

Robert A. Barton
Inspector General

Office of the Inspector General

SEMI-ANNUAL REPORT

July–December 2016

Volume I



March 2017

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

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March 2017



Foreword

This 24th Semi-Annual Report covers the period of July through December 2016. Pursuant to California Penal Code Section 6133 et seq., the Office of the Inspector General (OIG) is required to report semi-annually on its oversight of the Office of Internal Affairs investigations and the employee discipline process within the California Department of Corrections and Rehabilitation (CDCR or the department). Volume I, contained herein, is a summary of the OIG's monitoring of these areas.

In addition to its oversight of CDCR's employee discipline process, the OIG also uses a real-time monitoring model to provide oversight and transparency in several other areas within the State prison system, including use of force, contraband surveillance watch, critical incidents, and field inquiries. Volume II is a summary of the OIG's monitoring of these additional areas.

Volume I of this report finds hiring authorities have improved the timeliness of their investigation requests by 8 percent. The Office of Internal Affairs Central Intake Unit improved its processing of cases dramatically by 16 percent with 98 percent of cases processed within the 30-day requirement. The Office of Internal Affairs opened 956 cases, 89 percent of the total referred, and the OIG recommended 243 (25 percent) for monitoring. Of those 243 cases, the OIG agreed with the Office of Internal Affairs Central Intake Panel decisions 83 percent of the time. The lack of a reasonable timeliness standard for Office of Internal Affairs special agents to complete investigations still remains an issue and is discussed in the report.

The department's pre-disciplinary performance has improved in both process and substantive sufficiency. The department's improvement in the disciplinary phase has also improved substantively, but process ratings dropped. One of the reasons for the procedural deficiency rating is the need for better analysis and recording of critical dates by department attorneys. This is also discussed in the report.

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

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

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Discipline Monitoring Activities

The Discipline Monitoring Unit of the Office of the Inspector General (OIG) is responsible for monitoring the California Department of Corrections and Rehabilitation's (CDCR or the department) employee discipline process. The OIG monitors and assesses the department's most serious internal investigations of alleged employee misconduct, as well as the hiring authority's disciplinary decisions. If the hiring authority sustains any allegations, the OIG continues monitoring the quality of the legal representation for the department and any subsequent appeal. Volume I is a summary of OIG monitoring activities for both administrative and criminal investigations, as well as an assessment of the disciplinary process.

The OIG assessment is based on its duties pursuant to Penal Code Section 6133. Part of the assessment is based on CDCR's adherence to its own policy and part is based on the OIG's expert opinion regarding the quality of the investigation. Additionally, the OIG assesses cases based on what the OIG believes are appropriate dispositions and levels of discipline.

The OIG reports each administrative case in two separate phases, the Pre-Disciplinary and the Disciplinary Phase. There is a procedural and a substantive assessment for each phase of a case. The procedural assessment rates the department's adherence to its own policies. Internal investigations are complex with many procedural aspects. While the OIG understands that minor procedural errors do not necessarily render an investigation insufficient, major or multiple departures from the process are unacceptable because they eventually cause breakdowns and lead to substantive insufficiencies. The substantive assessment rates whether the investigation accomplished the goal of the Pre-Disciplinary Phase of providing the hiring authority with adequate information to make an appropriate decision. The substantive assessment also reports the OIG's opinion whether the department attorney performed competently, as well as whether the hiring authority made correct decisions. It is expected that the department will conduct a timely and quality investigation to avoid the necessity of the hiring authority making a decision based on delayed or incomplete information.

The Pre-Disciplinary Phase, Appendix A1, contains those cases where an administrative investigation was completed and the hiring authority made decisions regarding the sufficiency of the investigation and whether or not to sustain the allegations. Cases where the hiring authority did not sustain allegations are reported in the Combined Phase, Appendix C and the table includes cases in which the entirety of a case (both the Pre-Disciplinary and Disciplinary Phases) is ready to be reported together in the same reporting period.

The Disciplinary Phase, Appendix B, contains cases reported after the department makes a decision to sustain allegation and impose discipline and after completion of any appeal process. The Pre-Disciplinary Phase for these cases has been reported in a prior Semi-Annual Report.

The Pre-Disciplinary, Disciplinary, and Combined Phase appendices include cases where the Office of Internal Affairs approved direct disciplinary action without a full investigation because it deemed the facts sufficiently established. Sometimes these cases include an interview of the employee who is the subject of the investigation. Therefore, direct action cases may or may not

include the interview of an employee. The OIG monitors and assesses direct action cases that meet our criteria.

The Disciplinary and Combined Phase appendices set forth the penalties imposed. The OIG reports the highest initial and the highest final penalty for each employee's misconduct. The initial penalty is the penalty the hiring authority selected. The final penalty may be different because new information caused a hiring authority to change the penalty or enter into a settlement (a mutual agreement between the department and employee). It may include a change to the penalty resulting from a State Personnel Board decision after hearing. The final penalty reported is always the highest penalty imposed for the misconduct.

If the department conducted a criminal investigation, the case is reported in Appendix A2, titled Investigative Phase Cases. The OIG reports these cases once the Office of Internal Affairs completes its criminal investigation and either refers the case to a prosecuting agency, such as the district attorney's office or the United States Attorney's Office, or determines there is insufficient evidence for a criminal referral.

This report provides an assessment of 341 cases monitored by the OIG that completed a phase between July 1, 2016, and December 30, 2016. Administrative misconduct was alleged in 331 cases and includes cases where there was a full investigation, cases where only the employee who was the subject of the investigation was interviewed, and cases where there was sufficient evidence to proceed to direct action without an investigation. The remaining 10 cases involved alleged criminal misconduct, including criminal investigations into the use of deadly force.

The Employee Discipline Process

Whenever the department reasonably believes employee misconduct may have occurred, the hiring authority is responsible for timely requesting an investigation or approval for direct action from the Office of Internal Affairs. The hiring authority refers the matter to the Office of Internal Affairs. The Office of Internal Affairs Central Intake Panel determines whether an internal investigation is warranted, whether enough information exists for the department to proceed without an investigation, whether an interview of the subject(s) of the investigation is needed, or whether there is no reasonable belief misconduct has occurred. The OIG participates in the Office of Internal Affairs Central Intake Panel meetings to monitor the process, provide recommendations regarding Office of Internal Affairs Central Intake Panel determinations, and identify which cases the OIG will monitor.

The following table is the OIG guide for determining which cases to accept for monitoring:

<i>Madrid-Related Criteria</i>¹	OIG Monitoring Threshold
Use of Force	Use of force resulting in, or which could have resulted in, serious injury or death or discharge of a deadly weapon.
Dishonesty	Perjury; material misrepresentation in an official law enforcement report; failure to report a use of force resulting in, or which could have resulted in, serious injury or death; or material misrepresentation during an internal affairs investigation.
Obstruction	Intimidating, dissuading, or threatening witnesses; retaliation against an inmate or against another person for reporting misconduct; or the destruction or fabrication of evidence.
Sexual Misconduct	Sexual misconduct prohibited by Penal Code Section 289.6.
High Profile	Cases involving alleged misconduct by high-ranking department officials; misconduct by any employee causing significant risk to institutional safety and security, or for which there is heightened public interest, or resulting in significant injury or death to an inmate, ward, or parolee (excluding medical negligence).
Abuse of Position or Authority	Unorthodox punishment or discipline of an inmate, ward, or parolee; or purposely or negligently creating an opportunity or motive for an inmate, ward, or parolee to harm another inmate, staff, or self, i.e., suicide.
Criminal Conduct	Trafficking of items prohibited by the Penal Code or criminal activity that would prohibit a peace officer, if convicted, from carrying a firearm (all felonies and certain misdemeanors such as those involving domestic violence, brandishing a firearm, and assault with a firearm).

¹ *Madrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995).

The OIG only monitors the most serious allegations of misconduct. For the July through December 2016 period, the OIG identified 25 percent of the cases opened by the Office of Internal Affairs for monitoring. Once the OIG accepts a case for monitoring, the OIG monitors the case through the entire process. If the Office of Internal Affairs conducts an investigation, the assigned OIG attorney, a Special Assistant Inspector General, monitors the investigation. The investigators and the department attorney, if one is designated, are required to consult with the Special Assistant Inspector General throughout the process.

When the investigation is complete, the hiring authority is required to review the investigative report within 14 days of receipt. Policy requires the hiring authority to consult with the assigned Special Assistant Inspector General regarding the findings and discipline decisions. If the Special Assistant Inspector General believes the hiring authority's decision is unreasonable, the OIG may elevate the matter to the next supervisory level through an executive review process.²

Employees have a right to challenge any discipline imposed against them by filing an appeal with the State Personnel Board, an independent State agency. The OIG continues monitoring cases through the appeal process. During this process, a case may conclude by way of settlement, a unilateral action by one party withdrawing the appeal or disciplinary action, or a State Personnel Board decision after a contested hearing. In cases where the State Personnel Board decision is subsequently appealed to the superior court, the OIG monitors the case until final resolution.

The OIG assesses cases as sufficient or insufficient based upon the department's performance as a whole. It is up to the department to determine which entity within the department is responsible for a particular assessment. Parties responsible for the department's deficient performance can be determined from comments in the appendices.

² Department Operations Manual, Chapter 3, Article 22, Section 33030.14.

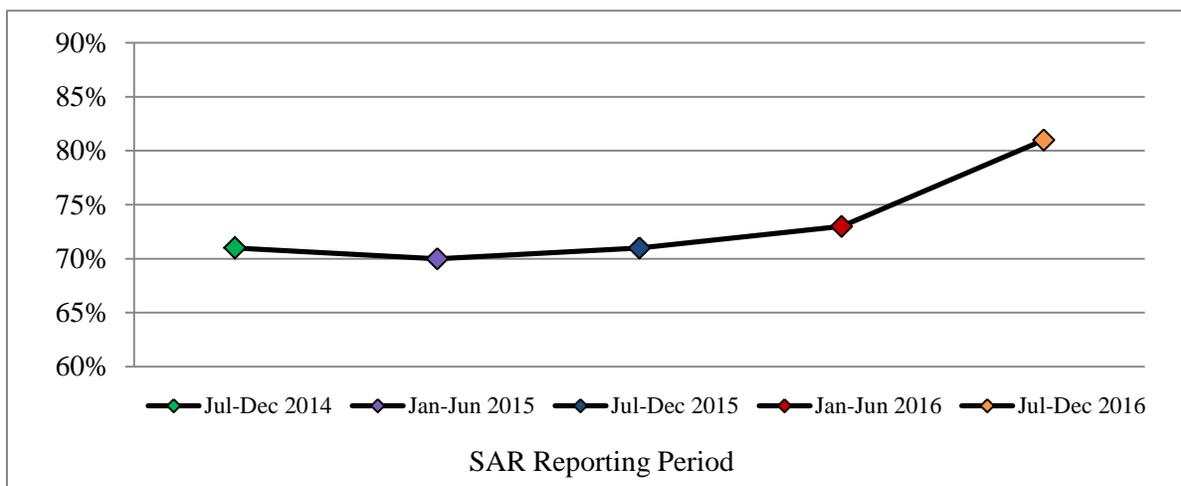
Monitoring the Pre-Disciplinary Phase

The Pre-Disciplinary Phase starts when either the hiring authority submits a case to the Office of Internal Affairs or the Office of Internal Affairs opens a case on its own. The vast majority of cases are based on hiring authority referrals. The Pre-Disciplinary Phase ends when the hiring authority determines whether to sustain any of the allegations. This phase involves hiring authorities, the Office of Internal Affairs Central Intake Panel, assigned investigators from the Office of Internal Affairs, and department attorneys, if assigned.³ It is not purely an Investigative Phase, although an investigation is often a major component.

MONITORING HIRING AUTHORITY REFERRALS

The OIG monitors the timeliness of hiring authority case referrals to the Office of Internal Affairs. The department standard requires case referral within 45 days from the date the hiring authority discovers potential misconduct. During the last reporting period of January through June 2016, the hiring authorities timely referred 73 percent of the cases monitored by the OIG. For the period of July through December 2016, hiring authorities timely referred 81 percent of the OIG-monitored cases to the Office of Internal Affairs, an increase from the last report. Chart 1 below displays the percent of cases referred to the Office of Internal Affairs within 45 days during the past five reporting periods. Timely referrals are the first step to ensuring completion of a thorough and timely investigation. Since January 2015, there has been a consistent increase in the timeliness of hiring authority referrals. However, in 19 percent of cases during the July through December 2016 period, hiring authorities referred cases to the Office of Internal Affairs after the 45 days allowed by policy. Improving the timeliness of the initial referral will allow more investigations to be completed more expeditiously.

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



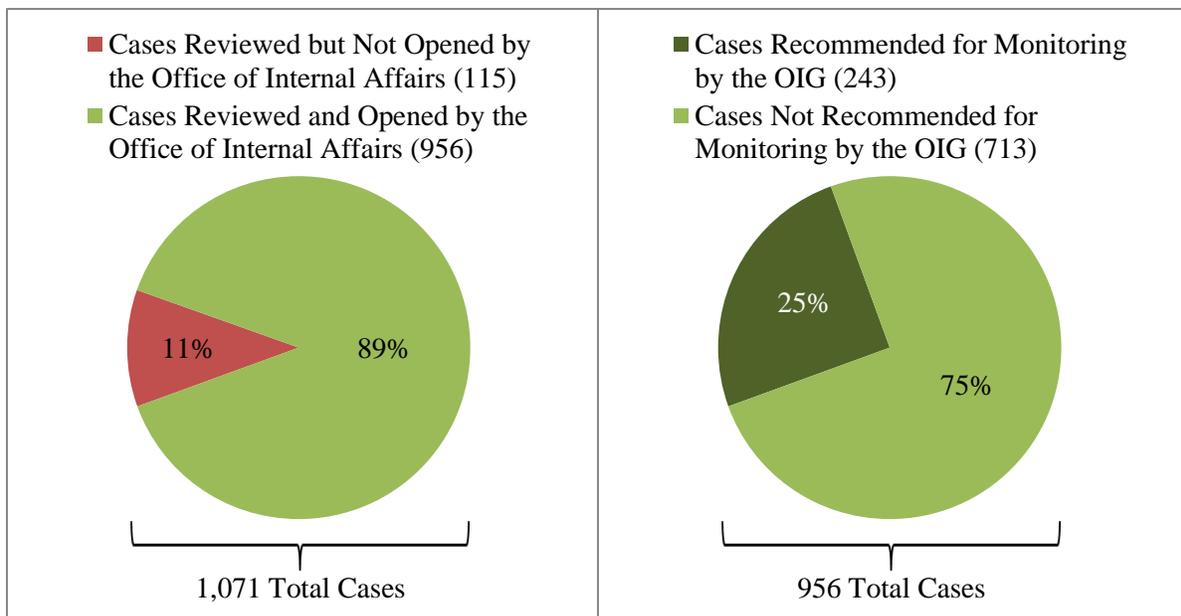
³ Not every case is assigned to a department attorney in the Pre-Disciplinary Phase. Investigators from the Office of Internal Affairs are referred to as “special agents.”

MONITORING THE OFFICE OF INTERNAL AFFAIRS CENTRAL INTAKE PANEL

Pursuant to the Department Operations Manual (DOM), Chapter 3, Article 14, Section 31140.3, the Office of Internal Affairs Central Intake Panel is a collection of stakeholders, led by the Office of Internal Affairs, that ensures all referred allegations of employee misconduct are consistently evaluated. Individuals who participate regularly in the Office of Internal Affairs Central Intake Panel include, but are not limited to, the Deputy Director of the Office of Internal Affairs, or designee; the Assistant Chief Deputy Inspector General, or designee; the Chief Counsel of the Employee Advocacy and Prosecution Team, or designee; assigned special agents; and other pertinent departmental representatives. The Deputy Director has the authority to initiate internal affairs investigations and is ultimately responsible for the acceptance and rejection of all cases reviewed by the Office of Internal Affairs Central Intake Panel.

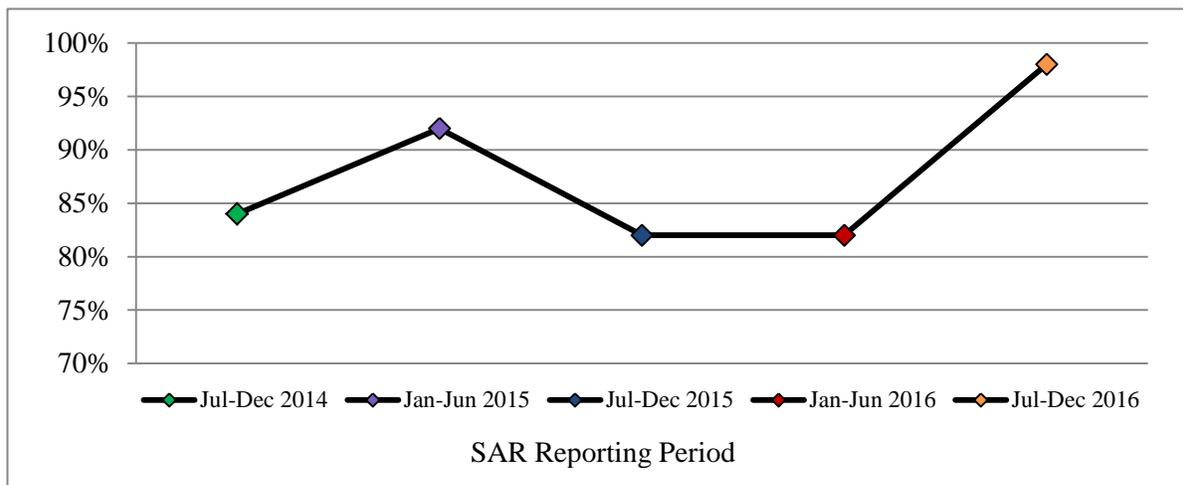
The Office of Internal Affairs Central Intake Panel meets weekly to review referrals for investigation submitted from throughout the department. OIG Special Assistant Inspectors General review the referrals and attend each weekly meeting. The Special Assistant Inspector General provides recommendations to the department regarding whether the department should investigate a matter, the level of investigation needed, and which cases the OIG will recommend for monitoring. In the six-month reporting period of July through December 2016, the OIG reviewed 1,071 cases forwarded to the Office of Internal Affairs Central Intake Panel for evaluation. The Office of Internal Affairs opened 956 of those cases. Of the 956 cases the Office of Internal Affairs opened, the OIG Special Assistant Inspectors General identified 243 cases for monitoring, or 25 percent.

Chart 2: Cases Opened by the Office of Internal Affairs Central Intake Panel and Recommended for OIG Monitoring



Departmental policy requires the Office of Internal Affairs Central Intake Panel to make a determination regarding the case within 30 days of referral. During the reporting period for January through June 2016, the Office of Internal Affairs Central Intake Panel timely addressed 98 percent of the monitored cases. During the July through December 2016 reporting period, the Office of Internal Affairs Central Intake Panel timely addressed 98 percent of monitored cases, a marked improvement. Chart 3 reflects the trend for timely determinations during the past five reporting periods. A timely initial determination by the Office of Internal Affairs Central Intake Panel is critical to completing a timely investigation.

Chart 3: Percent of Cases with Timely Determinations by the Office of Internal Affairs Central Intake Panel

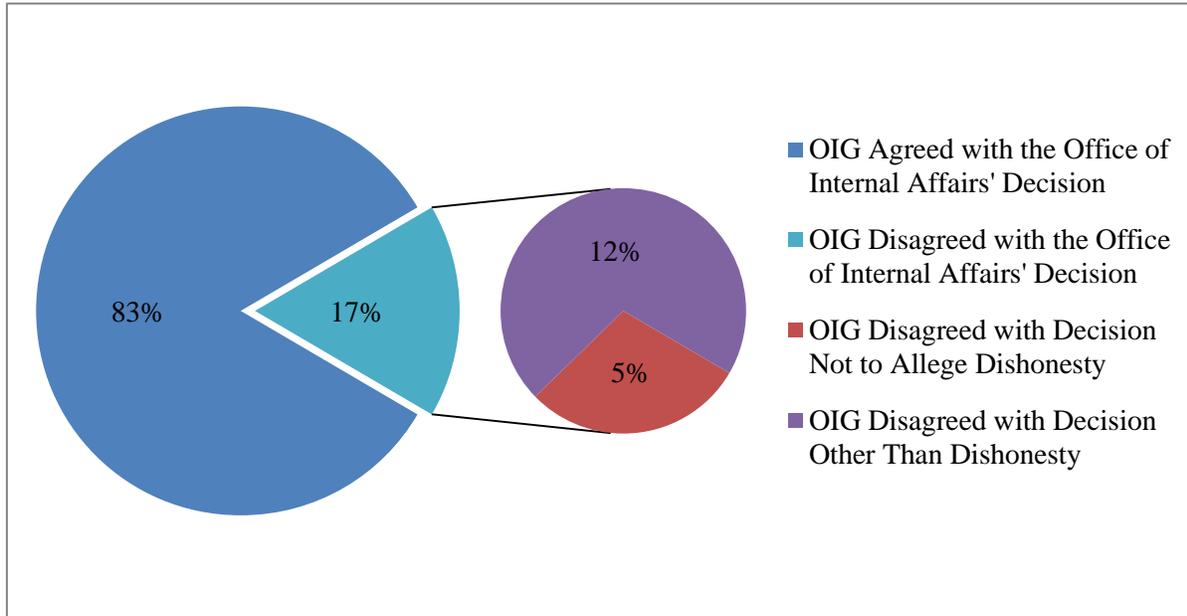


Office of Internal Affairs Central Intake Panel Inappropriate Decisions

The Office of Internal Affairs may reject a case because there is no reasonable belief misconduct has occurred, return the case to the hiring authority to take action without an investigation, return the case to the hiring authority to take action after an interview of the subject(s) of the investigation, or open an administrative or criminal investigation. The OIG agreed with the Office of Internal Affairs' initial determination in 83 percent of the 243 cases the OIG identified for monitoring. Any disagreements were typically due to the OIG opinion there was a faulty, speculative, or ill-informed analysis by the Office of Internal Affairs. Special Agents' speculative opinions as to motivation behind potential misconduct still negatively impact decisions.

Of the 17 percent of cases where the OIG disagreed, the most common cause of disagreement was the Office of Internal Affairs' decision not to add a dishonesty allegation to a case. Other disagreements arose from the Office of Internal Affairs' rejection of OIG recommendations for an investigation and recommendations for an interview of the subject of the investigation in direct action cases. From July to December 2016, the Office of Internal Affairs rejected an OIG recommendation to open an investigation 12 times; rejected an OIG recommendation to interview employees 10 times; rejected a recommendation to include additional employees as subjects 7 times; and, 18 times, rejected a recommendation to add allegations, including dishonesty.

