Richmond Police Department and 18 years with the Department of Justice, where he served in the Bureau of Investigation, Bureau of Narcotic Enforcement, and was most recently a

deputy director in the Division of Gambling Control. Mr. Dudkiewicz is a colonel in the United States Army Reserve.³

CENTRAL REGIONAL OFFICE—BAKERSFIELD, CALIFORNIA

Robert Allen Barton was appointed senior assistant inspector general for the Bureau of Independent Review, Central Region, by Governor Arnold Schwarzenegger in January 2005. Mr. Barton began his career in law enforcement with the Fresno County Sheriff's Department. After obtaining his law degree, Mr. Barton became a deputy district attorney for Kern County, where he worked in the Special Prosecutions Unit and was the supervising deputy district attorney of the Juvenile and Truancy Units, Gang Unit, and Prison Crimes Unit. Mr. Barton has been an adjunct faculty member with California State University, Bakersfield and Bakersfield College, teaching courses in public speaking, criminal law, gangs and crime, and media law.

L. Gordon Isen was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in January 2005. Prior to his appointment, Mr. Isen prosecuted major felonies as a deputy district attorney in San Bernardino and as an assistant district attorney in Santa Cruz County. In addition to his criminal trial work, Mr. Isen served as lead attorney of a white-collar crime unit and as a narcotics team supervisor. Mr. Isen has also served his community as a reserve police officer and as a judge pro tem.

Michael G. Allford was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in July 2005. Prior to his appointment, Mr. Allford served as a deputy city attorney for the City of Bakersfield, where he was legal advisor to the Bakersfield City Council and provided legal counsel to numerous city commissions and boards. Mr. Allford has also worked in private practice representing plaintiffs and defendants in the areas of employment law and land use.

Cynthia J. Zimmer was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in May of 2006. Before her appointment, Mrs. Zimmer served as a deputy district attorney in Kern County for twenty-one years where she worked in various assignments including Major Vender Narcotics and Special Prosecutions. For nine years, Mrs. Zimmer was the supervising deputy district attorney for the Felony Trial Team.

Elva Nunez was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in May 2006. Before her appointment, Ms. Nunez served as a deputy district attorney in Kern County where she prosecuted gang violence cases. Before assuming her duties as a gang prosecutor, Ms. Nunez previously prosecuted general felony and juvenile cases. In addition, Ms. Nunez also formerly practiced family law and was a staff attorney at Inland Counties Legal Services, a legal aid office.

Brian Trott was transferred as deputy inspector general to the Bureau of Independent Review in 2005. Mr. Trott previously served as a deputy inspector general in the Bureau of Audits and

³ Mr. Dudkiewicz was activated by the United States Army Reserve during this reporting period and is currently deployed.

Investigations, Central Valley, since 2001, where he conducted investigations and worked on special reviews and audits. Mr. Trott has over ten years of experience in correctional healthcare and the inmate classification system.

SOUTHERN REGIONAL OFFICE—RANCHO CUCAMONGA, CALIFORNIA

Stephen Miller was appointed senior assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in January 2005. Before his appointment, Mr. Miller worked as an attorney for 22 years in private practice, litigating cases involving police misconduct, civil rights, medical malpractice, employment law, and other torts in state and federal court. He also served as a part-time U.S. magistrate judge in the Central District of California presiding over federal criminal matters. Mr. Miller has served as a school board member for a local school district and the County of San Bernardino. He served as a reserve peace officer and continues to work as a crew chief/medic on an air rescue helicopter with a local sheriff's department in Southern California.

Sue Stengel was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in January 2005. Prior to her appointment, Ms. Stengel served as western states counsel for the Anti-Defamation League, a national civil rights organization. There she worked with law enforcement, educators, and community groups, combating hate crimes and extremism and preserving religious liberty. She also served as a deputy public defender in Los Angeles County. Ms. Stengel has worked as an instructor for the California Commission on Peace Officer Standards and Training and the Federal Law Enforcement Training Center.⁴

Paul Hayashida was appointed special assistant inspector general for the Bureau of Independent Review by Governor Arnold Schwarzenegger in January 2005. Prior to his appointment, Mr. Hayashida worked as the officer-in-charge of the Complaint Intake and Review Section for the Los Angeles Police Commission's Office of the Inspector General, where he supervised a team that reviewed hundreds of Los Angeles Police Department internal affairs investigations. He also worked as an associate attorney with Francell, Strickland, Roberts and Lawrence, where he represented the interests of law enforcement agencies and sworn officers in federal and state litigation. Mr. Hayashida served as a sworn member of the Glendale Police Department, retiring after 20 years as a police sergeant with significant patrol, major narcotics, personnel, and internal affairs experience.

Basil Richards was hired as deputy inspector general for the Bureau of Independent Review in November 2005. Mr. Richards was previously employed by the California Department of Corrections since 1989, where he held positions as a correctional officer and sergeant. Mr. Richards was also assigned as an investigative sergeant, for which he conducted internal affairs investigations at the institutional level.⁵

⁴ Ms. Stengel left the employ of the Office of the Inspector General for a supervisory position with the Los Angeles Office of Independent Review.

⁵ Mr. Richards transferred as deputy inspector general to the Bureau of Audits and Investigations in the Office of the Inspector General.

APPENDIX B: ORGANIZATION CHART – AS OF JUNE 30, 2006