Chart 4: OIG Agreement and Disagreement with the Office of Internal Affairs' Initial Case Determinations



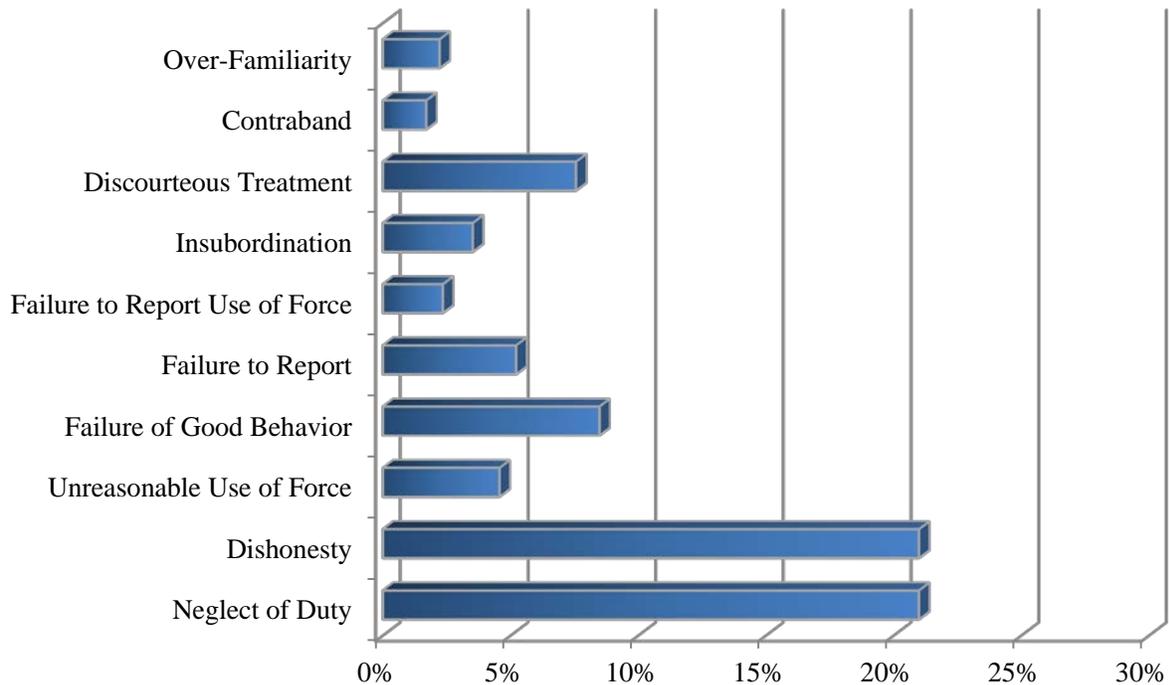
ALLEGATION TYPE DISTRIBUTION

The OIG continues to focus a large portion of its monitoring activities on cases involving core *Madrid* issues.⁴ The core *Madrid* allegations involve unreasonable use of force, dishonesty, code of silence, and failure to report misconduct. Cases involving alleged misconduct by peace officers are given priority for monitoring. In this reporting period of July through December 2016, the OIG monitored cases involving 600 peace officers, representing 94 percent of all subjects reported in the monitoring tables, a slight increase from the last reporting period of 92 percent.

Chart 5, below, provides a summary of the allegations, both core *Madrid* allegations and other non-criminal allegation types, for the cases being reported. A single case may contain multiple allegations of misconduct. Therefore, the number of allegations exceeds the number of monitored cases. In addition, numerous allegation types cannot be classified into narrow categories and, therefore, are not captured in Chart 5. However, Chart 5 reflects the percentage of the specific categories when compared to the total number of allegations in monitored cases, including those that do not fit into the specific categories identified. The chart is intended to only reflect the allegation distribution for the cases the OIG monitored and reported during the July through December 2016 reporting period, except for criminal investigation cases.

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

Chart 5: Allegations in Cases Monitored and Closed by the OIG July–December 2016



Finally, as noted previously in several Semi-Annual Reports, the allegations do not always follow the disciplinary matrix. For example, a critical *Madrid* allegation is code of silence. The department’s case management system does not have an allegation that corresponds to code of silence. In cases where the alleged misconduct is code of silence, the department instead charges “failure of good behavior” or some other allegation. Likewise, as noted previously, when an officer is involved in a domestic violence incident, the Office of Internal Affairs usually lists the allegation as “discourteous treatment” or “failure of good behavior.” The department reports it is reviewing recommendations from a working group formed to address this issue. However, the department has not provided an anticipated completion date. The OIG will continue to monitor the department’s progress.

MONITORING THE INVESTIGATION

The OIG monitors and provides transparency for the entire investigative process for both administrative and criminal investigations. The OIG monitoring encompasses all participants in this process: the department hiring authorities, Office of Internal Affairs, and department attorneys from the Office of Legal Affairs Employment Advocacy and Prosecution Team. Any or all of the participants’ performance may contribute to the OIG rating. The OIG rates the department as a whole and cautions the reader not to assume an insufficient rating is aimed at any one participant. Monitoring includes providing recommendations regarding the scope of the investigation, attending interviews, reviewing evidence and investigative reports, as well as monitoring the timeliness of the investigative process. As noted previously, pursuant to Penal

Code Section 6133, the OIG reports its expert opinion regarding the quality of the investigation as a whole, as well as the department's compliance with policy.

Timeliness of Commencing and Completing Investigations

In the past, the OIG reported that the Office of Internal Affairs delayed beginning investigations, resulting in delayed completion. A core *Madrid* concern was the department's failure to timely complete investigations, often exceeding the time limit for taking disciplinary action, which precluded the imposition of discipline. That extreme is now rare on monitored cases. Still, the deadline for taking disciplinary action should not be the standard for measuring diligence in conducting investigations. The department must focus on completing investigations as soon as possible after alleged misconduct is *discovered* rather than how much time remains before the deadline for taking disciplinary action expires.

As explained in prior reports, investigation delays are harmful because affected employees are left in career limbo. Memories degrade over time, physical evidence may be lost, and the department may incur civil liability if the misconduct continues. In short, timely investigation of alleged misconduct will reduce negative consequences for both the employees and the department.

As part of the *Madrid* reforms, the department adopted timelines so that each party in the disciplinary process would have sufficient time to complete its part of the process. Pursuant to DOM, Chapter 3, Article 22, Section 33030.13, "(a)s soon as operationally feasible, but no more than twenty-one (21) calendar days following receipt of the investigative report, the Vertical Advocate⁵ shall review the investigative report and supporting documentation and provide feedback to the assigned investigator." The policy also requires that the hiring authority review the investigative report and supporting documentation no more than 14 calendar days following the receipt of the report. The purpose of the review is to determine whether the investigation is sufficient, the allegations are supported, the facts support disciplinary action, and the appropriate penalty is determined. Despite the fact that none of these provisions reference a statute of limitations, the Office of Internal Affairs continues to use the statute of limitations as the guide for determining timeliness. There is a policy vacuum in this area. The OIG continues to recommend that the department develop a policy for completion of investigations.

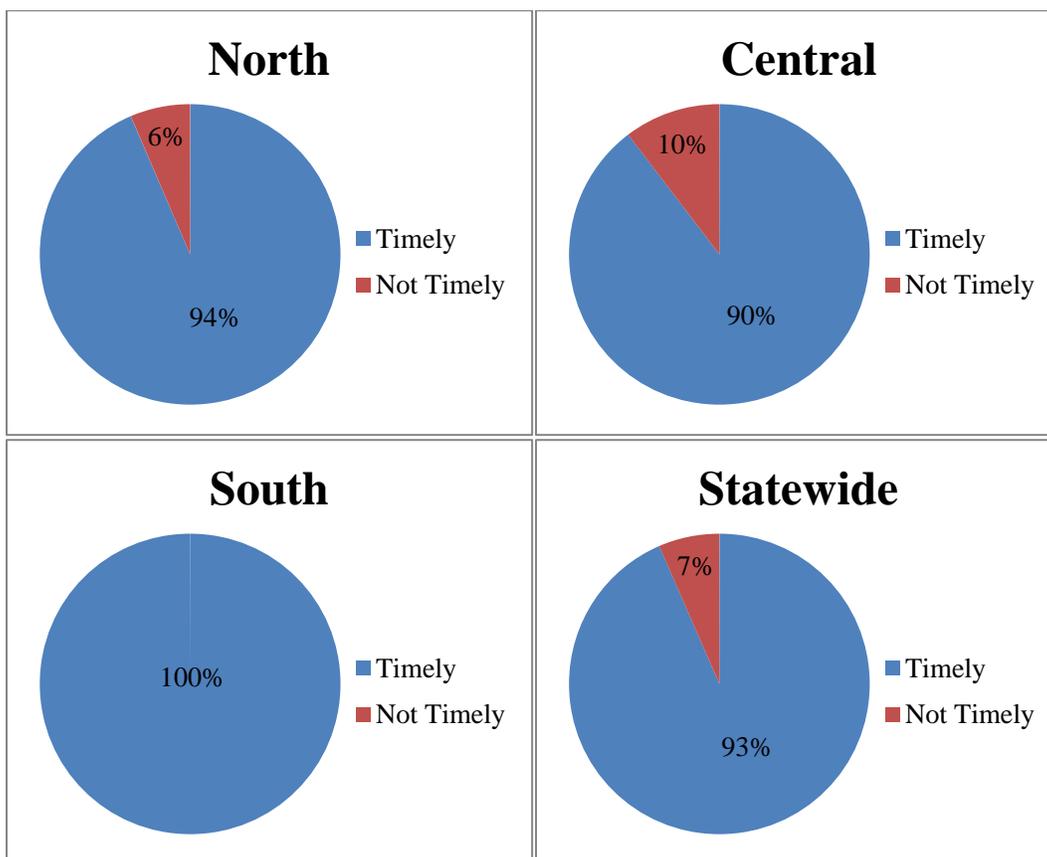
For cases approved for investigation before March 1, 2016, the OIG assessed the completion of the investigation in reference to the time limit for taking disciplinary action and the Office of Internal Affairs' interpretation that the investigation needed to be completed within 14 days of the deadline to take disciplinary action. As of March 1, 2016, the OIG has gathered data based on whether the department completed its investigation within six months of the date of discovery of the misconduct. The OIG reported on its rationale for this in the July through December 2015 Semi-Annual Report regarding industry standards and best practices for conducting internal investigations. As the OIG then discovered, most other law enforcement agencies complete their internal investigations as soon as possible after the alleged misconduct is discovered rather than based on how much time remains to take disciplinary action. Consequently, as of March 1, 2016, the OIG began gathering data on whether the department completed its investigation within *six*

⁵ A department attorney who litigates CDCR employee discipline cases.

months of the date of discovery, the industry standard. Once again, the OIG recommends that the department set its own reasonable standard for completion of investigations and not simply indicate that the only deadline is before disciplinary action can no longer be taken.

The OIG assessed 107 cases from July to December 2016, using the standard for timeliness of investigations in place prior to March 1, 2016. Using this standard, there were seven cases with delayed investigations and three cases where specific harm can be attributed to the delay. In one case, the investigation was not completed until just 11 days before the time limit for taking disciplinary action. The OIG disagreed with the hiring authority’s decision regarding whether or not to sustain allegations in that case, but, because of the delayed investigation, was unable to seek a higher level of review. In another case, the department learned of the alleged misconduct almost five months before the time limit to take disciplinary action, but failed to complete the investigation until seven months after time had expired, and almost a month after the employee retired. In a criminal case, the department failed to complete its investigation until after the statute of limitations for misdemeanor criminal charges had expired.

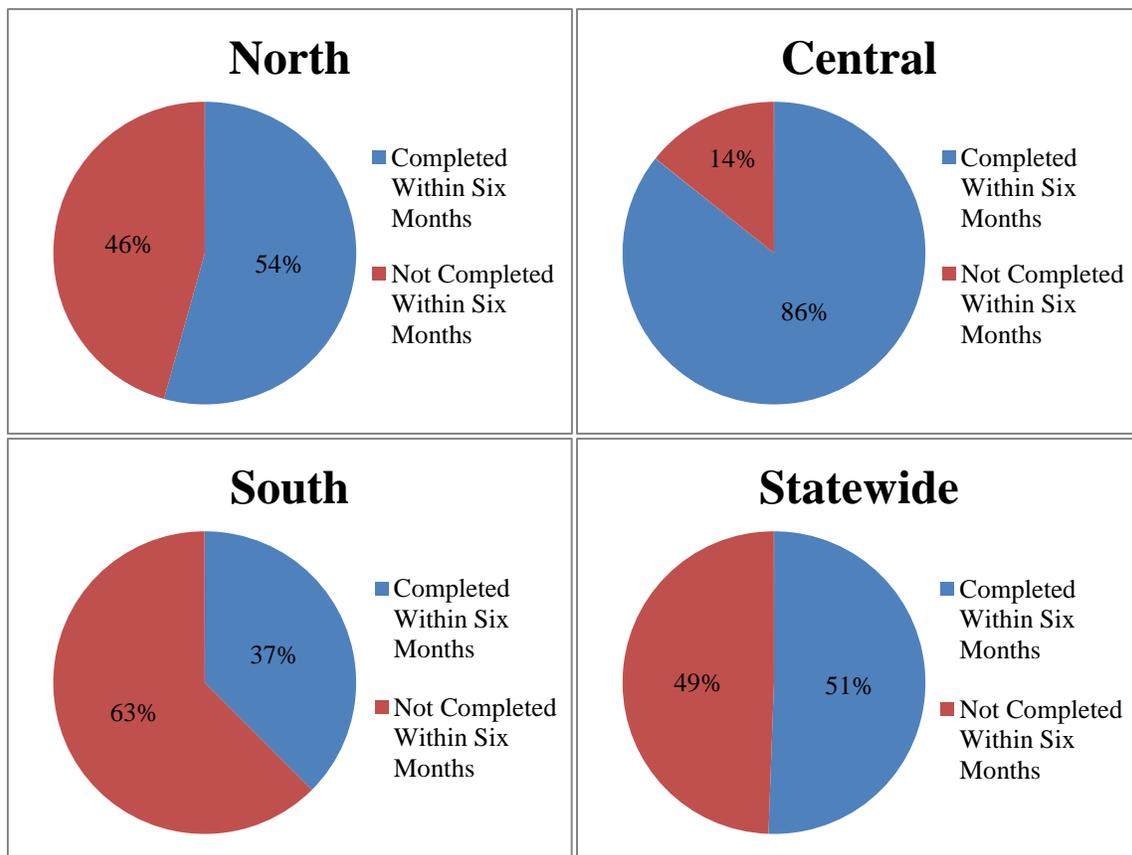
Chart 6: Standard for Assessing Timeliness of Investigations Before March 1, 2016



Beginning March 1, 2016, cases opened for investigation, or where an employee interview was conducted, were reviewed based on completion of the investigation within six months of when the department learned of the alleged misconduct. The ratings for these cases were not affected based on whether the department completed its investigation within six months of the date of

discovery. The OIG is using this information to assist the department to develop its own reasonable policy for timely completion of investigations. The OIG reviewed 85 cases based on completion of the investigation within six months for the July to December 2016 reporting period. In 43 cases, the Office of Internal Affairs completed the investigation within six months. In 42 cases, the Office of Internal Affairs did not complete its investigation within six months of the date of discovery.

Chart 7: Timeliness of Investigations After March 1, 2016



The 42 reported cases where the department did not complete its investigation within six months of discovery included three cases where the delay caused a specific and tangible harm and warrant mentioning as examples of the potential negative consequences from delayed investigations.

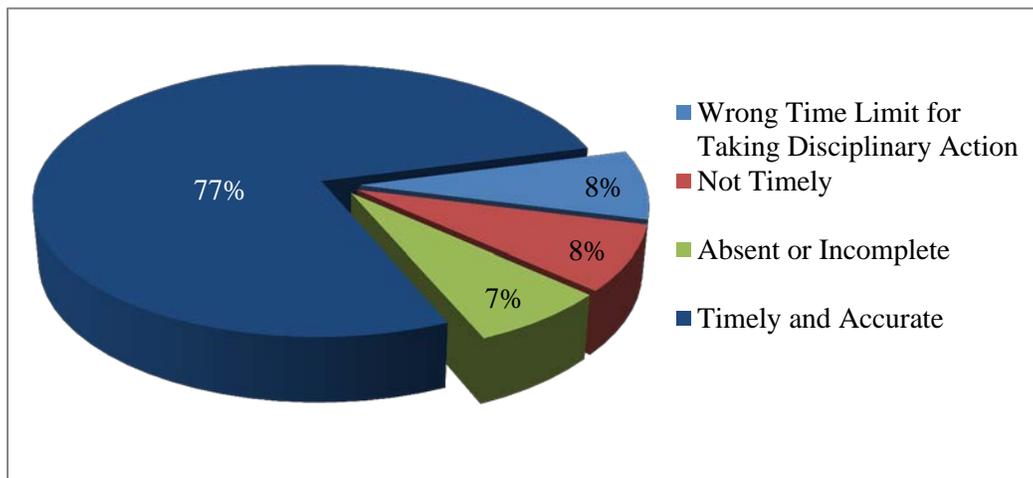
In one such case, the Office of Internal Affairs did not complete its investigation until nearly 18 months after discovery of the alleged misconduct and witnesses could not recall the events when interviewed. In another case, the Office of Internal Affairs did not complete the investigation until five days before the deadline for taking disciplinary action, which provided insufficient time for the hiring authority to review the investigation, make findings, and serve the subject of the investigation with notice of dismissal. If a higher level of review had been necessary, there would have been insufficient time for the review to take place. In a third case, the deadline for taking disciplinary action expired for some of the alleged misconduct before the department

completed its investigation and a critical witness was no longer available and, therefore, was not interviewed.

Need for Department Attorneys to Improve Their Analyses Regarding Assessing the Deadlines for Taking Disciplinary Action

The OIG also monitors and assesses the performance of department attorneys assigned to monitored cases. In the July to December 2016 reporting period, 232 monitored cases also had a department attorney assigned to the case. The department attorney is required to assess the deadline for taking disciplinary action, whether tolling applies, the incident date, and the date the alleged misconduct was discovered, and make an entry into the case management system documenting these dates.⁶ Timely and accurate assessment of these critical dates is crucial to the investigation process. The department may be precluded from taking disciplinary action if the time limit for taking disciplinary action is not accurately assessed. The chart below shows how often the department attorney incorrectly assessed the deadline for taking disciplinary action, the department attorney did not confirm critical dates, or did not timely confirm critical dates. The department attorneys' assessments of critical dates were deficient in 23 percent of monitored cases.

Chart 8: Department Attorneys' Entries Assessing Critical Dates



⁶ Department Operations Manual, Chapter 3, Article 22, Section 33030.12.

Monitoring the Disciplinary Phase

After the Office of Internal Affairs returns a case to the hiring authority, and based on the evidence presented in direct action cases or collected in cases in which the Office of Internal Affairs conducted an investigation, the hiring authority must determine whether there is sufficient evidence to make a finding. If there is insufficient evidence to make a finding, the hiring authority may request further investigation or elect to make no finding. If there is sufficient evidence, the hiring authority will determine whether the allegations are sustained, not sustained, unfounded, or whether the employee is exonerated. The hiring authority consults with a department attorney, if one is assigned, and the OIG if the case is monitored. The hiring authority considers each case on its individual merits to make appropriate findings.

If the hiring authority sustains misconduct allegations, it must then determine if disciplinary action is appropriate and the penalty. The disciplinary matrix provides guidelines for determining the appropriate penalty after evaluating whether any factors in mitigation or aggravation apply.

The department attorney provides legal advice to the hiring authority on application of the disciplinary matrix to sustained allegations. The OIG monitors the process and provides feedback as appropriate. In cases where the hiring authority identified misconduct, the disposition is reported in Appendix B, the Disciplinary Phase, or Appendix C, containing both the Pre-Disciplinary and Disciplinary Phases.

If the hiring authority sustains allegations, the department attorney is responsible for, among other things, providing legal advice to the hiring authority, drafting the disciplinary action, observing the *Skelly* hearing, drafting settlement agreements, and preparing for and representing the department at proceedings before the State Personnel Board and superior court. The OIG monitors the performance of the department attorneys. The OIG works with the Employment Advocacy and Prosecution Team⁷ on a daily basis and, over time, has collaboratively established expectations for consultation and standards.

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

⁷ The Employment Advocacy and Prosecution Team (EAPT) is a group of attorneys from the CDCR's Office of Legal Affairs responsible for litigating disciplinary actions against department employees. The EAPT does not litigate all disciplinary cases involving department employees. Generally, higher-level or more serious cases are assigned or "designated" to be litigated by EAPT, while employee relations officers (generally non-attorneys) litigate the less-serious employee discipline cases.

Higher levels of review are a critical part of the Pre-Disciplinary and Disciplinary processes, but are designed to be used sparingly. The involved parties reserve higher levels of review for cases with significant differences in opinion that cannot be resolved at the initial hiring authority level.

There were 10 cases out of the 341 the OIG is reporting during the July through December 2016 period where a higher level of review was sought. The OIG requested a higher level of review in five cases. In the cases where the OIG sought a higher level of review, four were ultimately decided consistent with the OIG's position.

The cases where the OIG sought a higher level of review were all matters where the hiring authority's decision was a significant departure from policy. In one case, the department dismissed an officer because he was dishonest about his use of deadly force. The hiring authority wanted to reduce the dismissal to a suspension. The OIG objected because dishonesty is a character trait that is inconsistent with being a peace officer, especially in a matter involving deadly force. The hiring authority's supervisor agreed and the department did not modify the penalty.

Another hiring authority intended to reduce the penalties for three officers' violent off-duty misconduct from dismissal to suspension. The OIG objected because the officers' violent misconduct resulted in the death of a private citizen and demonstrated they were unfit to serve as peace officers. The hiring authority's supervisor agreed and left the dismissals undisturbed.

In a third case, during an investigation of alleged misconduct, an officer was dishonest when interviewed by the Office of Internal Affairs. The hiring authority refused to sustain the dishonesty allegations. The OIG objected because the dishonesty allegations were supported by the evidence and demonstrated the officer was unfit to be a peace officer. The hiring authority's supervisor agreed, sustained the allegations, and dismissed the officer.

In yet another case, an officer committed theft in a private business, which was captured on video, and subsequently suffered a misdemeanor theft conviction. The officer was dishonest to supervisors, outside law enforcement, and the Office of Internal Affairs about the theft. However, the hiring authority refused to sustain theft and dishonesty allegations. The OIG objected because the allegations were supported by the evidence and the officer's misconduct demonstrated a manifest lack of fitness to continue as a peace officer. The hiring authority's supervisor agreed, sustained the allegations, and dismissed the officer.

In the fifth case where the OIG sought a higher level of review, a hiring authority refused to sustain a dishonesty allegation against an officer who admitted falsifying a vehicle inspection report. The hiring authority's supervisor also refused to sustain the dishonesty allegation. The hiring authority and his supervisor posited that the officer did what every other transportation officer does, namely that the officer looks around the vehicle, but did not complete every item on the vehicle inspection list. The hiring authority and his supervisor also admitted the department had taken no steps to change the form or consistently enforce the policy requiring completion of all mandated vehicle checks. The OIG recommended the department change either the form or the policy, or both, to avoid similar future allegations and continued policy violations by staff. The hiring authority and his supervisor rejected the OIG's recommendation.

Case Sufficiency Ratings

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

Since the reporting period of January through June 2014, the OIG, at the department's request, began assessing and reporting procedural and substantive performance separately. Differentiating the assessments provides overall fairness to department employees who performed well despite deficiencies elsewhere in the process. It also provides more focused feedback helping the department address areas where improvement is needed.

Pursuant to statute, the OIG assesses the substance or quality of the investigation based on its expert opinion and where departure from procedure results in quantifiable harm. The OIG assesses the process primarily on the department's adherence to its own policy. The OIG continues to assess process deficiencies regardless of outcome or the specific entity responsible within the department. Minor deficiencies typically do not result in an insufficient rating.

There are additional factors within the ratings to be noted. The Pre-Disciplinary Phase assesses the hiring authority, the Office of Internal Affairs' Central Intake Panel, department attorney (if the case is designated), and the Office of Internal Affairs' special agents who conduct the investigations. The Disciplinary Phase assesses the hiring authority and, when designated, the department attorney. Any or all of these entities may be responsible for a sufficient or insufficient rating. The individual assessments in the appendices outline specific reasons for each insufficient case rating for use by the department and transparency to the public. The OIG's role is to assess the department as a whole.

Charts 9 through 11 display the OIG's assessments by region for the Pre-Disciplinary and Investigative Phases⁸ and include procedural and substantive ratings. The first chart for each region shows the trend since the January through June 2015 reporting period. The second chart for each region shows the comparison of procedural and substantive assessments between the January through June 2016 reporting period and the current reporting period of July through December 2016. Charts 12 through 14 display the OIG's assessment by region for the Disciplinary Phase and contain the same two types of charts for each region.

Chart 15 displays the overall statewide sufficiency procedural and substantive assessments for the Pre-Disciplinary and Investigative Phase for this reporting period of July through December 2016 compared to the last reporting period of January through June 2016. Of the 231 cases

⁸ A "Pre-Disciplinary Phase" takes place in cases involving administrative allegations. In criminal cases, the same phase is called the "Investigative Phase."

reported in this phase, 39 percent were assessed procedurally sufficient and 61 percent were assessed substantively sufficient, compared to 29 percent and 55 percent, respectively, during the January through June 2016 reporting period. The insufficiencies were due to a combination of factors, ranging from untimely hiring authority referrals to the Office of Internal Affairs, the Office of Internal Affairs not timely processing referrals or investigating cases, and the department attorney delaying review of investigative reports or failing to assess or properly assess the time limit for taking disciplinary action.

Chart 16 displays the overall statewide Disciplinary Phase procedural and substantive assessments for July through December 2016 compared to January through December 2016. Of the 233⁹ disciplinary cases, 56 percent were procedurally sufficient and 70 percent substantively sufficient. In the last reporting period, 74 percent were procedurally sufficient and 68 percent substantively sufficient. While some of these insufficiencies can be attributed to untimely disciplinary findings conferences, others were due to the OIG disagreement with a disciplinary action taken, legal advice given, or settlements entered. Again, it is a combination of factors that contribute to the insufficient ratings.

⁹ There were 139 cases reported in both the Pre-Disciplinary and Disciplinary Phases.

**Charts 9–11: Department Pre-Disciplinary and Investigative Phase
Sufficiency Ratings by Region**

Chart 9A

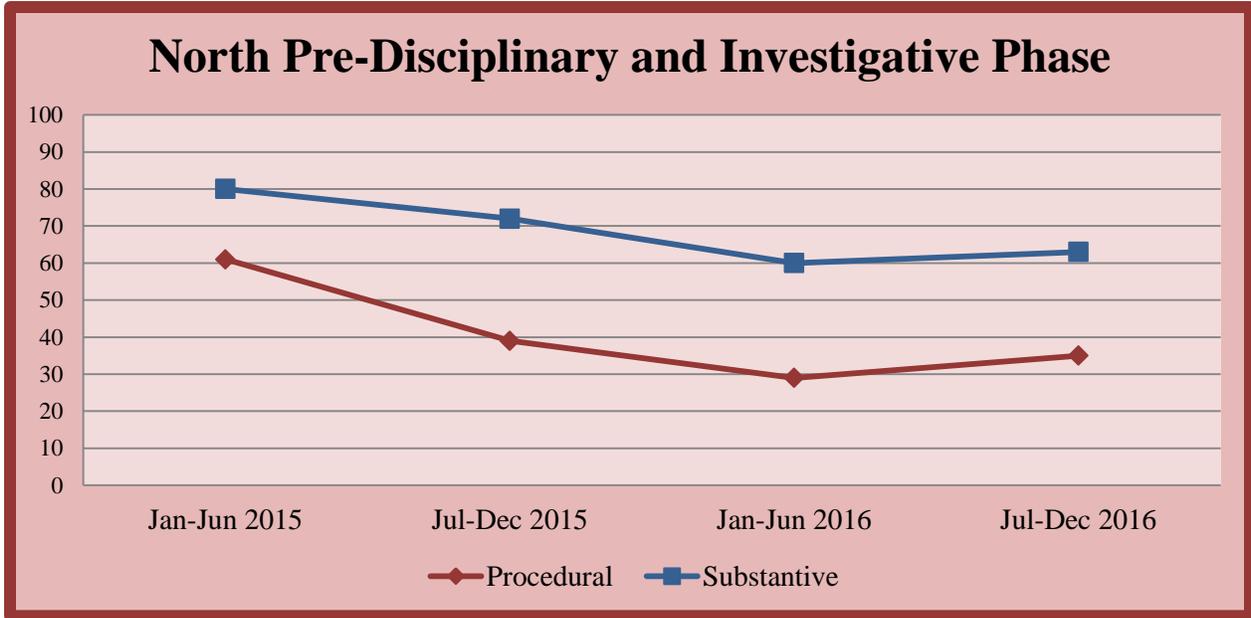


Chart 9B

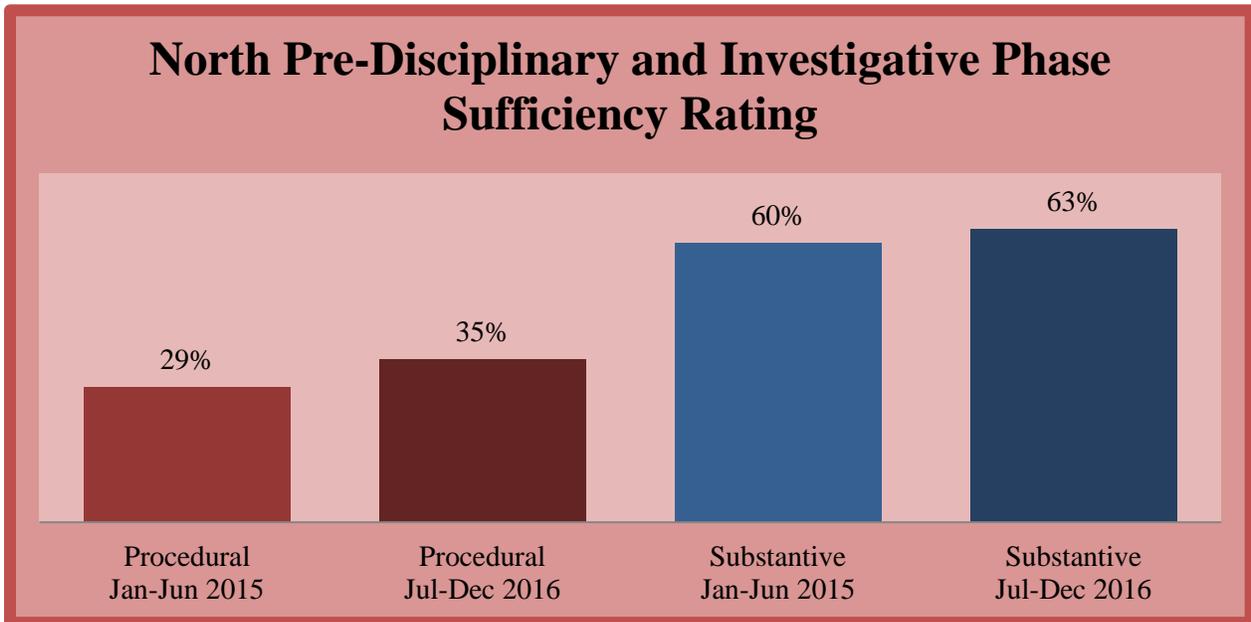


Chart 10A

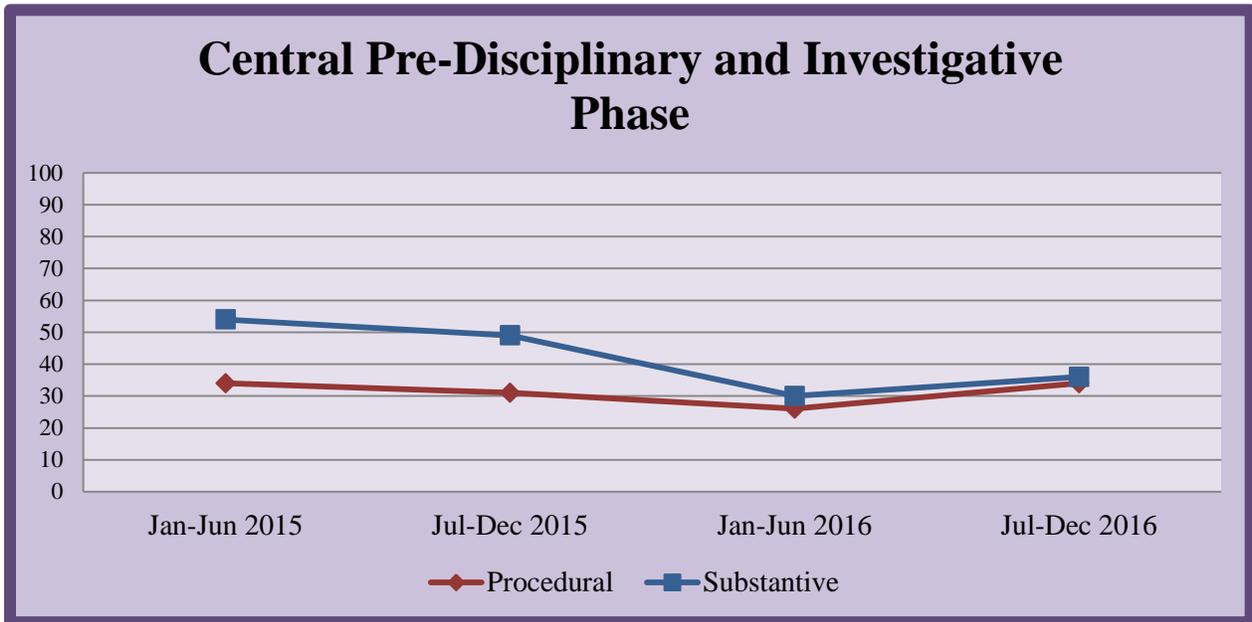


Chart 10B

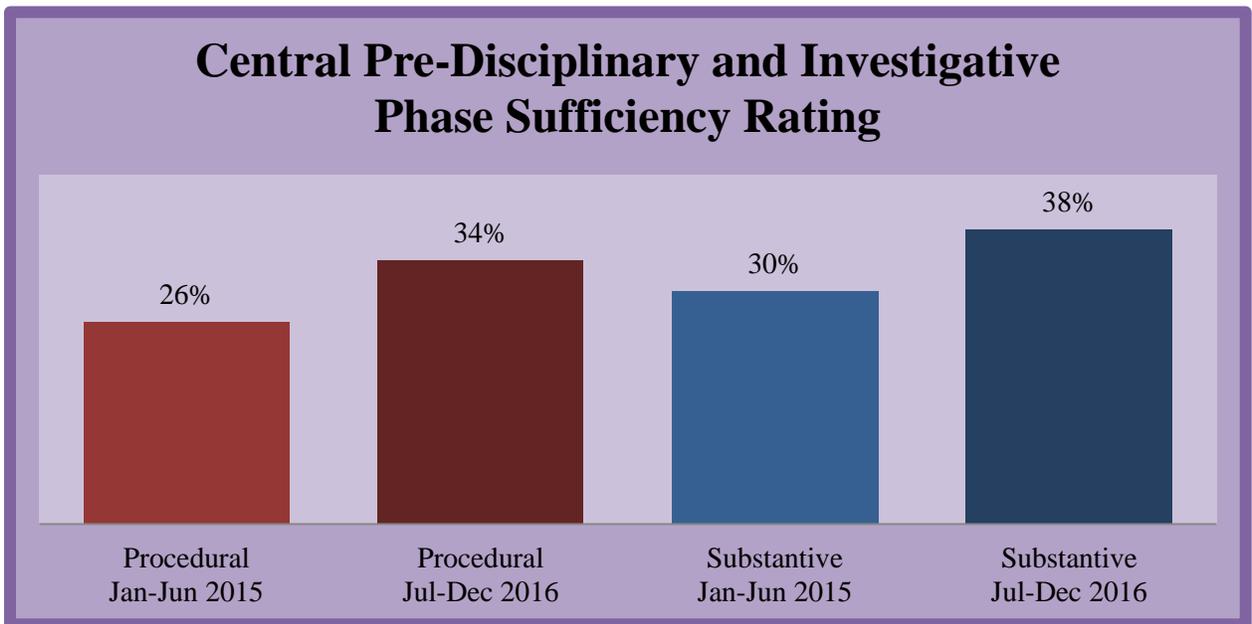


Chart 11A

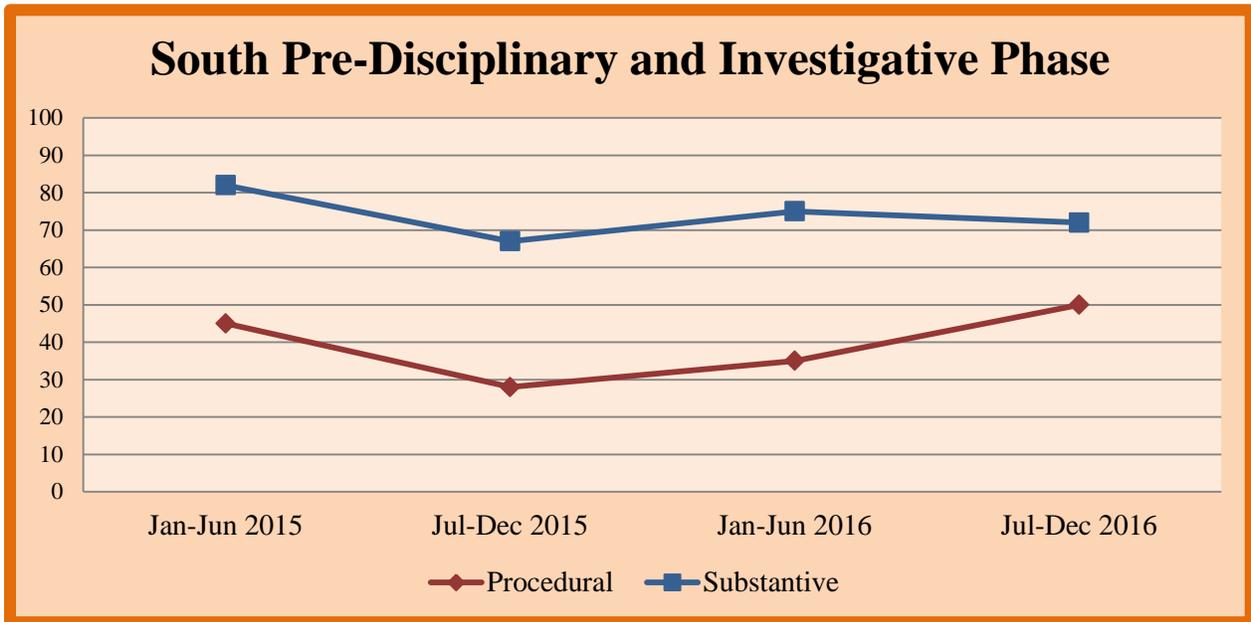
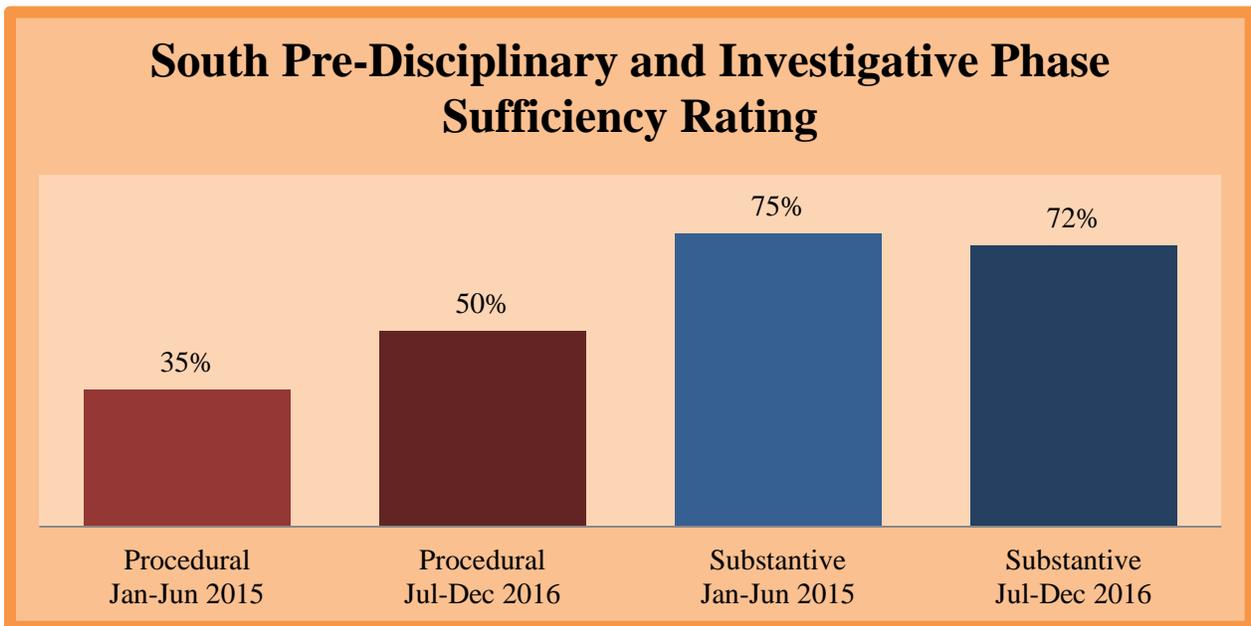


Chart 11B



Charts 12–14: Department Disciplinary Phase Sufficiency Ratings by Region

Chart 12A

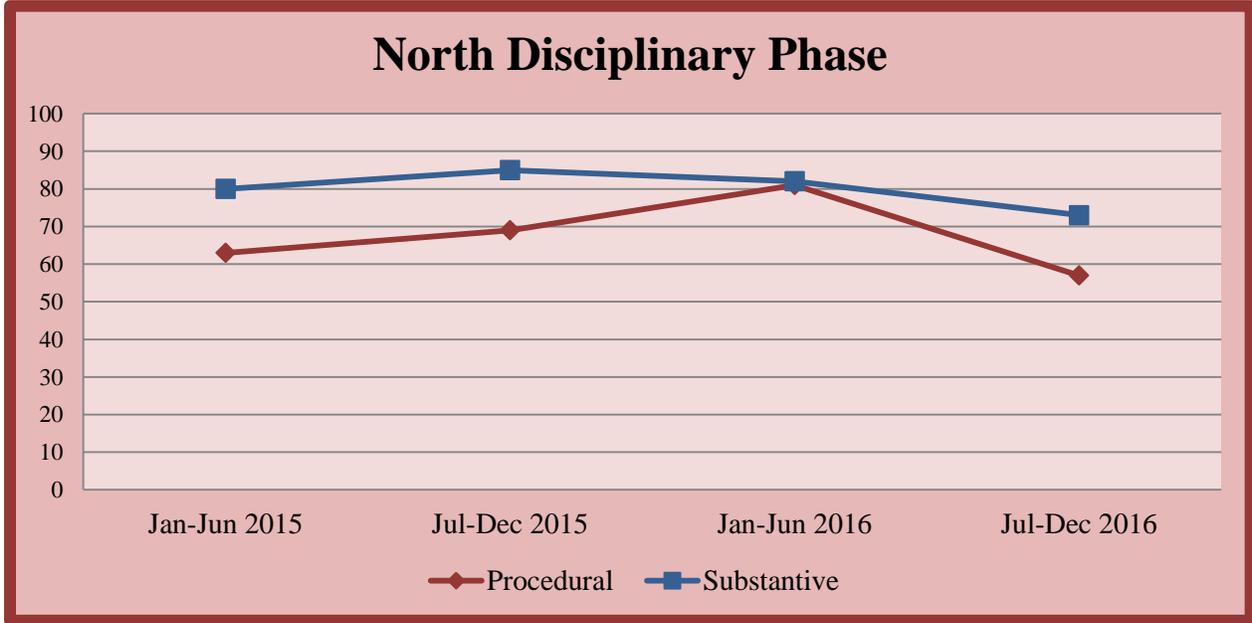


Chart 12B

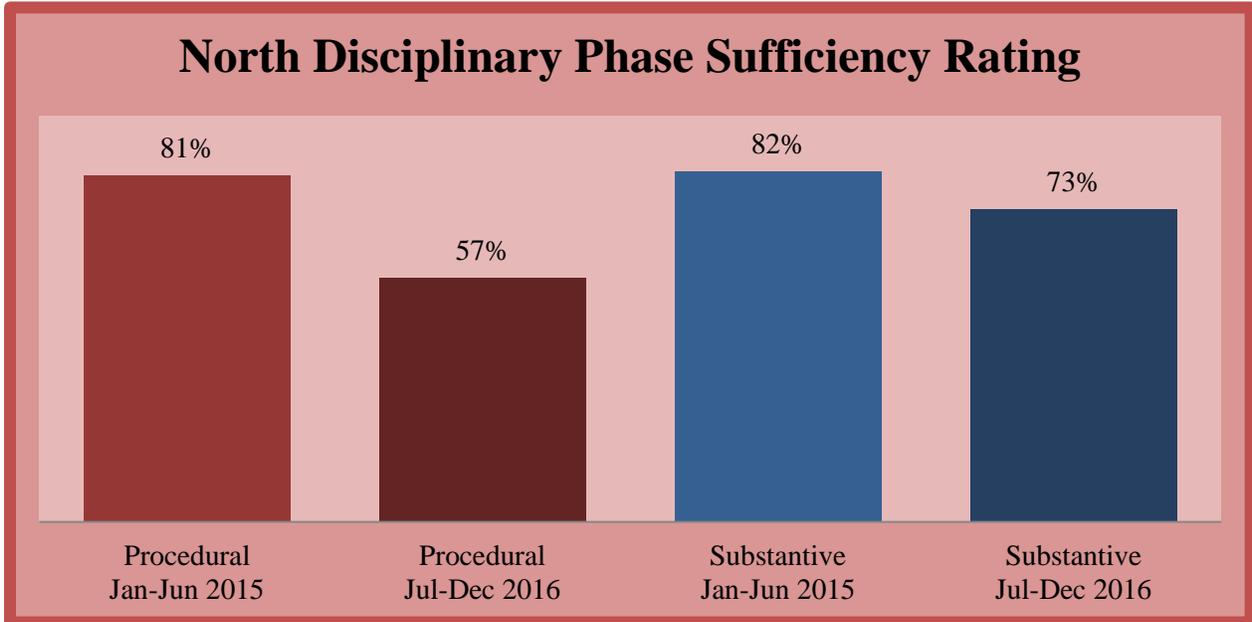


Chart 13B

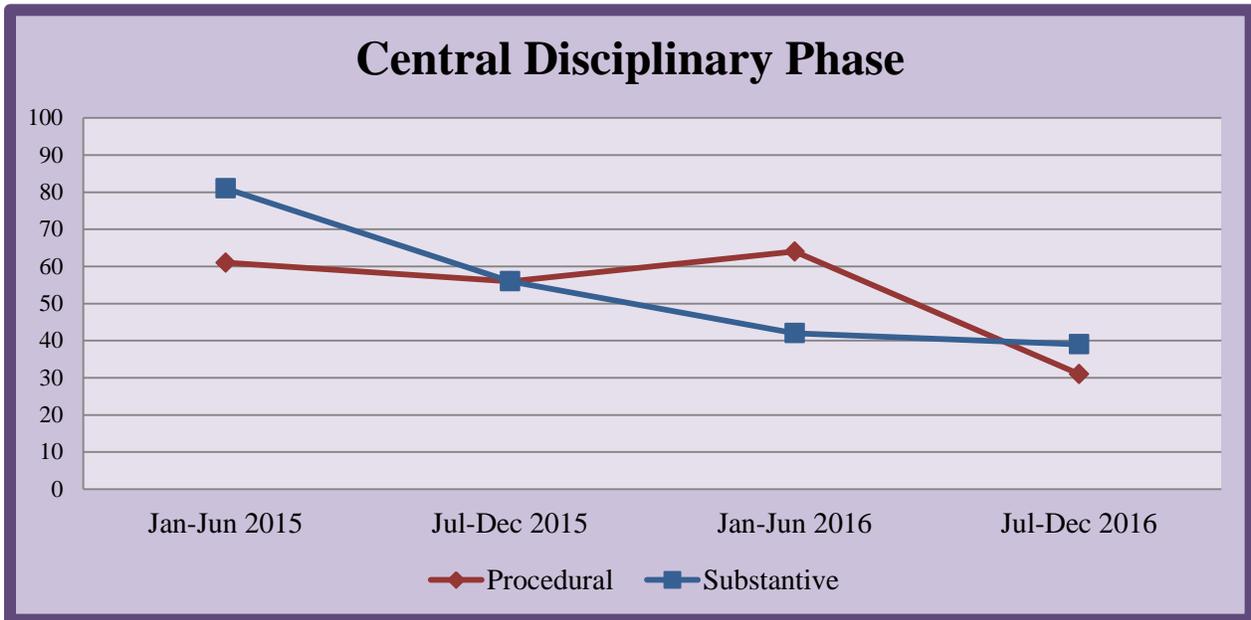


Chart 13B

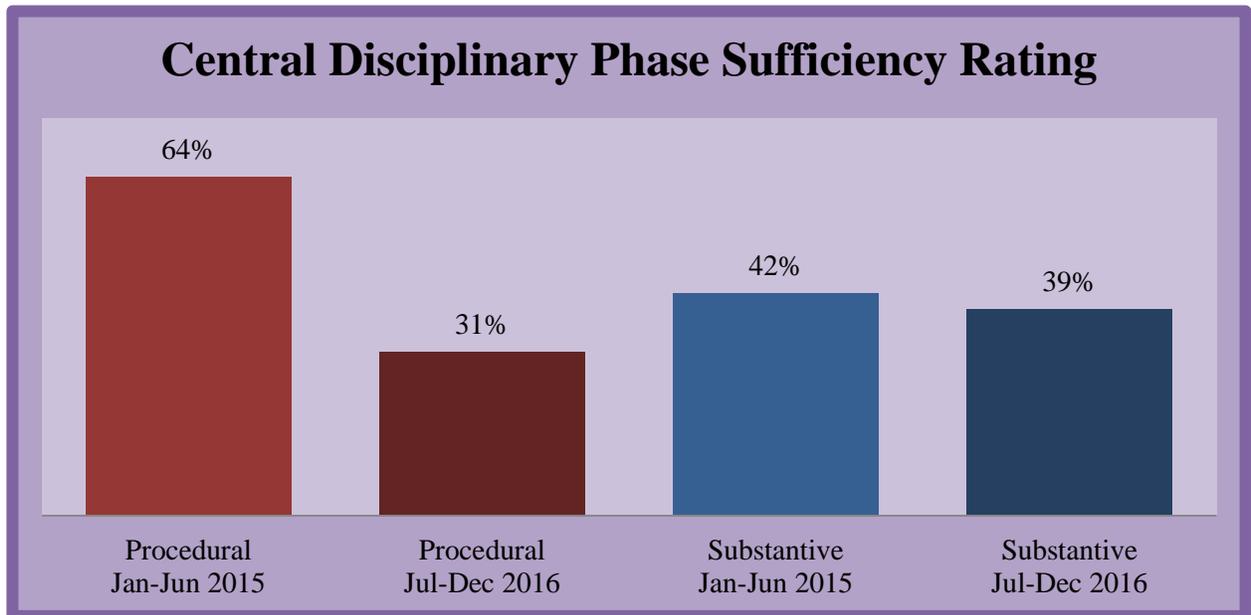


Chart 14A

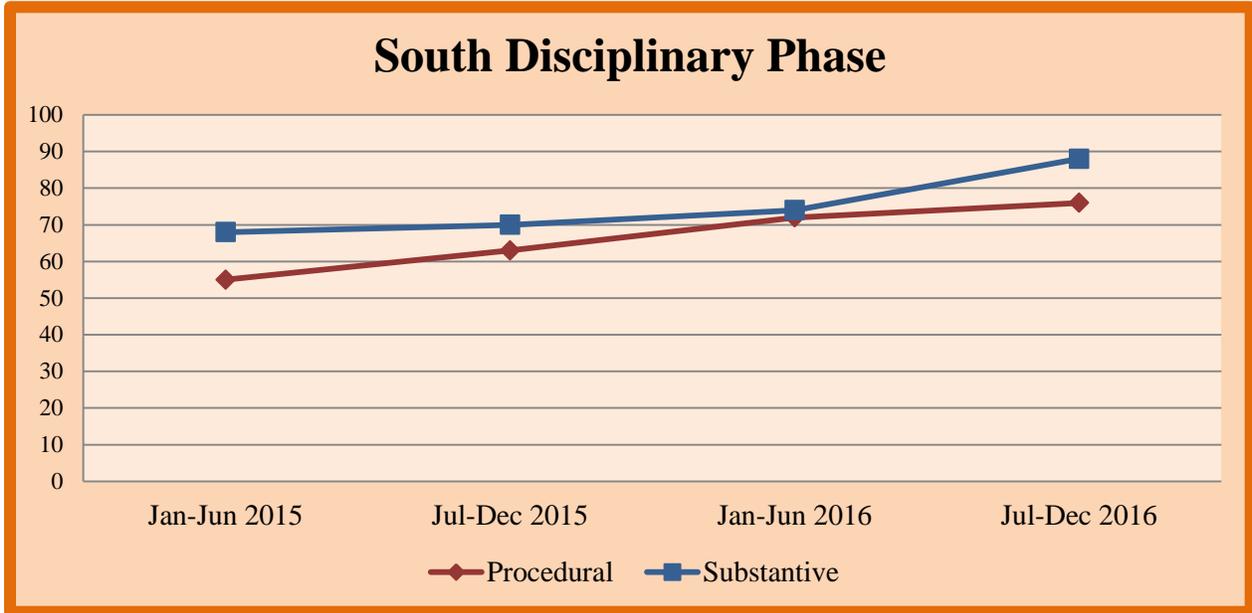


Chart 14B

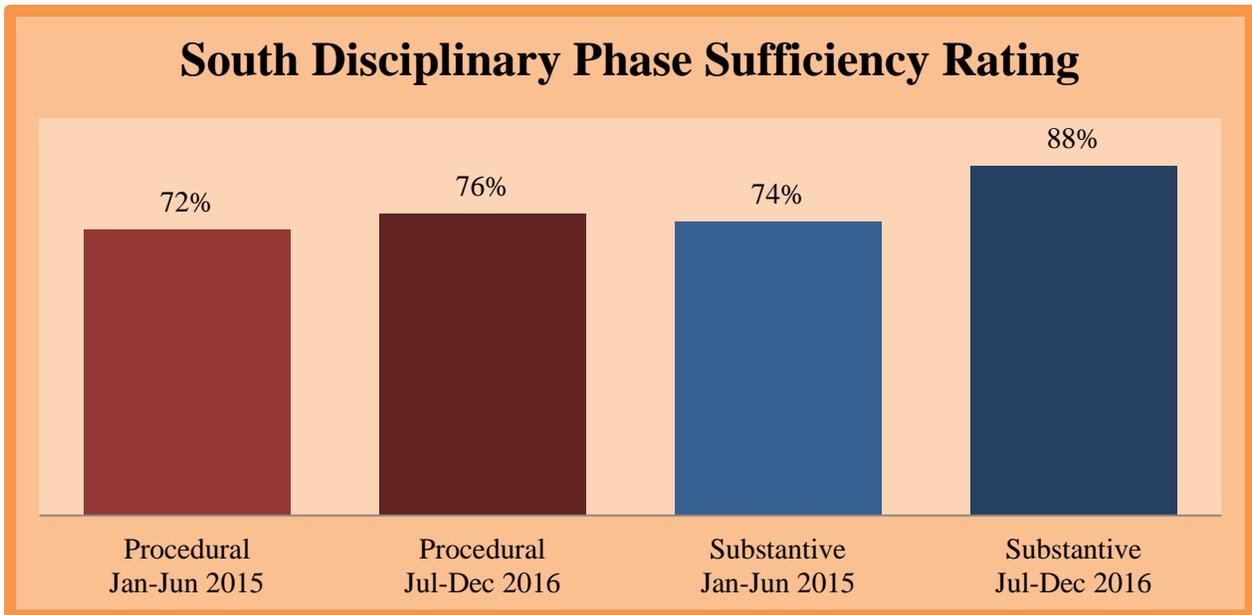


Chart 15: Department Overall Case Sufficiency Ratings
Pre-Disciplinary and Investigative Phase

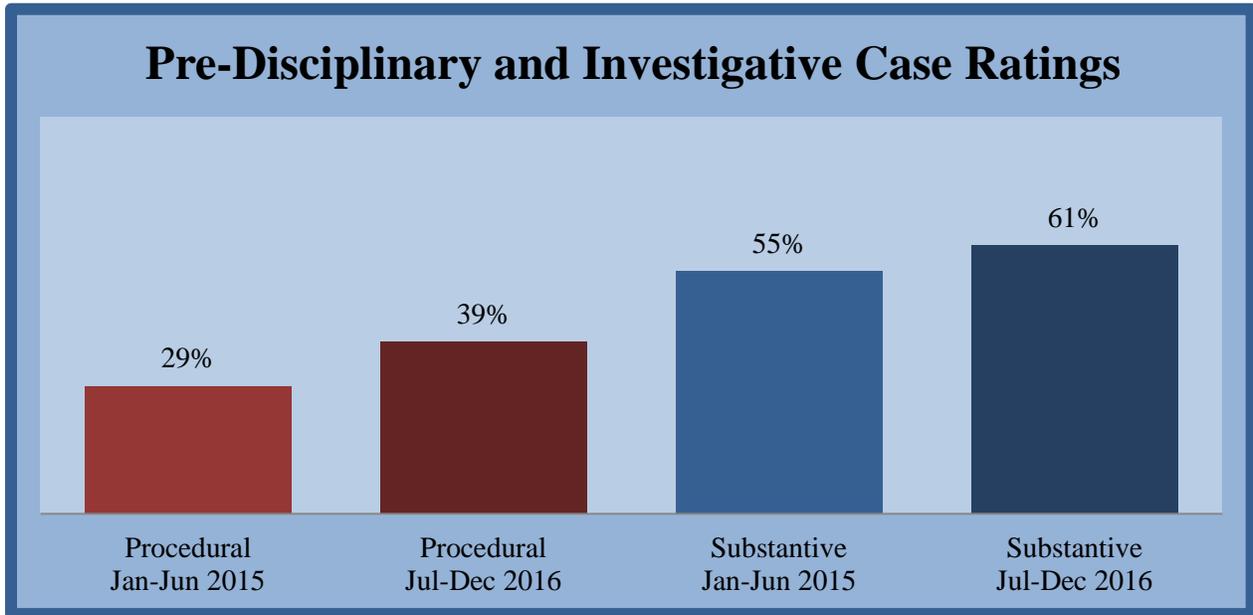
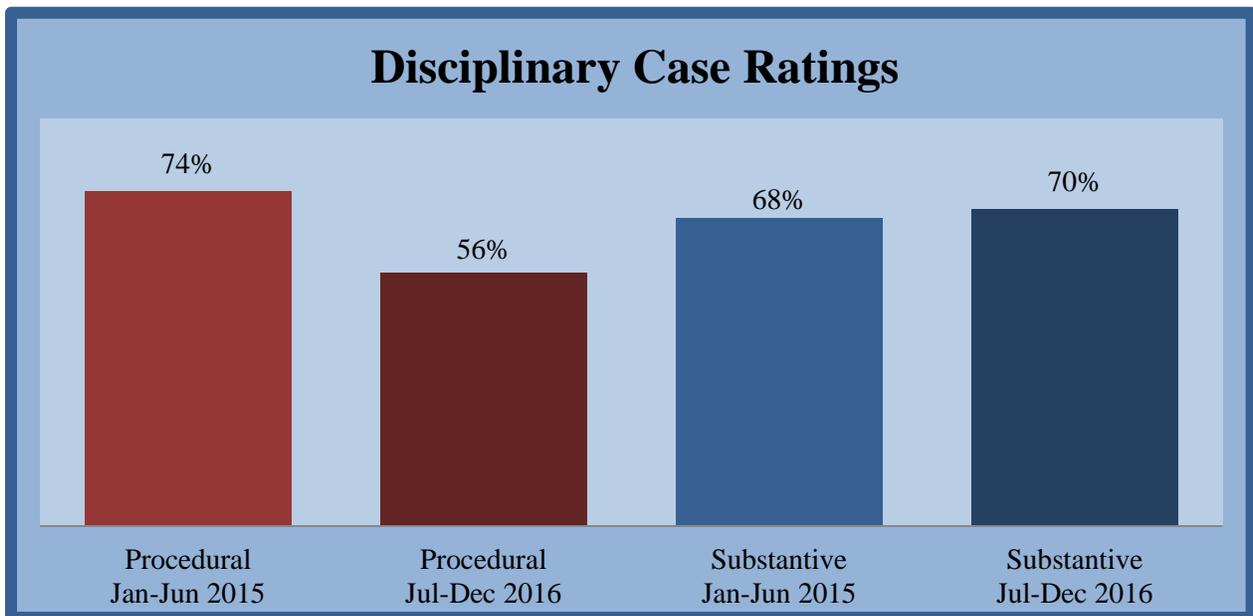


Chart 16: Department Overall Case Sufficiency Ratings
Disciplinary Phase



The preceding charts document an overall decrease in the sufficiency of the department’s actions in response to potential misconduct by its employees. The OIG monitors numerous factors and assesses the department’s performance as to each. The factors assess timeliness and quality. A detailed review of the department’s performance from the January through July 2015 reporting period and the July through December 2016 reporting period revealed deficiencies in the job performance by the Office of Internal Affairs and the Employment Advocacy and Prosecution

Team in several critical areas that have contributed to the department's insufficient performance overall.

The Office of Internal Affairs did not properly scope cases by including appropriate subjects of investigations and allegations supported by the evidence in 10 percent of the cases during the July through December 2016 period, while this was true in only 5 percent of cases during the January through June 2015 period. In the January through June 2015 period, the OIG rated special agents as failing to perform thorough interviews 4 percent of the time compared with 6 percent during the current reporting period. The OIG rated special agents as failing to prepare a thorough final report of the investigation 4 percent of the time in the January through June 2015 period compared with 7 percent during the current reporting period.

Department attorneys from the Office of Legal Affairs Employment Advocacy and Prosecution Team are responsible for providing legal advice to the hiring authority, drafting disciplinary actions, and representing the department in settlement negotiations and before the State Personnel Board. In the January through June 2015 reporting period, department attorneys failed to draft legally sufficient disciplinary actions in 1 percent of cases. In the July through December 2016 reporting period, the department's attorneys failed to draft legally sufficient disciplinary actions in 6 percent of cases. The department's attorneys failed to follow policy and advised the hiring authorities to enter into settlement agreements when there was no change in circumstances to warrant settlement in 8 percent of cases for January through June 2015 compared with 12 percent of cases for July through December 2016.

The OIG will work collaboratively with the department going forward to identify specific causes for the deficient performance and identify appropriate remedies.

Volume I Conclusion

The OIG provides ongoing oversight and transparency of CDCR adherence to the reforms the *Madrid* federal court mandated for internal investigations and the employee discipline process. The OIG offers two recommendations for the department to consider in this report. The first involves the continuing problem of completing investigations in a timely manner and the second is a potential need for training in a particular area for the department attorneys.

Delayed investigations harm the department by unnecessarily demoralizing employees ultimately cleared of wrongdoing. These employees are often deprived of transfer or promotional opportunities due to pending investigations that languish for months on end. Delays also adversely affect the ability of hiring authorities to make accurate findings and take appropriate action because the memories of those involved degrade over time and other evidence can be lost. Furthermore, there may be liability incurred and ensuing harm if delay in investigating allows additional misconduct to occur. An expeditious yet thorough and fair investigation benefits everyone involved.

In the past, the OIG has made recommendations designed to speed up internal investigations. The department has followed some recommendations and, as a result, the hiring authorities now for the most part, adhere to a 45-day limit for submitting their investigative requests to the Office of Internal Affairs. However, there is still a policy gap in the expectation of how long the Office of Internal Affairs has to complete its investigations. As reported previously, the position of the Office of Internal Affairs is that any investigation done within 14 days of the deadline expiring is timely (see chart 6 on page 11). This poor standard does a disservice to the department.

In the Semi-Annual Report for the period of July through December 2015, the OIG discussed the *six months from date of discovery* industry standard for law enforcement internal investigations. In this report, the OIG gathered data to see how the department conforms to that industry standard (see chart 7 on page 12). It is clear that standard poses a challenge for the department. The department responded that the industry standard is inapplicable because the situation and environment in which the Office of Internal Affairs is required to conduct investigations is unique and not replicated in other law enforcement agencies. In recognition of its position, the OIG is once again recommending a middle ground. The department should implement a policy requiring that investigations be completed within six months of a special agent being assigned to investigate the case. This allows for any time taken to refer the complaint and process it in the Office of Internal Affairs' Central Intake Unit to be separate, but still creates an expectation for the unit assigned to complete the investigation expeditiously.

The Office of Internal Affairs informed the OIG that it has been understaffed for much of the last few years and the OIG has previously reported this information. This understaffing problem will reportedly be solved by March 2017 and the OIG recommendation should then be more feasible to achieve. This would mean that, in a worst-case scenario, instead of the current eleven and one half months for an investigation to be considered "timely," it would be eight and one half months at the longest. Both of these timeframes factor in the 45 days that the hiring authority is afforded in submitting a request for an investigation to the Office of Internal Affairs and the additional 30

days the Office of Internal Affairs Central Intake Unit is allowed to process and make a decision regarding the hiring authority's request.

The second issue the OIG identified this period involves department attorneys' assessments of critical dates. In 23 percent of the 232 designated cases that were also OIG-monitored, the department attorney either did not accurately, adequately, or timely assesses the deadline for taking disciplinary action or other critical dates (see chart 8 on page 13). The OIG recommends the department provide training to its attorneys regarding assessing the deadline for taking disciplinary action and its requirements for documenting these assessments.

The OIG continues to provide transparency and critical information to the public and to assist the department in following its policies and procedures. The OIG will also continue recommending the department develop policies and procedures that ensure a fair and timely internal investigation and disciplinary process.

Volume I Recommendations

The OIG recommends the department implement the following recommendations from Volume I of the Semi-Annual Report, July through December 2016:

Recommendation 1.1: The OIG renews its recommendation that the department implement a policy change requiring investigations be completed within six months of assignment.

Recommendation 1.2: The OIG recommends the department provide its attorneys refresher training regarding how to properly assess the deadline for taking disciplinary action and the requirements for documenting these assessments in the department's case management system.

Volume I Recommendations from Prior Reporting Periods

The OIG recommended the department implement the following recommendations from Volume I of the Semi-Annual Report, January through June 2016:

Recommendation 1.1: The OIG recommends the department provide the Employment Advocacy and Prosecution Team with the authority to make decisions on disputed cases during the Office of Internal Affairs Central Intake Process, with consideration for recommendations from the Office of Internal Affairs and the OIG.

CDCR Response: Not Implemented

The department disagrees with this recommendation and maintains that the existing executive review process wherein Office of Internal Affairs Central Intake Panel decisions can be elevated to managers and executives for review is a sufficient procedure to address disputed cases.

Recommendation 1.2: The OIG recommends, on designated cases, using the department attorneys to sit as second chair during interviews and interrogations rather than routinely using two special agents, thus maximizing the input of the attorney as well as helping alleviate the Office of Internal Affairs efficiency and resource issues.

CDCR Response: Not Implemented

The department did not implement this recommendation. The department decided not to change the existing vertical advocacy model for interviews.

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

Recommendation 1.1: The OIG recommends that the department implement a policy change requiring that investigations be completed within six months of assignment.

CDCR Response: Not Implemented

The department created a statewide task force which made recommendations for process improvement. The department is evaluating all specific recommendations and has been able to implement some such as modifying interview scheduling and prioritizing cases for an expedited handling.

Recommendation 1.2: The OIG recommends that the department find a means to solve the staffing problem or consider hiring non-sworn staff to conduct administrative investigations.

CDCR Response: Substantially Implemented

The department, as of late December 2016, had either filled or encumbered its special agent vacant positions. New candidates are either in place or completing the background process. The Office of Internal Affairs projects full staffing in special agent positions by March 2017. The department continues to review the feasibility of reclassifying certain positions.

Recommendation 1.5: The OIG recommends that the Office of Internal Affairs modify the allegations in its case management system to mirror those in the CDCR Employee Disciplinary Matrix (DOM, Chapter 3, Article 22, Section 33030.19).

CDCR Response: Pending

The department met with the OIG, established a steering committee, and continues to work toward developing the next generation of the case management system. The department is reviewing recommended changes proposed by stakeholders, hiring authorities and staff, and will consider those recommendations as it develops a new case management system.

Appendices

Appendix A1 contains the assessments for 82 Pre-Disciplinary Phase cases monitored during this reporting period, listed by geographical region. **Page 32**

Appendix A2 contains the assessments for 10 Investigative Phase (criminal) cases monitored during this reporting period, listed by geographical region. **Page 84**

Appendix B contains the assessments for 94 Disciplinary Phase cases monitored during the reporting period, listed by geographical region. **Page 90**

Appendix C contains the assessments of 139 Combined Phase cases monitored during the reporting period, listed by geographical region. **Page 159**

APPENDIX A1 PRE-DISCIPLINARY PHASE CASES

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-19	16-0208-IR	Administrative Investigation	1. Dishonesty

Incident Summary

Between March 19, 2015, and November 28, 2015, an officer was allegedly dishonest when he claimed family medical leave to care for a spouse when he was not legally married. On July 29, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

Overall, the department sufficiently complied with the policies and procedures governing the pre-disciplinary process. However, the underlying incident took place between March 19, 2015, and November 28, 2015. On January 20, 2016, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until July 29, 2016.

Incident Date	OIG Case Number	Case Type	Allegations
2015-06-25	15-1996-IR	Administrative Investigation	1. Unreasonable Use of Force 2. Neglect of Duty 3. Medical

Incident Summary

On June 25, 2015, an officer allegedly deployed pepper spray on an inmate after the inmate was no longer a threat and from an inappropriate distance, and pulled the inmate out of the cell by the ankles. A sergeant allegedly grabbed the inmate's arm through the food port, deployed pepper spray after the inmate withdrew his arm, left the food port open after using pepper spray, inappropriately ordered the cell door to be opened, pulled the inmate out of the cell by the ankles, and used immediate force instead of a controlled use of force. The same sergeant and a second sergeant allegedly failed to have the inmate decontaminated or medically assessed after the pepper spray exposure. A lieutenant also allegedly failed to have the inmate medically assessed after the pepper spray exposure. On July 4, 2015, the lieutenant allegedly failed to request clarification reports and failed to identify that the officer's and sergeants' actions did not comply with policy.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely initial determination and the special agent did not adequately prepare for the investigation, conduct thorough and appropriate interviews, prepare thorough investigative reports, adequately cooperate with the OIG, or conduct a thorough and appropriate investigation. The department attorney did not thoroughly understand the use-of-force issues. Additionally, the underlying incident took place on June 25, 2015. On October 6, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until April 28, 2016.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on August 26, 2015, but did not take action until September 30, 2015, 35 days after receipt of the request.
- Did the special agent adequately prepare for all aspects of the investigation?

The special agent did not understand the use-of-force policy and relevant issues related to the allegations prior to conducting interviews.
- Were all of the interviews thorough and appropriately conducted?

The special agent did not ask critical questions during interviews because she and the department attorney did not understand relevant use-of-force policy issues.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The investigative draft report omitted critical information relevant to the allegations because the special agent and department attorney were unfamiliar with policy issues prior to beginning interviews.
- Was the final investigative report thorough and appropriately drafted?

The final investigative report omitted critical information relevant to the allegations because the special agent and department attorney were unfamiliar with policy issues prior to beginning interviews.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent intentionally and unilaterally scheduled five critical interviews for a day the special agent knew the OIG could not attend. The Office of Internal Affairs refused to follow an OIG recommendation to name a captain as a subject of investigation for failing to seek clarifications. This refusal later resulted in the lieutenant claiming he was unfairly disciplined for failing to seek clarifications.
- Was the investigation thorough and appropriately conducted?

The department attorney and special agent failed to gain a complete and thorough understanding of use-of-force policy issues before conducting numerous interviews. The department did not name a captain as subject of investigation when the captain engaged in the same alleged misconduct as the lieutenant. As a result, the lieutenant claimed he was unfairly disciplined.
- If the HA determined additional investigation was necessary, was additional investigation requested?

Although the hiring authority properly determined additional investigation was necessary, there was insufficient time to complete further investigation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The special agent delayed beginning interviews until 78 days before the deadline to take disciplinary action, after which some witnesses could not recall details of the incident.

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-08	15-2382-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Misuse of State Equipment or Property

Incident Summary

On August 8, 2015, an officer allegedly failed to check for an unobstructed view into an inmate's cell, confirm the inmate was alive, and falsely reported he observed the inmate alive when the inmate was actually unresponsive with a sheet around his neck. A second officer allegedly failed to conduct required security checks and falsified a record of security checks. A licensed psychiatric technician and third officer allegedly falsified their reports regarding their response to the inmate's cell. A nurse allegedly failed to take required equipment to the scene and falsified his report. On January 27, 2016, a fourth officer was allegedly dishonest during his interview with the Office of Internal Affairs.

CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs, the department attorney incorrectly assessed the deadline for taking disciplinary action, and the hiring authorities did not conduct the investigative findings conferences in a timely manner. The special agent neglected to make required entries in the case management system and the department did not adequately cooperate with the OIG.</p>	

Assessment Questions	
<ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on August 8, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 27, 2015, 80 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney for the officers incorrectly assessed the deadline for taking disciplinary action as August 18, 2016, when the deadline was actually August 8, 2016.</i> Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent? <i>The department attorney for the officers did not determine that the deadline should be modified after consulting with the OIG and the special agent.</i> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the psychiatric technician, nurse, and officers supported, refuted, denied, or admitted the allegations.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on July 12, 2016. However, the hiring authority for the officers did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 27, 2016, 15 days thereafter, and the hiring authority for the nurse and licensed psychiatric technician did not consult with the OIG and the department attorney until September 2, 2016, 52 days after referral.</i> Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase? <i>The hiring authority for the nurse and licensed psychiatric technician never provided to the OIG the form documenting the investigative findings.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conferences.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-01	15-2285-IR	Administrative Investigation	1. Discrimination/Harassment

Incident Summary
 Between September 1, 2015, and September 21, 2015, an officer allegedly repeatedly made inappropriate sexual comments to and inappropriately touched two certified nursing assistants.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department did not comply with policies and procedures governing the pre-disciplinary process because the investigation was not thorough. The special agent did not appropriately enter information into the case management system.</p>	

CENTRAL REGION

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report was not thorough because despite the OIG's recommendation, the special agent refused to identify, locate, and interview additional key inmates who may have witnessed the harassment.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report was not thorough because despite the OIG's recommendation, the special agent refused to identify, locate, and interview additional key inmates who may have witnessed the harassment.
- Was the investigation thorough and appropriately conducted?
The investigation was not thorough because despite the OIG's recommendation, the special agent refused to identify, locate, and interview additional key inmates who may have witnessed the harassment.

Incident Date	OIG Case Number	Case Type	Allegations
2015-10-28	16-0282-IR	Direct Action with Subject Only Interview	1. Dishonesty 2. Attendance

Incident Summary

Between October 28, 2015, and November 12, 2015, an officer allegedly claimed he was on jury duty for five days when court records showed that he was not. Between November 13, 2015, and December 4, 2015, the officer allegedly falsely documented on his timesheet that he was on jury duty when records showed he was not.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not adequately confer with the OIG and did not investigate whether the officer engaged in criminal conduct and the department attorney did not correctly assess the deadline for taking disciplinary action or adequately consult or cooperate with the OIG. Additionally, the underlying incident took place between October 28, 2015, and December 4, 2015. On January 27, 2016, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the only interview until June 6, 2016.

CENTRAL REGION

Assessment Questions

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

The initial case conference was not adequate because the special agent was not present to discuss the timeframes within which the investigation was to be completed.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

The department attorney incorrectly assessed the deadline for taking disciplinary action as November 29, 2016, when the deadline was actually November 19, 2016.
- Did the OIA adequately consult with the OIG, department attorney (if designated), and the appropriate prosecuting agency to determine if an administrative investigation should be conducted concurrently with the criminal investigation?

Despite the OIG's repeated recommendations, the Office of Internal Affairs refused to investigate whether the officer engaged in criminal theft and did not consult with the OIG before making this decision.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?

The department attorney did not provide written confirmation to the OIG regarding the investigative report until 17 days after providing feedback to the special agent.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The Office of Internal Affairs assigned a special agent on January 27, 2016, but the special agent did not meaningfully consult with the OIG until June 6, 2016. Also, the Office of Internal Affairs ignored the OIG's recommendations to investigate whether the officer's actions were criminal and then denied the recommendation without consulting the OIG.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?

The department attorney tried to have the special agent schedule interviews without a case conference or consulting with the OIG, held a case conference with the special agent without the OIG present, and failed to timely provide the OIG with written feedback regarding the draft investigation report.

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-01	16-0543-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty Discourteous Treatment Dishonesty

Incident Summary

From November 1, 2015, through December 5, 2015, a control booth officer allegedly refused to communicate with other officers and failed to constantly observe the officers, who were handling inmates outside of their cells. On November 26, 2015, the control booth officer allegedly refused another officer's request to release an inmate from his cell. On November 27, 2015, the control booth officer allegedly released an unrestrained inmate without securing the section door. On December 1, 2015, the officer allegedly opened a cell door before other officers handcuffed the inmate that was in the cell and was allegedly dishonest to a lieutenant when he denied leaving the section door open. On December 5, 2015, the officer allegedly opened the wrong cell door, exposing other officers to an unrestrained inmate.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent did not conduct an appropriate interview, prepare thorough investigative reports, conduct an adequate investigation, or enter all activity in the case management system. The special agent and department attorney failed to adequately cooperate with the OIG and the department attorney provided inappropriate legal advice to the hiring authority. Additionally, the underlying incident took place on November 1, 2015. On February 25, 2016, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until August 15, 2016.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 27, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 22, 2016, 56 days after the date of discovery.
- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?
The special agent conducted a last-minute telephonic initial case conference while the OIG and department attorney were at the institution on another matter and while the OIG was required to handle another matter. As a result, the special agent did not adequately confer with the OIG before finalizing the investigative plan.
- Did the special agent adequately prepare for all aspects of the investigation?
After scheduling a witness interview at a distant institution that required the department attorney and the OIG to travel a long distance, the special agent failed to notify the institution of the interview and did not arrange an interview room before arriving.
- Were all of the interviews thorough and appropriately conducted?
The special agent did not adequately question the control booth officer regarding his alleged dishonesty and failure to maintain observation of other officers as they worked with unrestrained inmates.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not set forth the control booth officer's response to concerns that he failed to observe other officers when they were with unsecured inmates.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not set forth the control booth officer's response to concerns that he failed to observe other officers when they were with unsecured inmates.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent unilaterally scheduled a key witness interview at a distant institution, knowing the OIG was unavailable, and then refused to reschedule it.
- Was the investigation thorough and appropriately conducted?
The special agent did not adequately investigate the control booth officer's alleged dishonesty and failure to observe other officers as they worked with unrestrained inmates.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately recommended sustaining a dishonesty allegation after admitting the investigation did not demonstrate an intent to misrepresent. The department attorney neglected to recommend adding allegations regarding the control booth officer's refusal to communicate with and monitor the other officers when inmates were out of their cells.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney requested a last minute telephonic initial case conference while the OIG and department attorney were at the institution on another matter and while the OIG was required to handle another matter. As a result, the department attorney did not adequately consult with the OIG.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-11	15-2924-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Neglect of Duty

Incident Summary

On November 11, 2015, an officer allegedly failed to report grabbing an inmate's wrist and forcing the inmate to the ground. A lieutenant allegedly ordered officers to use scissors to remove a second inmate's clothing when no imminent threat was present, a second officer allegedly retrieved the scissors and leg restraints, a sergeant allegedly cut the second inmate's shirt and removed it, and a third and fourth officer allegedly removed the second inmate's pants and applied leg restraints.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney incorrectly assessed the deadline to take disciplinary action and the special agent did not adequately prepare for or conduct a thorough and appropriate investigation, make all entries into the case management system, prepare a thorough and appropriate investigative report, or adequately consult with the OIG.

Assessment Questions

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

The department attorney incorrectly assessed the deadline for taking disciplinary action as November 17, 2016, when the deadline was actually November 11, 2016.
- Did the special agent adequately prepare for all aspects of the investigation?

The special agent neglected to investigate the existence and applicability of the institution's holding cell policy.
- Were all of the interviews thorough and appropriately conducted?

The special agent repeatedly asked leading questions and suggested possible explanations for the alleged misconduct during interviews.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officers, sergeant, or lieutenant supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The investigative draft report did not objectively describe the evidence and interviews or include all admissions the officers, sergeant, and lieutenant made.
- Was the final investigative report thorough and appropriately drafted?

The special agent erroneously identified the OIG as providing information concerning the existence and applicability of the institution's holding cell policy in the final investigative report.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent unilaterally scheduled interviews knowing the OIG would be unavailable and refused to reschedule them, preventing the OIG from monitoring the interviews.
- Was the investigation thorough and appropriately conducted?

The special agent did not adequately investigate the existence and applicability of the institution's holding cell policy.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-26	16-0400-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Dishonesty

Incident Summary

On November 26, 2015, a lieutenant allegedly had a false timesheet generated to reflect that a second lieutenant worked a shift he did not work, signed the second lieutenant's signature on the timesheet, and worked an overtime shift instead of the regular shift she was scheduled to work. On December 2, 2015, the second lieutenant allegedly falsely documented working a shift he did not work and failed to report the first lieutenant's signing of his signature on the timesheet. On December 23, 2015, the first lieutenant allegedly falsified her timesheet regarding the hours she actually worked.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the special agent did not conduct a thorough investigation or prepare a thorough investigative report, the department attorney did not properly advise the hiring authority, and the hiring authority improperly deemed the investigation sufficient. The special agent did not enter all activity into the case management system.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the lieutenants supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The draft investigative report did not address who entered the lieutenant's signature on the timesheet.
- Was the final investigative report thorough and appropriately drafted?

The final investigative report did not address who entered the lieutenant's signature on the timesheet.
- Was the investigation thorough and appropriately conducted?

Despite the OIG's recommendation, the Office of Internal Affairs refused to consult with a forensic handwriting expert to determine who signed the timesheet.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?

The hiring authority deemed the investigation sufficient despite the OIG's recommendation that the Office of Internal Affairs consult with a forensic handwriting expert to determine who signed the timesheet.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney neglected to advise the hiring authority a handwriting analysis was needed to determine who signed the timesheet.
- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?

The hiring authority was not able to determine who signed the timesheet and whether the lieutenant was dishonest because the Office of Internal Affairs refused to consult a forensic handwriting expert.

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2016-01-08	16-0764-IR	Administrative Investigation	<ol style="list-style-type: none"> Discourteous Treatment Dishonesty

Incident Summary

On January 8, 2016, a captain allegedly pulled a scarf that an officer was wearing around the neck. On January 9, 2016, the officer, a second officer, and a sergeant were allegedly dishonest when reporting the incident.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-02-26	16-1296-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> Dishonesty Weapons Other Failure of Good Behavior Intoxication

Incident Summary

On February 26, 2016, an officer allegedly drove his vehicle while under the influence of alcohol, possessed an unauthorized concealed handgun and ammunition while intoxicated, and was dishonest to outside law enforcement.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs made an inappropriate initial determination and only made an appropriate decision after the OIG elevated the matter. The special agent did not make a required entry in the case management system.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs inappropriately refused to open an investigation and add a dishonesty allegation the evidence supported as the officer dishonestly told outside law enforcement that he was not armed even though he was in possession of a handgun.
- Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention?
The Office of Internal Affairs agreed to add a dishonesty allegation and authorize an interview of the officer only after the OIG elevated the matter multiple times to the deputy director of the Office of Internal Affairs.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.

Incident Date	OIG Case Number	Case Type	Allegations
2016-04-08	16-1467-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Controlled Substance

Incident Summary

On April 8, 2016, an officer allegedly tested positive for cocaine.

CENTRAL REGION

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-04-21	16-1705-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary

On April 21, 2016, two officers allegedly solicited prostitution from an undercover outside law enforcement officer.

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-08-11	16-1957-IR	Direct Action (No Subject Interview)	1. Dishonesty

Incident Summary

On August 11, 2016, an officer was allegedly dishonest with outside law enforcement when falsely reporting he was the victim of a hit-and-run accident.

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-08-18	16-1995-IR	Direct Action (No Subject Interview)	1. Dishonesty 2. Criminal Act 3. Other Failure of Good Behavior

Incident Summary

On August 18, 2016, outside law enforcement discovered an officer allegedly intoxicated while asleep on a sidewalk and arrested him on a warrant for a prior domestic violence incident. On August 21, 2016, the officer was allegedly dishonest to his hiring authority.

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-09-17	16-2005-IR	Direct Action (No Subject Interview)	1. Failure to Report 2. Discourteous Treatment 3. Other Failure of Good Behavior

Incident Summary

On September 17, 2016, outside law enforcement arrested a sergeant after he allegedly threw an unidentified object at his wife, causing a bruise on her right arm, and threatened her son. The sergeant also allegedly yelled expletives at his wife and subsequently failed to report his arrest to the hiring authority.

CENTRAL REGION

Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

Assessment Questions <ul style="list-style-type: none"> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on October 19, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until 33 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not conduct the investigative findings conference in a timely manner.</i>

Incident Date	OIG Case Number	Case Type	Allegations
2016-10-06	16-2078-IR	Direct Action (No Subject Interview)	1. Controlled Substance

Incident Summary On October 6, 2016, an officer allegedly tested positive for marijuana.
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Predisciplinary Assessment Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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Incident Date	OIG Case Number	Case Type	Allegations
2013-01-01	16-1291-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Misuse of State Equipment or Property 2. Sexual Misconduct 3. Discrimination/Harassment 4. Misuse of Authority 5. Failure to Report 6. Neglect of Duty

Incident Summary

On January 1, 2013, a correctional administrator allegedly made unwanted sexual advances toward a sergeant and sent her inappropriate email messages from a State computer. On August 9, 2014, the correctional administrator allegedly influenced a disciplinary decision against another sergeant to whom the first sergeant was married and inappropriately shared confidential information with the first sergeant regarding the pending disciplinary action. Also on August 9, 2014, the correctional administrator allegedly engaged in inappropriate sexual activity with the first sergeant, a subordinate, and failed to take appropriate action when the first sergeant reported other staff members' misconduct. On September 13, 2014, the correctional administrator allegedly asked the first sergeant not to report that she had previously reported misconduct to him. On September 30, 2014, the correctional administrator allegedly engaged in sexual activity with the first sergeant while on grounds.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not make an entry confirming relevant dates in the case management system.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entry into the case management system confirming relevant dates.

Incident Date	OIG Case Number	Case Type	Allegations
2013-06-10	14-1969-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On June 10, 2013, an Office of Legal Affairs manager allegedly withdrew a disciplinary action against an Office of Correctional Safety parole agent even though there was sufficient evidence to support the disciplinary action and allegedly withdrew the disciplinary action without consulting with the hiring authority, his supervisor, or the OIG. He also allegedly failed to complete a case settlement report and failed to make required entries in the case management system. The Office of Legal Affairs manager was also allegedly dishonest when he claimed to have spoken with the hiring authority, outside law enforcement, and the OIG prior to withdrawing the disciplinary action. On June 11, 2014, the Office of Legal Affairs manager allegedly failed to consult with the OIG prior to entering into a settlement agreement involving an officer. The Office of Legal Affairs manager also allegedly failed to complete a case settlement report and make appropriate entries in the case management system. On June 20, 2014, the Office of Legal Affairs manager allegedly failed to consult with the OIG prior to removing allegations in a disciplinary action involving a parole agent and failed to notify the OIG of the State Personnel Board hearing date and, subsequently, on September 29, 2014, the Office of Legal Affairs manager allegedly failed to consult with the OIG prior to entering into a settlement agreement and failed to complete a case settlement report and make required entries in the case management system. On September 25, 2014, the Office of Legal Affairs manager allegedly failed to consult with the OIG prior to amending a disciplinary action and entering into a settlement agreement in a case involving a supervising parole agent and failed to complete a case settlement report.

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Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department failed to comply with policies and procedures governing the pre-disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs for an investigation. The department attorney failed to make a required entry in the case management system regarding the deadline to take disciplinary action. The Office of Internal Affairs report failed to include dishonesty allegations supported by the evidence. The Office of Internal Affairs did not add relevant documents as exhibits to the investigative report. The hiring authority determined that the Office of Internal Affairs investigation was insufficient and requested further investigation. The hiring authority failed to timely confer with the OIG and the department attorney regarding the investigative findings.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on June 25, 2013, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 21, 2014, one year and 26 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney made an entry in the case management system. However, she merely stated that she assessed the date of incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report failed to include dishonesty allegations supported by the evidence.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report failed to include dishonesty allegations supported by the evidence.
- Was the investigation thorough and appropriately conducted?
The Office of Internal Affairs failed to collect the Office of Legal Affairs manager's case management system entries for the underlying disciplinary cases and attach such as exhibits to the report.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 12, 2015. The hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 10, 2015, 59 days thereafter.
- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?
The hiring authority determined that additional investigation was needed regarding several of the allegations, including the dishonesty allegations, and requested that the Office of Internal Affairs complete further investigative activities.
- Was the CDCR Form 402 documenting the findings properly completed?
The form documenting the investigative findings incorrectly listed a dishonesty allegation as a neglect of duty allegation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner.

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Incident Date	OIG Case Number	Case Type	Allegations
2014-01-01	16-1262-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Contraband 3. Controlled Substance 4. Disclosure of Confidential Information 5. Neglect of Duty 6. Discourteous Treatment 7. Failure to Report 8. Other Failure of Good Behavior

Incident Summary

Between January 1, 2014, and December 31, 2015, a sergeant allegedly operated an outside business without departmental permission, participated in a coordinated effort to prevent reporting a coworker's misconduct, and advised the coworker to be dishonest to a supervisor. On March 16, 2014, and January 28, 2015, the sergeant allegedly advised an officer to be dishonest to supervisors about potential misconduct. From July 10, 2015, to February 11, 2016, the sergeant allegedly smuggled marijuana, mobile phones, and chargers into the institution, accepted bribes from wards and their families, and conspired to prevent reporting an officer's misconduct. On September 16, 2015, the sergeant allegedly told a group of wards that another ward provided information about contraband being smuggled into the institution, had that ward assaulted by other wards, taunted him for reporting misconduct, and delayed securing medical attention for his injuries. On October 28, 2015, the sergeant allegedly failed to document finding marijuana on a ward and failed to preserve it as evidence. And, on June 15, 2016, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not conduct a timely investigation. The special agent did not enter critical information in the case management system and prepared an incomplete investigative draft report.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report omitted critical witness interviews and critical exhibits.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not complete the investigation until five days before the deadline for taking disciplinary action, thereby delaying the sergeant's dismissal.

Incident Date	OIG Case Number	Case Type	Allegations
2014-11-01	16-0761-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Over-Familiarity

Incident Summary

In November 2014 and February 10, 2016, an officer allegedly gave an inmate speakers. On February 15, 2016, the officer allegedly asked another officer not to report his misconduct. On August 10, 2015, the officer allegedly brought food and compact discs into the institution for inmates.

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-01-08	16-0477-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

Incident Summary

Between January 8, 2015, and December 7, 2015, a parole agent allegedly failed to properly supervise parolees and was dishonest on timesheets and parolee records. In February 2015, the parole agent was allegedly dishonest to a supervising parole agent regarding her work. In July 2015, the parole agent allegedly engaged in outside employment without written consent from the department and on March 16, 2016, was allegedly dishonest during her interview with the Office of Internal Affairs.

Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Also, the special agent did not make required entries in the case management system.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

Assessment Questions

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

The department learned of the alleged misconduct on July 1, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 13, 2016, more than six months after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the parole agent supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-02-01	16-0472-IR	Administrative Investigation	1. Misuse of State Equipment or Property 2. Neglect of Duty

Incident Summary

Between February 1, 2015, and January 31, 2016, an officer allegedly sent personal inappropriate email messages to a co-worker. On December 25, 2015, the officer allegedly failed to complete a thorough security check, conduct three cell searches, respond when he observed two inmates fighting, notify his sergeant of one of the inmate's injuries, properly secure cell doors, and played an unauthorized game on a State computer.

Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not make any entry confirming relevant dates and the hiring authority did not timely conduct the investigative findings conference.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

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Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 30, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 10, 2016, 41 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely conduct the investigative findings conference.

Incident Date	OIG Case Number	Case Type	Allegations
2015-05-27	15-1346-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Discourteous Treatment

Incident Summary

On May 27, 2015, an officer allegedly used profanity and racial slurs toward inmates. On September 30, 2015, the officer was allegedly dishonest during his interview with the Office of Internal Affairs. A second and third officer allegedly heard the statements but failed to report the first officer's misconduct. On September 14, 2015, the second officer was allegedly dishonest three times during his interview with the Office of Internal Affairs. On May 28, 2015, the third officer was allegedly dishonest in a memorandum to a captain regarding the incident. On May 5, 2016, the third officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not conduct the investigative findings conference in a timely manner and made inappropriate findings regarding two of the officers.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on December 11, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until February 8, 2016, almost two months thereafter.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority inappropriately decided not to sustain any allegations against two of the officers.
- If an executive review was invoked in the case, did OIG request the executive review?
The OIG sought a higher level of review regarding the hiring authority's decision to not sustain any allegations against two of the officers.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not conduct the investigative findings conference in a timely manner.

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Incident Date	OIG Case Number	Case Type	Allegations
2015-06-17	15-1609-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On June 17, 2015, a captain allegedly authorized and a lieutenant allegedly ordered a sergeant to deploy pepper spray on an inmate who could not understand orders. The captain and lieutenant also allegedly ordered, and the sergeant allegedly deployed, more pepper spray than policy allows. A psychiatrist allegedly authorized and a nurse allegedly failed to object to the use of pepper spray.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs neglected to timely act on the hiring authority's request for investigation and submitted a draft investigative report that omitted critical evidence, the department attorney did not provide adequate feedback regarding the draft investigative report, and the two hiring authorities did not adequately prepare for the investigative findings conferences.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on July 1, 2015, but did not take action until August 12, 2015, 42 days after receipt of the request.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorneys did not recommend including critical evidence that the special agent omitted.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The investigative draft report did not include a critical video recording as an exhibit.
- If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared?
Neither of the hiring authorities viewed the video recording of the incident prior to the investigative findings conference.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not timely act on the hiring authority's request for investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2015-06-20	15-1822-IR	Direct Action (No Subject Interview)	1. Dishonesty 2. Other Failure of Good Behavior

Incident Summary

On June 20, 2015, an officer was allegedly intoxicated in public and involved in a physical altercation. The officer also allegedly groped a woman under her dress and was dishonest to outside law enforcement regarding the incident. On August 19, 2016, the officer was convicted of harassment.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.

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Assessment Questions

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

The department learned of the alleged misconduct on June 21, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 13, 2015, 53 days after the date of discovery.

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-13	15-1821-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Threat/Intimidation 3. Discourteous Treatment

Incident Summary

On July 13, 2015, an officer allegedly asked an inmate if an injury to the inmate's lip was from a fight or the result of a sexual act. The officer also allegedly drew and wrote offensive notations on the inmate's bed card, threatened the inmate if he filed a complaint, announced a sexually derogatory comment about the inmate over the building's public address system, and harassed the inmate after he filed a complaint against the officer. A second officer allegedly overheard the first officer's inappropriate comment regarding the inmate's lip but failed to report the misconduct to a supervisor.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-18	15-2060-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On August 18, 2015, an officer allegedly opened an inmate's cell door without authorization and failed to re-lock the door. The officer also allegedly failed to ensure the locking system was working at all times, report the locking system was malfunctioning, and carry his personal alarm and pepper spray, and was allegedly dishonest about whether the locking system was working properly. On May 23, 2016, the officer was allegedly dishonest in his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation. The special agent did not make all appropriate entries in the case management system.

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on September 2, 2015, but did not take action until October 7, 2015, 35 days after the receipt of the request.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.

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

The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-26	15-2256-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience

Incident Summary

On August 26, 2015, an officer allegedly failed to follow a sergeant's instruction to report for a random drug test and was allegedly dishonest when she told the sergeant that she immediately went to and tried to call the test site and that she was unable to contact the sergeant. On March 25, 2016, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-01	15-2532-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty

Incident Summary

On September 1, 2015, an officer allegedly inappropriately unlocked a door and entered a housing area when the exercise yard door was open. A sergeant allegedly falsely documented that he had previously ordered the officer to review procedures regarding security for the area. The officer and a second officer allegedly falsified their reports regarding the incident. On September 24, 2015, the first officer was allegedly dishonest to a captain. On April 13, 2016, and May 16, 2016, the first officer was allegedly dishonest during interviews with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not conduct the investigative findings conference in a timely manner. The special agent did not enter critical information in the case management system.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant and officers supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 16, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 19, 2016, 33 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely conduct the investigative findings conference.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-03	15-2533-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Failure to Report 3. Neglect of Duty

Incident Summary

On September 3, 2015, two officers allegedly used physical force on an inmate and failed to report it. Two other officers observed the use of force and also allegedly failed to report it.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs, the Office of Internal Affairs did not make a timely determination regarding the request for investigation, and the department attorney did not correctly identify the date of discovery. The special agent did not enter critical information into the computer management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on September 3, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 23, 2015, 50 days after the date of discovery.
- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on October 23, 2015, but did not take action until November 24, 2015, 32 days after the receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the date of discovery as September 4, 2015, when the actual date was September 3, 2015.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officers supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request.

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-24	15-2671-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Insubordination/Willful Disobedience 3. Neglect of Duty

Incident Summary

On September 24, 2015, an officer allegedly failed to report his own use of force as well as force he witnessed. On September 25, 2015, a second officer allegedly failed to timely report an unreasonable use of force reported to him. On May 17, 2016, the first officer allegedly violated an order from the Office of Internal Affairs to not discuss the investigation.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient
<p>The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney incorrectly assessed the deadline to take disciplinary action, did not timely modify the deadline to take disciplinary action or provide feedback regarding the investigative report, or attend the officers' interviews. The special agent did not enter all critical information in the case management system.</p>	

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> <p>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</p> <p><i>The department attorney incorrectly assessed the deadline for taking disciplinary action as September 25, 2016, when the deadline was actually October 9, 2016.</i></p> <p>Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?</p> <p><i>The department attorney failed to modify the deadline to take disciplinary action until the OIG pointed out the need to reassess the deadline.</i></p> <p>Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?</p> <p><i>The department attorney did not attend the two officers' interviews.</i></p> <p>Did the special agent appropriately enter case activity in the case management system?</p> <p><i>The special agent did not enter a summary in the case management system indicating whether the officers supported, refuted, denied, or admitted the allegations.</i></p> <p>Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?</p> <p><i>The Office of Internal Affairs provided the draft report to the department attorney on June 8, 2016. However, the department attorney did not provide feedback until July 15, 2016, 37 days later and after the hiring authority received the investigative report.</i></p>
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Incident Date	OIG Case Number	Case Type	Allegations
2015-09-24	15-2773-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> Unreasonable Use of Force Dishonesty

<h3>Incident Summary</h3> <p>On September 24, 2015, an officer allegedly pushed an inmate to the ground while responding to an incident and was dishonest in his report regarding the matter.</p>

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
<p>The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not review or provide feedback regarding the draft investigative report. The special agent did not make a critical entry in the case management system.</p>	

NORTH REGION

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not make an entry in the case management system documenting whether the officer supported, refuted, denied, or admitted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on April 8, 2016. However, the department attorney did not review the report until after the Office of Internal Affairs provided it to the hiring authority. The department attorney also failed to provide any feedback addressing the thoroughness and clarity of the report.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-25	15-2453-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Misuse of Authority 2. Failure to Report 3. Dishonesty

Incident Summary

On September 25, 2015, a sergeant allegedly falsified an incident report and a rules violation report and ordered two officers to falsify their incident reports. One of the officers allegedly falsified his incident report and a holding cell log and failed to report the sergeant's misconduct. A lieutenant allegedly allowed the sergeant and officer to falsify their reports and falsified his own report.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not identify all appropriate subjects of the investigation. Also, the special agent did not enter critical information in the case management system.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs failed to add an officer as a subject of the investigation for allegedly failing to report his involvement in the incident.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the lieutenant, sergeant, and officer supported, refuted, denied, or admitted the allegations.

Incident Date	OIG Case Number	Case Type	Allegations
2015-09-27	15-2386-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty

Incident Summary

On September 27, 2015, an officer allegedly failed to sign his post orders, conduct security checks, and conduct a proper inmate count. On September 28, 2015, a second and third officer also allegedly failed to sign their post orders and conduct security checks. On May 17, 2016, the third officer allegedly failed to appear for an interview with the Office of the Internal Affairs.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
<p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not conduct the investigative findings conference in a timely manner and the department attorney did not provide timely feedback regarding the investigative report. Also, the special agent did not enter critical information into the case management system.</p>	

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the officers supported, refuted, denied, or admitted the allegations.</i> Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report? <i>The Office of Internal Affairs provided the draft report to the department attorney on July 18, 2016. However, the department attorney did not document in the case management system that he reviewed the report and did not provide appropriate substantive feedback regarding the report until August 17, 2016, after the Office of Internal Affairs provided the report to the hiring authority.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs completed the investigation and referred the matter to the hiring authority on August 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until September 12, 2016, 33 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not conduct the investigative findings conference in a timely manner.</i>
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Incident Date	OIG Case Number	Case Type	Allegations
2015-10-03	15-2776-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior

<h3>Incident Summary</h3> <p>On October 3, 2015, two officers allegedly shot and killed a bear, failed to tag it, and left the carcass. On October 5, 2015, the officers were allegedly dishonest to outside law enforcement regarding seeing or killing the bear. One of the officers was also allegedly dishonest regarding his knowledge about the bear being shot and on August 3, 2016, was allegedly dishonest during an interview with the Office of Internal Affairs.</p>

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
<p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent in-charge did not adequately cooperate with the OIG and the special agent did not make all required entries in the case management system.</p>	

NORTH REGION

Assessment Questions

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

The department learned of the alleged misconduct on October 8, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 1, 2015, 54 days after the date of discovery.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officers supported, refuted, denied, or admitted the allegations.

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

The special agent, senior special agent, and special agent in-charge consulted with the OIG and the department attorney regarding the status of the case less than 60 days before the deadline to take disciplinary action. At this consultation, the special agent in-charge refused to give an estimate of when the investigative report would be completed even though all of the interviews and investigative work had been completed.

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-10-15	16-0777-IR	Direct Action with Subject Only Interview	1. Dishonesty

Incident Summary

On October 15, 2015, an ombudsman allegedly provided false information and omitted information on an employment background investigation questionnaire regarding acts of child molestation involving his siblings and possession of child pornography. On November 2, 2015, the ombudsman allegedly provided false information and omitted material information during a background investigation interview. On March 22, 2016, the ombudsman was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs.

Assessment Questions

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

The department learned of the alleged misconduct on November 2, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 19, 2016, 109 days after the date of discovery.

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

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-10-15	16-1803-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Retaliation 3. Neglect of Duty 4. Discourteous Treatment

Incident Summary

Between October 15, 2015, and November 17, 2015, two officers and a cook allegedly used racial or religious slurs toward an inmate, the cook allegedly failed to follow religious meal preparation procedures, and the first officer allegedly failed to report his concerns about the inmate's safety. On November 17, 2015, the first officer and the cook allegedly removed the inmate from his job in the kitchen because the inmate filed an appeal and complained about staff misconduct. On October 21, 2015, a third officer allegedly made a discourteous statement toward one inmate and racial and religious slurs toward another inmate. On October 11, 2016, the first officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs. The department attorney did not provide a copy of written feedback regarding the investigative report to the OIG.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 16, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 24, 2016, seven months after the date of discovery.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not provide the OIG with written confirmation summarizing critical discussions about the investigative report.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2015-10-19	15-2768-IR	Administrative Investigation	1. Neglect of Duty

Incident Summary

On October 19, 2016, an Office of Correctional Safety senior special agent allegedly failed to review, approve, and update a special operations plan pertaining to an operation that endangered the public and resulted in a parolee being shot. The senior special agent also allegedly failed to ensure agents under his supervision were properly briefed when the plan changed and that they followed policies, procedures, and training. A special agent also allegedly failed to complete and update the special operations plan and ensure that other agents were properly briefed when the plan changed. The special agent and a second special agent allegedly mishandled crime scene evidence, failed to follow policies, procedures, and training to protect the public and the parolee, and failed to ensure other agents adhered to policies, procedures, and training.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not adequately cooperate with the OIG or complete a thorough investigation and the hiring authority improperly determined the Office of Internal Affairs conducted a thorough investigation. The special agent did not enter critical information in the case management system.

NORTH REGION

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?

The special agent's manager did not enter contact and correspondence with a critical witness into the case management system. The special agent did not enter a summary in the case management system indicating whether the senior special agent and special agents supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The investigative draft report did not include relevant policies and procedures pertaining to protecting the public and parolees during special operations. Because the Office of Internal Affairs declined to interview an expert or uninvolved supervisor regarding the department's policies, procedures, and training regarding special operations, the draft investigative report did not include that critical information.
- Was the final investigative report thorough and appropriately drafted?

Because the Office of Internal Affairs declined to interview an expert or uninvolved supervisor regarding the department's policies, procedures, and training regarding special operations, the final investigative report did not include that critical information.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The Office of Internal Affairs interviewed witnesses without adequately informing the OIG, thereby preventing the OIG from monitoring the interviews.
- Was the investigation thorough and appropriately conducted?

The Office of Internal Affairs declined to identify and interview an expert or uninvolved supervisor regarding the department's policies, procedures, and training regarding special operations.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?

The hiring authority improperly determined the Office of Internal Affairs conducted a sufficient investigation even though the Office of Internal Affairs did not identify or interview an expert or uninvolved supervisor as the department attorney and the OIG recommended.
- Did the HA properly determine whether additional investigation was necessary?

The hiring authority improperly determined the Office of Internal Affairs conducted a sufficient investigation even though the Office of Internal Affairs did not identify or interview an expert or uninvolved supervisor as the department attorney and the OIG recommended. Instead, the hiring authority relied on the department attorney to identify and interview the witness if the senior special agent and special agents filed appeals.

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-01	16-0992-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty Disclosure of Confidential Information

Incident Summary

Between November 1, 2015, and January 13, 2016, an officer and a cook allegedly accessed confidential information concerning an inmate's commitment offense and then disclosed that information to other inmates. Between December 24, 2015, and January 13, 2016, the cook and a supervising cook allegedly failed to report that the inmate's commitment offense had been disclosed to other inmates.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not make all entries in the case management system.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 13, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 29, 2016, 47 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer, cook, and supervising cook supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-03	16-0203-IR	Administrative Investigation	<ol style="list-style-type: none"> Dishonesty Unreasonable Use of Force Neglect of Duty

Incident Summary

On November 3, 2015, a sergeant allegedly ordered an officer to open a cell door when there was no imminent threat. The sergeant and the officer allegedly opened the cell door and the sergeant, the officer, and two additional officers allegedly entered the cell immediately when a controlled entry was required. One of the officers left to retrieve equipment and allegedly failed to timely return to the incident. The sergeant also allegedly intentionally fell onto the inmate after the inmate was face-down and was dishonest regarding the incident.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-04	16-0205-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty

Incident Summary

On November 4, 2015, two officers allegedly failed to observe that two inmates were stabbing a third inmate multiple times on the exercise yard.

Predisciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-13	16-1801-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report 3. Neglect of Duty

Incident Summary

On November 13, 2015, two officers allegedly punched, kicked, and choked an inmate after they saw the inmate receiving contraband, and failed to accurately report the use of force. A lieutenant allegedly discarded a visual recording of the incident and failed to ensure a video-recorded interview of the inmate was performed. A second lieutenant allegedly coerced the inmate to prevent the reporting of the officers' misconduct, failed to perform a video-recorded interview of the inmate, and failed to complete required documentation. Between December 2 and 3, 2015, a captain and an associate warden allegedly failed to properly review reports about the incident and allegedly failed to ensure a video-recorded interview of the inmate was performed and the visual recording of the incident was preserved. On December 28, 2015, a sergeant allegedly failed to report that the second lieutenant coerced the inmate to not report allegations of unreasonable use of force.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the case to the Office of Internal Affairs. The special agent did not enter all appropriate case activity in the case management system and the department attorney did not timely assess the deadline for taking disciplinary action.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 13, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 24, 2016, more than seven months after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned on July 26, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 25, 2016, 30 days after assignment.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officers, sergeants, lieutenants, and captain supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the case to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-24	16-0271-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Neglect of Duty 3. Dishonesty

Incident Summary

On November 24, 2015, five officers allegedly inappropriately entered the cell of an inmate who was refusing a bed move instead of conducting a controlled cell extraction. A sergeant allegedly failed to order a controlled cell extraction, failed to supervise the incident, and was dishonest in his reporting of the incident.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney used an incorrect legal standard to assess the deadline to take disciplinary action and the hiring authority did not timely conduct the investigative findings conference or adequately cooperate with the OIG.	

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly used the incident date rather than the date of discovery to assess the deadline to take disciplinary action.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 27, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 12, 2016, 77 days thereafter.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority completed the forms documenting the investigative findings on October 28, 2016, but did not provide them to the OIG until December 16, 2016, after the OIG's repeated requests.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely conduct the investigative findings conference.

Incident Date	OIG Case Number	Case Type	Allegations
2016-01-08	16-0680-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Discrimination/Harassment

Incident Summary

From January 8, 2016, through January 20, 2016, an associate warden and a captain allegedly harassed a lieutenant and referred to him as a "rat." On January 25, 2016, another lieutenant allegedly taped a picture of a cheese wedge on the window of the first lieutenant's office.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process. However, the underlying incident took place on January 8, 2016. On March 4, 2016, the Office of Internal Affairs assigned a special agent to conduct the investigation, but a special agent did not conduct the first interview until September 16, 2016.	

Incident Date	OIG Case Number	Case Type	Allegations
2016-03-03	16-1215-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Driving Under the Influence 2. Other Failure of Good Behavior 3. Dishonesty

Incident Summary

On March 3, 2016, an officer was arrested for allegedly driving under the influence of alcohol. The officer was also allegedly in possession of a firearm and ammunition while under the influence and dishonest to outside law enforcement when he denied drinking alcohol.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Insufficient

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs initially refused to add a dishonesty allegation. The special agent did not make a critical entry in the case management system.

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs inappropriately refused to add a dishonesty allegation even though evidence supported the allegation that the officer was dishonest when he denied three times to outside law enforcement that he drank alcohol. The OIG elevated the issue multiple times and eventually to the Office of Internal Affairs deputy director who ultimately agreed that the dishonesty allegation should be added.</i> Would the appropriate initial determination or reconsideration determination have been made by the Office of Internal Affairs without OIG intervention? <i>The OIG disagreed with the Office of Internal Affairs' initial decision to not add a dishonesty allegation despite evidence supporting the allegation. The officer was dishonest three times to outside law enforcement when he denied that he had been drinking alcohol. The officer provided truthful answers to outside law enforcement regarding other matters when questioned, but was dishonest regarding drinking alcohol. The Office of Internal Affairs added the dishonesty allegation only after the OIG elevated the matter to the Office of Internal Affairs deputy director.</i> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.</i>
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Incident Date	OIG Case Number	Case Type	Allegations
2016-03-09	16-1204-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Failure to Report Weapons Dishonesty

<h3>Incident Summary</h3> <p>On March 9, 2016, an officer allegedly negligently discharged a round from a handgun during an armory inventory, failed to timely report the negligent discharge, removed the discharged bullet casing from the scene and discarded it at home, and was allegedly dishonest to responding officers when he told them nothing had happened. On March 10, 2016, the officer allegedly completed a false armory inventory and was dishonest to another officer regarding the inventory, and on March 12, 2016, allegedly submitted a false memorandum regarding the incident.</p>

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not sustain an appropriate allegation and the department attorney neglected to make a required entry in the case management system and provide appropriate legal advice to the hiring authority.

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Assessment Questions

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

The department attorney did not make any entry into the case management system confirming relevant dates

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

The department attorney recommended against sustaining the allegation that the officer submitted a false memorandum despite a preponderance of evidence supporting the allegation.

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

The hiring authority did not sustain the allegation that the officer provided a false memorandum despite a preponderance of evidence supporting the allegation.

Incident Date	OIG Case Number	Case Type	Allegations
2016-03-15	16-1331-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Other Failure of Good Behavior 3. Intoxication

Incident Summary

On March 15, 2016, an officer was arrested after he allegedly choked and pushed his minor daughter while intoxicated and subsequently allegedly failed to submit a memorandum regarding the incident as a lieutenant had directed. On July 13, 2016, the officer pled guilty to infliction of injury on a child.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not adequately assess the deadline to take disciplinary action. The special agent did not appropriately prepare the draft investigative report.

Assessment Questions

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

The department attorney made an entry assessing the deadline for taking disciplinary action but did not enter any relevant dates, and failed to address applicable tolling based on the criminal prosecution.

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The draft investigative report did not include a summary of portions of the outside law enforcement report that recorded two witnesses' observations.

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Incident Date	OIG Case Number	Case Type	Allegations
2016-04-01	16-1252-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Dishonesty 3. Failure to Report 4. Neglect of Duty 5. Weapons

Incident Summary

Between April 1, 2016, and April 15, 2016, a sergeant allegedly failed to complete an armory inventory on seven occasions. On April 20, 2016, the sergeant allegedly failed to report to a supervisor that a weapon had been discovered in a department van. Between April 20 and April 23, 2016, the sergeant allegedly falsely documented that a missing department weapon was in the armory when it was not and, on April 22, 2016, allegedly failed to direct officers to document their recovery of the weapon that had been left inside the van. Between April 5 and April 25, 2016, a second sergeant allegedly failed to complete an armory inventory on ten occasions and on April 20, 2016, allegedly failed to report to his supervisor that an officer reported a missing department weapon and failed to have the officer document the missing weapon. Between April 16 and April 23, 2016, a third sergeant allegedly failed to complete the armory inventory and on April 23, 2016, allegedly backfilled an inventory log book. On April 20, 2016, a fourth sergeant allegedly failed to report to his supervisor that two officers reported a missing department weapon and failed to direct the officers to document it. On April 20, 2016, an officer allegedly failed to conduct an inventory of weapons in his possession with his relief officer at an outside hospital, left his partner alone with a hospitalized inmate, allowed his partner to leave the room on multiple occasions, leaving him alone with the inmate, and failed to adequately observe and report his conduct and observations during the shift. On April 20, 2016, a second officer allegedly left the hospitalized inmate unguarded on multiple occasions. On April 20, 2016, four other officers allegedly failed to conduct an inventory of weapons when exchanging equipment at an outside hospital. On April 21, 2016, a seventh officer allegedly documented the wrong serial number of a department weapon in a log book. On April 22, 2016, an eighth officer allegedly checked out a department weapon without documenting it in a log book and a ninth officer allegedly failed to search a department vehicle and drove the vehicle into the secure perimeter with a weapon inside. On April 23, 2016, the hiring authority discovered a department weapon that an unknown person had allegedly misplaced. On April 28, 2016, the third sergeant was allegedly dishonest during an interview with the Office of Internal Affairs and, on April 29, 2016, the second sergeant was allegedly dishonest during an interview with the Office of Internal Affairs. Between May 3 and May 5, 2016, the first and second officers allegedly discussed the investigation after being admonished not to do so. On May 5, 2016, the first officer and the fourth sergeant were allegedly dishonest during their interviews with the Office of Internal Affairs. On May 5, 2016, a tenth officer allegedly placed the missing department weapon inside a department vehicle without approval and, on May 19, 2016, was allegedly dishonest during an interview with the Office of Internal Affairs. On May 5, 2016, an eleventh and twelfth officer allegedly failed to search a department van before transporting an inmate and driving the van into the secure perimeter and falsely documented that they had done so. On May 6, 2016, a thirteenth and fourteenth officer allegedly failed to search a department vehicle and allowed it to enter the secure perimeter with a weapon inside and falsely documented the search.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney recommended against sustaining an allegation the evidence supported, the hiring authority failed to sustain that allegation, and the hiring authority's supervisor also made an inappropriate finding regarding the allegation. In addition, the hiring authority did not timely conduct investigative findings conferences and the department attorney did not make any entry into the case management system confirming relevant dates. The special agent did not enter critical information in the case management system.

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Assessment Questions

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

The department attorney did not make any entry into the case management system confirming relevant dates.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officers and sergeants supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 22, 2016. However, the hiring authority did not complete two of the consultations with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 24, 2016, 94 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney inappropriately recommended the hiring authority not sustain an allegation that an officer falsely documented completing a vehicle inspection before driving into the secure perimeter with a weapon inside, despite a preponderance of evidence supporting the allegation.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority failed to sustain an allegation that an officer falsely documented completing a vehicle inspection before driving into the secure perimeter with a weapon inside, despite a preponderance of evidence supporting the allegation.
- If an executive review was invoked in the case, did OIG request the executive review?

The OIG sought a higher level of review regarding the hiring authority's decision to not sustain the allegation that an officer falsely documented completing a vehicle inspection despite a preponderance of the evidence, including the officer's admission that he did not conduct an inspection.
- If an executive review was invoked, was the appropriate decision made?

The hiring authority's supervisor incorrectly determined the finding would remain as initially determined.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?

The hiring authority conducted one of the investigative findings conferences on October 24, 2016, but did not complete and provide the forms documenting the investigative findings until December 16, 2016, after the OIG's repeated requests.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority did not timely conduct two of the investigative findings conferences.

Incident Date	OIG Case Number	Case Type	Allegations
2016-04-07	16-1645-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty

Incident Summary

On April 7, 2016, an officer allegedly exceeded the speed limit while driving a State vehicle. A second officer allegedly failed to timely report the first officer's speeding and attempted to photograph or visually record the first officer. The second officer also allegedly was asleep on duty and attempted to dissuade the first officer from reporting his sleeping.

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Predisciplinary Assessment The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs made an inappropriate initial determination and the department attorney neglected to provide appropriate feedback to the special agent. The special agent did not enter all activity in the case management system and did not prepare a thorough draft investigative report.	Procedural Rating: Sufficient
	Substantive Rating: Insufficient

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The OIG disagreed with the Office of Internal Affairs' decision to not add allegations for the officers taking photographs of each other because evidence supported adding the allegations.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officers supported, refuted, denied, or admitted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?

The department attorney neglected to identify that some exhibits had incorrect dates, relevant exhibits were not included, that some of the exhibits were not summarized, and that some of the interview summaries lacked sufficient detail.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The draft investigative report lacked sufficient detail regarding some of the interviews, did not include a summary of three relevant exhibits, and did not include relevant policies and training records as exhibits.

Incident Date	OIG Case Number	Case Type	Allegations
2016-04-17	16-1753-IR	Direct Action (No Subject Interview)	1. Neglect of Duty 2. Insubordination/Willful Disobedience

Incident Summary

On April 17, 2016, three officers allegedly failed to follow a written directive regarding cell door security and failed to secure cell doors, resulting in a battery on an inmate.

Predisciplinary Assessment The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not add a dishonesty allegation and the hiring authority did not timely conduct the investigative findings conference. The department attorney did not make a required entry in the case management system.	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

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Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not add dishonesty allegations because the evidence showed the officers may not have conducted security checks that they documented performing.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entry in the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on June 22, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 12, 2016, 112 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely conduct the investigative findings conference.

Incident Date	OIG Case Number	Case Type	Allegations
2016-04-18	16-1725-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty

Incident Summary

On April 18, 2016, an officer allegedly pushed an inmate to the ground while responding to an alarm, failed to report pushing the inmate to the ground, and was dishonest in his report regarding the incident.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference or sustain allegations the evidence supported and the department attorney provided inappropriate legal advice.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 12, 2016, 48 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney recommended the hiring authority not sustain dishonesty or unreasonable use-of-force allegations despite a preponderance of evidence supporting the allegations.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not sustain dishonesty or unreasonable use-of-force allegations despite a preponderance of evidence supporting the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely conduct the investigative findings conference.

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Incident Date	OIG Case Number	Case Type	Allegations
2016-04-25	16-1904-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Misuse of State Equipment or Property

Incident Summary

On April 25, 2016, a counselor and a psychologist allegedly exchanged email messages containing discourteous comments about an inmate. The psychologist also allegedly failed to maintain control over the email message, enabling another inmate to obtain the message and provide it to the first inmate.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conference and the Office of Internal Affairs improperly declined to open an investigation. The employee relations officer did not confirm relevant dates.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on May 21, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 22, 2016, 93 days after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs refused to open an administrative investigation to determine how the inmate obtained the confidential information.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs improperly decided not to interview the psychologist regarding how the inmate obtained possession of the email message.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on September 7, 2016. However, the hiring authority for the psychologist did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until November 28, 2016, 82 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conference.

Incident Date	OIG Case Number	Case Type	Allegations
2016-06-07	16-1870-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Unreasonable Use of Force

Incident Summary

On June 7, 2016, an officer allegedly forcibly pulled a wheelchair-bound inmate into his cell when the inmate posed no imminent threat.

NORTH REGION

Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs, did not timely conduct the investigative findings conference, and did not adequately cooperate with the OIG. The employee relations officer did not make any entry into the case management system confirming relevant dates.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

<h3>Assessment Questions</h3> <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on June 8, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 27, 2016, 49 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on August 24, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until November 22, 2016, 90 days thereafter.</i> Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase? <i>The hiring authority conducted the investigative findings conference on November 22, 2016, but did not complete the form documenting the investigative findings and provide it to the OIG until December 16, 2016, after repeated requests from the OIG.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not timely refer the matter to the Office of Internal Affairs and did not timely conduct the investigative findings conference.</i>
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Incident Date	OIG Case Number	Case Type	Allegations
2016-07-01	16-1856-IR	Direct Action with Subject Only Interview	1. Weapons 2. Neglect of Duty 3. Discourteous Treatment 4. Other Failure of Good Behavior 5. Intoxication

Incident Summary
 Between July 1, 2016, and July 3, 2016, an officer allegedly failed to qualify for and obtain certification to carry a firearm while off duty and failed to submit an annual firearms certification form. On July 3, 2016, the officer was arrested for alleged public intoxication, allegedly possessed a concealed weapon while intoxicated and without a valid permit, and was allegedly discourteous to outside law enforcement.

Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed conducting the investigative findings conference.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

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Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on October 4, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until November 8, 2016, 35 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2016-08-06	16-1972-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Misuse of Authority 2. Driving Under the Influence

Incident Summary

On August 6, 2016, a sergeant was arrested for allegedly driving under the influence of alcohol and allegedly misused her authority when she begged for leniency.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-08-14	16-1942-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Intoxication 4. Discourteous Treatment

Incident Summary

On August 14, 2016, outside law enforcement arrested an officer for allegedly driving under the influence. The officer was also allegedly dishonest to outside law enforcement, uttered profanities at emergency first responders, pushed one of the responders on the chest, went to another officer's residence and pounded on the door while yelling, resulting in outside law enforcement response, and violated the terms of his probation by driving under the influence of alcohol. On August 30, 2016, the officer allegedly violated a court order by failing to appear in court, resulting in a misdemeanor warrant for his arrest being issued on September 22, 2016.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-08-27	16-2074-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> 1. Dishonesty 2. Driving Under the Influence

Incident Summary

On August 27, 2016, an officer was arrested for allegedly driving under the influence of alcohol and was allegedly dishonest to outside law enforcement.

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Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs made an inappropriate determination regarding the referral.	

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on August 29, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 20, 2016, 52 days after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs inappropriately refused to interview the officer to question the officer regarding the dishonesty allegation and factual inconsistencies between his statement and the outside law enforcement report.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Incident Date	OIG Case Number	Case Type	Allegations
2016-09-18	16-2096-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Discourteous Treatment Other Failure of Good Behavior

Incident Summary

On September 18, 2016, an officer was arrested for alleged public intoxication and possession of an open container in a vehicle. The officer also allegedly created a disturbance at a gas station, chastised a private citizen, and knocked a hat out of the citizen's hand.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not make an appropriate determination regarding the referral.	

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on September 19, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 7, 2016, 49 days after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs inappropriately removed a dishonesty allegation despite evidence supporting the allegation and refused to approve an interview of the officer in order to properly investigate the allegations and possible dishonesty.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2007-01-02	16-1701-IR	Direct Action with Subject Only Interview	1. Dishonesty

Incident Summary

On January 2, 2007, an officer allegedly secured employment with the department under false pretenses by failing to disclose on his employment application that he had unsuccessfully applied for employment with other law enforcement agencies, been convicted of a misdemeanor, been placed on probation and a court-ordered diversion program, attended college, and had an outstanding warrant. On August 4, 2016, the officer was allegedly dishonest to the Office of Internal Affairs.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Assessment Questions

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

The department learned of the alleged misconduct on March 21, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 6, 2016, 46 days after the date of discovery.

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-02	16-1222-IR	Administrative Investigation	1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty

Incident Summary

On May 2, 2012, and July 9, 2012, a parole agent allegedly falsely documented conducting required work-related contacts with a parolee's sister that he did not conduct. Between October 1, 2014, and November 29, 2016, the parole agent allegedly dated and fathered a child with the parolee's sister and failed to notify his hiring authority of the relationship.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-01	15-2440-IR	Administrative Investigation	1. Failure to Report 2. Neglect of Duty

Incident Summary

Between March 1, 2015, and September 1, 2015, a parole agent allegedly failed to properly supervise three parolees, allowed the parolees to violate terms of their parole, and failed to report the violations to his supervisor. The parole agent also allegedly failed to document the violations in the electronic monitoring database and failed to timely resolve electronic alerts.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-29	15-2113-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty

Incident Summary

On July 29, 2015, an officer allegedly struck an inmate multiple times in the head with a baton, failed to accurately document the incident, and was dishonest in his report regarding the incident. A sergeant allegedly failed to ensure that team members for a cell extraction clearly understood their roles and the use-of-force policy, conduct a video-recorded interview of the inmate after the extraction, or ensure continual observation of the inmate. A captain and lieutenant allegedly failed to ensure that a proper plan was developed for a cell extraction and that team members clearly understood their roles, ensure a video-recorded interview of the inmate was conducted, and ensure continual observation of the inmate. On October 4, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conference. The special agent did not enter all activity in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on July 29, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 14, 2015, 47 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer, sergeant, and captain supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation for the officer and referred the matter to the hiring authority on October 26, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings for the officer until December 9, 2016, 44 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs and conduct the investigative findings conference for the officer.

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-11	16-0920-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On August 11, 2015, an officer allegedly failed to report his involvement in a use-of-force incident. On August 26, 2015, a lieutenant allegedly wrote and signed a false report in a second officer's name regarding the use-of-force incident.

Predisciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-10-15	16-0202-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Unreasonable Use of Force

Incident Summary

On October 15, 2015, three officers allegedly deployed pepper spray on an inmate when there was no imminent threat. One of the officers and a fourth officer allegedly struck the inmate with a baton when there was no imminent threat.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and improperly failed to sustain allegations of unreasonable use of force. The department attorney failed to timely enter relevant dates in the case management system and the special agent did not enter all activity in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 15, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 18, 2015, 64 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned on February 1, 2016, but did not make an entry into the case management system assessing relevant dates until February 23, 2016, 22 days after assignment.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary into the case management system indicating whether the officers supported, refuted, denied, or admitted the allegations.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority failed to sustain allegations that the officers used unreasonable force by deploying pepper spray despite evidence supporting the allegation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2015-10-29	16-0326-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On October 29, 2015, a lieutenant allegedly failed to follow the department's report clarification request procedures and wrote a report for an officer without the officer's knowledge.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the special agent did not conduct a thorough investigation. Also, the special agent did not enter all activity in the case management system.

SOUTH REGION

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the lieutenant supported, refuted, denied, or admitted the allegations.

- Was the investigation thorough and appropriately conducted?

During the officer's first interview, the special agent did not ask the officer whether the lieutenant called him to obtain information for the report. During the lieutenant's interview, the lieutenant stated that he had called the officer to obtain the information for the report. Despite the OIG's recommendation, the special agent failed to conduct a second interview of the officer to address this inconsistency.

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-01	16-0998-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Insubordination/Willful Disobedience

Incident Summary

On November 1, 2015, a lieutenant allegedly disobeyed a captain's orders regarding officer shift rotations and on December 1, 2015, disobeyed the captain's order to stop using inmate clerks to handle employee holiday requests. On January 8, 2016, the lieutenant allegedly made derogatory comments about other employees and on January 15, 2016, cursed at the captain. On January 19, 2016, the lieutenant allegedly falsely told the hiring authority that she went to an emergency room when she had not done so.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney did not contact the special agent or the OIG and neglected to provide timely feedback regarding the draft investigative report. Also, the special agent did not make all entries in the case management system.

Assessment Questions

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

The department learned of the alleged misconduct on November 1, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 8, 2016, 128 days after the date of discovery.

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

The department attorney did not contact the special agent or the OIG to discuss the elements of a thorough investigation.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the lieutenant supported, refuted, denied, or admitted the allegations.

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

The special agent provided the draft report to the department attorney on August 8, 2016, but the department attorney did not provide feedback until August 30, 2016, 22 days later.

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

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

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-21	16-0392-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty 3. Discourteous Treatment 4. Dishonesty

Incident Summary

On November 21, 2015, a lieutenant and sergeant allegedly failed to adequately investigate an inmate's alleged indecent exposure to an officer. The lieutenant also allegedly failed to report the indecent exposure and made derogatory comments to another officer regarding the incident. On November 23, 2015, the lieutenant allegedly falsely told another lieutenant he was unaware of the incident.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department did not sustain a dishonesty allegation the evidence supported. The special agent did not enter all activity in the case management system.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the lieutenant and sergeant supported, refuted, denied, or admitted the allegations.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority failed to sustain a dishonesty allegation against the lieutenant despite sufficient evidence to do so.

Incident Date	OIG Case Number	Case Type	Allegations
2015-12-01	16-0553-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty

Incident Summary

On December 1, 2015, a captain allegedly directed officers to confiscate a typewriter from a disabled inmate and, on December 4, 2015, allegedly directed officers to remove another disabled inmate from the exercise yard because the inmate would not get on the ground when directed. On April 25, 2016, the captain was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs did not address evidentiary concerns the OIG raised. Also, the special agent did not make complete entries in the case management system.

SOUTH REGION

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the captain supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include complete information from the department's computer database regarding the inmate's disability relevant to the dishonesty allegation.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not include complete information from the department's computer database regarding the inmate's disability relevant to the dishonesty allegation.
- Was the investigation thorough and appropriately conducted?
Despite the OIG's recommendation, the special agent did not obtain additional evidence from the department's computer database regarding the inmate's disability relevant to the dishonesty allegation. The hiring authority made a similar request but the special agent obtained only some of the information.

Incident Date	OIG Case Number	Case Type	Allegations
2015-12-15	16-1981-IR	Direct Action (No Subject Interview)	1. Assault 2. Other Failure of Good Behavior

Incident Summary

On December 15, 2015, a youth counselor allegedly slapped his wife and threw food in her face, resulting in his arrest for domestic violence.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney provided inappropriate legal advice.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on December 17, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 7, 2016, almost ten months after the date of discovery.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
At an investigative findings conference, the department attorney inappropriately advised the hiring authority there was insufficient evidence to sustain an allegation that the youth counselor slapped his wife, despite evidence supporting the allegation and the OIG's recommendation to sustain the allegation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-12-16	16-1226-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Medical-Undetermined/Other 2. Neglect of Duty

Incident Summary

On December 16, 2015, a physician allegedly performed a body cavity search of an inmate for possible contraband without approval and without using the proper equipment, and failed to document the search.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs refused to add appropriate subjects to the investigation, add appropriate allegations, and fully investigate the matter. Also, the special agent concealed information from and failed to adequately cooperate with the OIG, the department attorney provided erroneous legal advice to the hiring authority, and the hiring authority improperly failed to sustain an allegation supported by the evidence. Additionally, the underlying incident took place on December 16, 2015. On April 21, 2016, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until August 30, 2016.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

Despite the OIG's recommendation, the Office of Internal Affairs refused to add an officer and a nurse as subjects of the investigation, add appropriate allegations against the physician, and fully investigate their potential failure to comply with policies regarding body cavity searches. The OIG elevated the matter multiple levels to the deputy director of the Office of Internal Affairs. However, the Office of Internal Affairs still refused to follow the OIG's recommendations.
- Did the special agent appropriately enter case activity in the case management system?

The special agent failed to timely enter information in the case management system revealing that he had located and spoken to the nurse that the OIG recommended he interview, and entered the information only after the Office of Internal Affairs eventually agreed to interview the nurse. The special agent also did not enter a summary in the case management system indicating whether the physician supported, refuted, denied, or admitted the allegations.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

The special agent failed to inform the OIG that he located and spoke to the nurse, a percipient witness, while the Office of Internal Affairs openly refused to interview the nurse despite the OIG's recommendation to do so. The special agent revealed the information only after the Office of Internal Affairs ultimately agreed to attempt interviewing the nurse. The special agent also failed to enter information into the case management system regarding contact with the nurse. The combined failures resulted in concealing information from the OIG and preventing the OIG from monitoring the contact with the nurse.
- Was the investigation thorough and appropriately conducted?

While rejecting the OIG's recommendation to locate and interview the nurse, no longer a State employee, the special agent located and spoke to the nurse without revealing these efforts to the OIG, preventing the OIG from monitoring the contact. After the Office of Internal Affairs eventually agreed to interview the nurse, the nurse did not respond and was never interviewed. The Office of Internal Affairs failed to explore possible code of silence issues the OIG raised.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney erroneously opined that the undisputed failure to comply with policies regarding body cavity searches, including the need for probable cause, did not constitute actionable misconduct without proof of training on the policy.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority erroneously determined that he could not sustain an allegation for an undisputed violation of the department's body cavity search policies, including the need for probable cause, because he believed the policy did not apply to medical staff and that medical staff are not trained on the policy.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2016-01-05	16-0502-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Weapons 2. Neglect of Duty 3. Intoxication 4. Driving Under the Influence

Incident Summary

On January 5, 2016, an on-duty parole agent allegedly drove a State vehicle and carried a State-issued firearm while intoxicated and later stored the firearm in an unlocked desk drawer.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-01-11	16-1172-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> 1. Misuse of Authority

Incident Summary

On January 11, 2016, a sergeant allegedly inappropriately submitted a character reference letter to a district attorney's office on behalf of his girlfriend, a defendant in a domestic violence case, in which the sergeant noted his employment as a peace officer with the department and his status as a supervisor.

Predisciplinary Assessment

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

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

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on April 13, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until May 19, 2016, 36 days thereafter.

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

The hiring authority did not conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2016-02-05	16-0922-IR	Administrative Investigation	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Dishonesty 3. Neglect of Duty

Incident Summary

On February 5, 2016, an officer allegedly improperly deployed pepper spray on an inmate to prevent disposal of contraband. The officer submitted a report regarding the incident and allegedly replaced the report with a false report to justify his use of force. On February 6, 2016, a sergeant allegedly assisted the officer with writing the false report and failed to follow the proper process for obtaining clarification. On February 11, 2016, the officer allegedly wrote a rules violation report based on the false report and on March 5, 2016, allegedly provided false testimony at the rules violation hearing.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Insufficient
<p>The department's handling of the pre-disciplinary process was substantively insufficient because the special agent did not conduct a thorough investigation. The special agent also did not prepare a thorough draft investigative report or make complete entries in the case management system. The hiring authority inappropriately deemed the investigation sufficient and the department attorney failed to properly evaluate the need for additional investigation.</p>	

<h2>Assessment Questions</h2>	
<ul style="list-style-type: none"> Were all of the interviews thorough and appropriately conducted? 	<p><i>The special agent failed to add a lieutenant as a subject of the investigation before interviewing the lieutenant a second time, despite the OIG and department attorney's recommendations to do so. The special agent also did not sufficiently question the lieutenant regarding the original incident documentation he prepared, which relied upon the officer's first report, and failed to ask sufficiently detailed questions of the officer related to the pepper spray use.</i></p>
<ul style="list-style-type: none"> Did the special agent appropriately enter case activity in the case management system? 	<p><i>The special agent did not enter a summary in the case management system regarding whether the officer and sergeant supported, refuted, denied, or admitted the allegations.</i></p>
<ul style="list-style-type: none"> Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? 	<p><i>The draft investigative report failed to list witnesses interviewed, failed to include the original incident report documents the lieutenant prepared as an exhibit, and did not include any of the officer's statements regarding the details of his use of pepper spray.</i></p>
<ul style="list-style-type: none"> Was the investigation thorough and appropriately conducted? 	<p><i>The special agent did not obtain sufficiently detailed statements from the officer regarding his use of pepper spray, fully investigate the lieutenant's role regarding a request for a second report from the officer, and did not interview a captain regarding his knowledge of the second report or the lieutenant's awareness of the second report.</i></p>
<ul style="list-style-type: none"> Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient? 	<p><i>The hiring authority improperly deemed the investigation sufficient when further interviews were needed to question officers, a lieutenant, and a captain to properly evaluate the allegations.</i></p>
<ul style="list-style-type: none"> Did the HA properly determine whether additional investigation was necessary? 	<p><i>The hiring authority failed to request additional investigation to determine the roles of the officer, a sergeant, a lieutenant, and a captain regarding the creation and submission of the second report.</i></p>
<ul style="list-style-type: none"> Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings? 	<p><i>The department attorney did not recommend additional interviews of the officer, a lieutenant, and captain to clarify why the officer wrote a second report.</i></p>
<ul style="list-style-type: none"> If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation? 	<p><i>The hiring authority could not properly evaluate most of the allegations because the investigation lacked necessary evidence surrounding the officer's second report.</i></p>

Incident Date	OIG Case Number	Case Type	Allegations
2016-02-06	16-2029-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Improper Access to Confidential Information Misuse of Authority

<h3>Incident Summary</h3> <p>Between February 6, 2016, and September 4, 2016, an officer allegedly inappropriately accessed the confidential records of an inmate, his girlfriend's ex-husband, seven times. On September 29, 2016, the officer allegedly contacted another institution and requested that mailroom staff intercept and alter a letter he had mailed to the inmate.</p>

SOUTH REGION

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-02-25	16-1282-IR	Administrative Investigation	<ol style="list-style-type: none"> Neglect of Duty Dishonesty

Incident Summary

On February 25, 2016, an officer allegedly abandoned his post in a mental health building without his sergeant's approval and falsely told a psychologist and a lieutenant that he had asked a second officer to stay in the building in his place. The second officer allegedly falsely told the psychologist that he remained in the building when he had not.

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-05-15	16-1779-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> Neglect of Duty

Incident Summary

On May 15, 2016, an officer allegedly carried a concealed weapon while off duty without being qualified to carry it, and pointed it at another person.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
The department's handling of the pre-disciplinary process was substantively insufficient because the investigative report was not appropriately drafted. The special agent neglected to enter all activity into the case management system.	

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not address important facts regarding how the officer transported his weapon, inaccurately described the area in the vehicle where the firearm was stored, and included an incorrect and inappropriate conclusion that the officer did not carry the firearm concealed.
- Was the final investigative report thorough and appropriately drafted?
Despite the OIG's recommendations, the final investigative report omitted important details regarding the transport of the officer's firearm, mischaracterized the location of the firearm in the vehicle, and incorrectly and inappropriately concluded the officer never carried his firearm concealed.

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2016-05-20	16-1700-IR	Direct Action with Subject Only Interview	<ol style="list-style-type: none"> Discharge of Lethal Weapon Dishonesty

Incident Summary

On May 20, 2016, an officer allegedly negligently discharged his personal firearm inside an institutional firearm storage locker and was allegedly dishonest in his report regarding the incident.

Predisciplinary Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-06-04	16-1814-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Other Failure of Good Behavior

Incident Summary

On June 4, 2016, an officer was arrested after he allegedly shoved his wife into a wall, grabbed her arms, and pushed her.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs incorrectly decided not to add an allegation and not to open an investigation and the hiring authority delayed in conducting the investigative findings conference.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs refused to add a dishonesty allegation and open an administrative investigation even though the officer made conflicting statements to outside law enforcement about whether he prevented his wife from calling the police.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on July 27, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until October 31, 2016, 96 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed conducting the investigative findings conference.

Incident Date	OIG Case Number	Case Type	Allegations
2016-07-01	16-1889-IR	Direct Action (No Subject Interview)	<ol style="list-style-type: none"> Neglect of Duty

Incident Summary

On July 1, 2016 an officer allegedly negligently discharged a firearm into a nearby residence.

Predisciplinary Assessment

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

The department did not comply with the procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.

SOUTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on August 31, 2016. However, because a department attorney was not assigned until September 26, 2016, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 5, 2016, 35 days after return of the case.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner because the department delayed the assignment of a department attorney.

Incident Date	OIG Case Number	Case Type	Allegations
2016-07-18	16-1888-IR	Direct Action (No Subject Interview)	1. Dishonesty 2. Controlled Substance

Incident Summary

On July 18, 2016, a youth counselor allegedly tested positive for cocaine. On July 25, 2016, the youth counselor allegedly falsely claimed to outside law enforcement that an unknown person gave him a cigar to smoke and he allegedly did not know it contained a controlled substance.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs improperly failed to approve an investigation and the hiring authority failed to timely conduct the investigative findings conference.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs improperly refused to open an investigation to interview the youth counselor and a physician to determine the validity of the youth counselor's claim that he may have accidentally inhaled the cocaine from a tainted cigar an unidentified person had given him.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on August 31, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until October 7, 2016, 37 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to conduct the investigative findings conference in a timely manner.

Incident Date	OIG Case Number	Case Type	Allegations
2016-07-27	16-1894-IR	Direct Action (No Subject Interview)	1. Other Failure of Good Behavior

Incident Summary

On July 27, 2016, an officer allegedly grabbed his fiancée by the neck and threw her down, resulting in an out-of-state conviction for domestic violence.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs refused to open an administrative investigation, the hiring authority did not conduct the investigative findings conference in a timely manner, and the department delayed assigning a department attorney to the case.</p>	

Assessment Questions
<ul style="list-style-type: none"> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The Office of Internal Affairs refused to open an administrative investigation even though the officer's statement to outside law enforcement conflicted with the alleged victim's statement.</i> If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request? <i>The hiring authority requested a full investigation to clarify an ambiguity in the evidence as to conflicting statements and witness credibility, but the Office of Internal Affairs improperly denied the request.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on September 7, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the investigative findings until October 11, 2016, 34 days thereafter, because of an almost three-week delay in the assignment of a department attorney.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority failed to conduct the investigative findings conference in a timely manner because the department delayed almost three weeks in assigning a department attorney to the case.</i>

Incident Date	OIG Case Number	Case Type	Allegations
2016-09-09	16-1984-IR	Direct Action (No Subject Interview)	1. Neglect of Duty 2. Other Failure of Good Behavior

Incident Summary
<p>On September 9, 2016, outside law enforcement arrested an officer after he allegedly assaulted his wife. The officer also allegedly failed to notify the department of his arrest.</p>

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.</p>	

Assessment Questions
<ul style="list-style-type: none"> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on October 19, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until December 7, 2016, 49 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not conduct the investigative findings conference in a timely manner.</i>

APPENDIX A2 INVESTIGATIVE PHASE CASES

CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-08-13	15-2578-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On August 13, 2015, an officer allegedly engaged in unlawful communications with an inmate, forged the inmate's signature, and stole \$70,000 in bonds from the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer resigned from State service. The department did not place a letter in the officer's official personnel file indicating that he resigned under adverse circumstances.

Investigative Assessment

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

The department did not comply with policies and procedures governing the investigative process because the Office of Internal Affairs did not complete the investigation before the deadline for filing misdemeanor criminal charges. The special agent did not appropriately enter case activity in the case management system.

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not have an accurate understanding of the deadline for filing misdemeanor charges against the officer.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs did not complete the investigation before the deadline for filing misdemeanor criminal charges.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not complete the investigation before the deadline for filing misdemeanor criminal charges.

NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-03	16-1025-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between December 3, 2012, and June 17, 2014, a case records technician allegedly had sexual relations with two inmates. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the investigative process because the Office of Internal Affairs delayed more than two years in completing the investigation, which prevented an interview of a critical witness and allowed the alleged relationship to continue. During the delay, the deadline to file criminal charges for earlier dates of misconduct passed. Additionally, the special agent and the senior special agent neglected to make entries in the case management system documenting consultations with the OIG and the investigative draft report omitted exculpatory information.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?

The special agent neglected to make critical entries in the case management system regarding consultations with the OIG on six occasions in April 2016. The senior special agent neglected to document consultations with the OIG on two occasions in April 2016.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The investigative draft report omitted exculpatory evidence from the forensic analysis of the case records technician's email account.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?

The deadline for prosecuting the earliest alleged criminal conduct was December 3, 2015. However, the Office of Internal Affairs did not complete the investigation until July 27, 2016.
- Was the investigation thorough and appropriately conducted?

Because of the delay in completing the investigation, a critical inmate witness who had previously agreed to cooperate with an interview was transferred to another institution and thereafter refused to be interviewed.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department learned of the alleged criminal conduct on June 17, 2014, and assigned a special agent on September 1, 2014. However, the Office of Internal Affairs did not complete the investigation until July 26, 2016, more than two years after the date of discovery. Additionally, the special agent did not complete any substantive investigative work between September 18, 2014, and June 9, 2016, and did not conduct the first interview until June 16, 2016. Because of the delay in completing the investigation, a critical inmate witness who had previously agreed to cooperate with an interview was transferred to another institution and thereafter refused to be interviewed, and the deadline for prosecuting the earliest alleged criminal conduct expired.

Incident Date	OIG Case Number	Case Type	Allegations
2015-01-07	16-0315-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On January 7, 2015, an officer allegedly conspired with an inmate to smuggle mobile phones into an institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

NORTH REGION

Investigative Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department did not comply with procedures governing the investigative process because the hiring authority delayed referring the matter to the Office of Internal Affairs.	
Assessment Questions	
<ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged crime on November 24, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 15, 2016, 52 days after the date of discovery.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not timely refer the matter to the Office of Internal Affairs.</i> 	

Incident Date	OIG Case Number	Case Type	Allegations
2016-02-29	16-1848-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On February 29, 2016, an officer allegedly conspired with inmates and private citizens and accepted bribes to smuggle mobile phones and heroin into an institution. On July 8, 2016, a second officer allegedly smuggled cocaine into the institution to sell to inmates. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral of the second officer's alleged conduct to the district attorney's office. The investigation failed to establish sufficient evidence for a probable cause referral of the first officer's alleged conduct to the district attorney's office. The OIG concurred with the probable cause determinations. The Office of Internal Affairs did not open an administrative investigation for the first officer due to lack of evidence and did not open an administrative investigation for the second officer because the department non-punitively separated the officer for being absent without leave while the officer was in jail.

Investigative Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department did not comply with procedures governing the investigative process because the special agent neglected to adequately consult the OIG regarding search warrants. The special agent failed to enter critical information in the case management system.	
Assessment Questions	
<ul style="list-style-type: none"> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the second officer supported, refuted, denied, or admitted the allegations.</i> Did the special agent cooperate with and provide continual real-time consultation with the OIG? <i>The special agent neglected to provide draft copies of search warrants for OIG review prior to submitting them to the district attorney's office for approval.</i> 	

SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2015-03-11	15-2529-IR	Criminal Investigation	1. Criminal Act

Incident Summary

Between March 11, 2015, and November 23, 2015, a parole agent allegedly obtained prescription pain medication from a parolee in exchange for money and other gratuities. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the investigative process because the special agent failed to diligently attempt to locate a witness, make proper entries in the case management system, and adequately cooperate with the OIG. The special agents conducting surveillance neglected to detain the parole agent even though they were aware he was in possession of narcotics.

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?
The special agent failed to diligently attempt to locate a witness who may have provided information for additional criminal charges.
- Did the special agent appropriately enter case activity in the case management system?
The special agent neglected to include sufficient details in the case management system to indicate the efforts she made to locate a witness.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not provide timely updates regarding the status of completing the investigative report and also failed to inform the OIG of additional investigative activities conducted at the request of the district attorney's office.
- Was the investigation thorough and appropriately conducted?
The special agents who conducted surveillance neglected to detain the parole agent even though they were aware that he was in possession of narcotics and allowed him to leave the scene with the evidence. The special agent delayed attempting to locate a witness who may have provided information for additional criminal charges.

Incident Date	OIG Case Number	Case Type	Allegations
2015-05-27	15-1157-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From May 27, 2015, to October 30, 2015, a youth counselor allegedly smuggled methamphetamine, heroin, and mobile phones into the facility for wards. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the youth counselor retired from the department. The department did not place a letter in the youth counselor's official personnel file indicating that he retired under adverse circumstances.

Investigative Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the investigative process because the special agent failed to consult with the OIG and delayed in preparing her investigative report.

SOUTH REGION

Assessment Questions

- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
On September 9, 2015, the special agent conducted an interview of a critical witness without notifying the OIG of the interview.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The special agent took over four months to prepare a 13-page report regarding her investigation.

Incident Date	OIG Case Number	Case Type	Allegations
2015-07-02	15-1499-IR	Criminal Investigation	1. Criminal Act

Incident Summary

From July 2, 2015, through June 19, 2016, an officer allegedly smuggled methamphetamine and mobile phones into the institution and accepted bribes for doing so. The Office of Internal Affairs found sufficient evidence for a probable cause referral to the district attorney's office. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer retired from the department before the criminal investigation was completed. The department placed a letter in the officer's official personnel file indicating he retired under adverse circumstances.

Investigative Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-05-15	16-1837-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On May 15, 2016, an officer allegedly brought methamphetamine into an institution for an inmate and engaged in sexual misconduct with the inmate. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

Investigative Assessment

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2016-05-26	16-1788-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On May 26 and May 27, 2016, an officer allegedly engaged in sexual misconduct with an inmate. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Investigative Assessment

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

The department did not comply with procedures governing the investigative process because the special agent did not provide a draft of the investigative report to the OIG before closing the case.

SOUTH REGION

Assessment Questions

- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent did not provide a draft investigative report to the OIG for review and feedback until after the Office of Internal Affairs closed its case.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent did not timely forward a draft of the investigative report to the OIG.

Incident Date	OIG Case Number	Case Type	Allegations
2016-10-06	16-1963-IR	Criminal Investigation	1. Criminal Act

Incident Summary

On October 6, 2016, an officer allegedly conspired with and received bribes from inmates to introduce contraband into the institution. The officer was in possession of multiple mobile phones and phone chargers at the institution and his home, and vacuum-sealed tobacco at his home. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the United States Attorney's Office. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation because the officer resigned before an administrative investigation could be completed. The hiring authority placed a letter in the officer's personnel file indicating that the officer resigned under adverse circumstances.

Investigative Assessment

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

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

APPENDIX B DISCIPLINARY PHASE CASES

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-04	13-2049-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 	Dismissal	Suspension

Incident Summary

On September 4, 2012, a chief deputy warden allegedly failed to notify the warden of inmates' complaints that they sustained burns while forced to remain on their knees following a riot on an exercise yard. The chief deputy warden was also allegedly dishonest during an investigative interview. On November 1, 2012, a lieutenant was allegedly dishonest in a memorandum he wrote concerning the same incident. The lieutenant and two other lieutenants allegedly failed to properly investigate the inmates' formal complaints. On May 19, 2014, the three lieutenants were allegedly dishonest during their investigative interviews.

Disposition

The hiring authority sustained the allegations against the three lieutenants, except for one dishonesty allegation against one of the lieutenants, and dismissed the three lieutenants. The hiring authority found insufficient evidence to sustain the allegations against the chief deputy warden. The OIG concurred with the hiring authority's determinations. The lieutenants filed appeals with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with one of the lieutenants reducing the penalty to a 60-working-day suspension and removing language regarding the dishonesty allegation from the disciplinary action. The OIG did not concur with the settlement; however, the settlement terms did not merit a higher level of review due to evidentiary issues. Following a hearing, the State Personnel Board revoked the dismissals of the two remaining lieutenants, finding that the department failed to timely serve the disciplinary actions.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department delayed serving the disciplinary actions and omitted a required clause from a settlement agreement and the hiring authority entered into a settlement agreement without identifying any new evidence, flaws, or risks. The department also did not provide a case settlement report to the OIG.

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The hiring authority did not identify any new evidence, flaws, or risks and the penalty did not reflect the seriousness of the misconduct or harm to the public service.
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?
The settlement agreement did not include the clause required when the subject of discipline is over 40 years old.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the penalty reduction for one of the lieutenants because the department did not identify any new evidence, flaws, or risks justifying the reduction.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide the OIG with the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on July 21, 2014; however, the department did not serve the disciplinary actions until August 27, 2014, 37 calendar days later.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-18	14-2099-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Dismissal

Incident Summary

On November 18, 2013, an associate warden allegedly failed to report the institution's deficiency in utilizing property cards to document inmates who had been issued health care appliances. On July 1, 2014, the associate warden allegedly provided inaccurate information on a corrective action plan regarding the institution's disability placement program. On July 15, 2014, the associate warden allegedly provided inaccurate information on a report documenting the institution's use of sign language interpreters for clinical encounters and due process proceedings. On January 21, 2015, the associate warden allegedly provided false information to the chief deputy warden related to compliance with a court-ordered remedial plan.

Disposition

The hiring authority sustained the allegations, except the allegation related to sign language interpreters, and dismissed the associate warden. The OIG concurred. The associate warden filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-02-09	14-1001-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Dishonesty Unreasonable Use of Force Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained Not Sustained 	Salary Reduction	No Penalty Imposed

Incident Summary

On February 9, 2014, an officer allegedly used profanity towards an inmate when the inmate failed to comply with orders to stop sitting on a dormitory wall. After restraining the inmate, the officer allegedly pulled up on the inmate's arms, forcing the inmate's head down. When the inmate tried to hold his head up, the officer allegedly used his body weight to take the inmate to the ground. Once on the ground, the officer allegedly pushed the inmate's head onto the floor multiple times, even though the inmate was not resisting and another officer had already told the first officer to stop. The officer was allegedly dishonest to the Office of Internal Affairs.

Disposition

The hiring authority sustained allegations that the officer was dishonest and used unreasonable force, but not the remaining allegations, and determined dismissal was the appropriate penalty. The OIG concurred. The department attorney disagreed with the hiring authority's decision to sustain the dishonesty allegations and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor sustained two unreasonable force allegations, but not the dishonesty allegations and another unreasonable force allegation, and determined the officer's penalty to be a 5 percent salary reduction for six months. The OIG did not concur but did not seek a higher level of review because evidence was disputed. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the penalty. The administrative law judge found insufficient evidence that the officer used unreasonable force on the inmate.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not appropriately advise the hiring authority and failed to adequately consult with the OIG. Additionally, the hiring authority's supervisor did not select the appropriate causes for discipline or the appropriate penalty.

CENTRAL REGION

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not provide the hiring authority with appropriate legal advice when she advocated against sustaining dishonesty allegations the evidence supported.
- If an executive review was invoked, was the appropriate decision made?
The hiring authority's supervisor disagreed with the initial hiring authority's decision to dismiss the officer for dishonesty and imposed a 5 percent salary reduction for six months against the officer even though the officer's report of the incident and other witness statements contradicted answers the officer provided during his interview with the Office of Internal Affairs.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide a copy of or consult with the OIG regarding the department's petition for rehearing before it was filed with the State Personnel Board.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-25	14-1398-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Failure to Report Use of Force 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On April 25, 2014, an officer allegedly used unreasonable force on an inmate when he used physical force and struck the inmate multiple times with a baton. The officer also allegedly failed to accurately report the force he used. A sergeant and a second officer allegedly failed to intervene to stop the unreasonable use of force and failed to accurately report the force they witnessed.

Disposition

The hiring authority sustained the allegations against the first officer and imposed a 10 percent salary reduction for 24 months. The hiring authority found insufficient evidence to sustain the allegations against the sergeant and second officer. The OIG concurred. The first officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-24	15-0320-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Battery 3. Failure to Report 4. Neglect of Duty 5. Battery 6. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Unfounded 6. N/A 	Salary Reduction	Letter of Instruction

Incident Summary

On August 24, 2014, four officers allegedly punched and choked an inmate. Two of the officers allegedly placed the inmate in a holding cell without prior authorization and failed to complete a holding cell log, and one of these officers allegedly threatened to issue the inmate a rules violation report and have other inmates attack him if he reported the incident. Another of the four officers allegedly failed to report her suspicion that the inmate was intoxicated and a fifth officer allegedly knew that the inmate was battered but failed to report it.

CENTRAL REGION

Disposition

The hiring authority sustained allegations against the two officers for failing to comply with the holding cell policy and a third officer for failing to report the inmate was intoxicated. The hiring authority imposed salary reductions of 10 percent for 12 months against the first officer and 5 percent for nine months against the second officer. The hiring authority imposed a higher penalty for the first officer because he was a more senior officer and violated the holding cell policy twice. The hiring authority imposed a 10 percent salary reduction for 12 months against the third officer. The OIG concurred with the hiring authorities' determinations. The hiring authority found insufficient evidence to sustain allegations that three of the officers punched and choked the inmate. The OIG did not concur but did not seek a higher level of review due to conflicting evidence. The hiring authority determined that the investigation conclusively proved the fourth officer's misconduct did not occur. The OIG concurred. The fifth officer resigned prior to the completion of the investigation; therefore, the hiring authority did not make any determinations. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action. The three officers filed appeals with the State Personnel Board. Due to evidentiary problems that developed after service of the disciplinary actions, the department entered into settlement agreements with the first two officers reducing their penalties from salary reductions to letters of instruction, and withdrew the disciplinary action against the third officer. The OIG concurred because of the evidentiary problems.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not provide appropriate legal advice and was not fully prepared at the pre-hearing settlement conference. The hiring authority did not make appropriate determinations or timely serve the disciplinary action. The department attorney and employee relations officer did not adequately cooperate with the OIG and the department attorney did not prepare an adequate draft disciplinary action.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney inappropriately advised the hiring authority to not sustain allegations that the officers punched and choked the inmate.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority did not sustain allegations that three of the officers punched and choked the inmate.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
Because the hiring authority failed to sustain allegations that the officers punched and choked the inmate, the hiring authority did not select the appropriate penalty of dismissal.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not contain all relevant admissions the officers made nor did it reference prior disciplinary action against one of the officers.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?
The department attorney was not adequately prepared to respond to the administrative law judge's questions regarding anticipated witness testimony.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney and employee relations officer did not adequately inform the OIG of the hiring authority's decision following the Skelly hearing for one of the officers.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on October 19, 2015; however, the department did not serve the disciplinary action until November 24, 2015, 36 calendar days later.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-08	15-0087-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Insubordination/Willful Disobedience 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Dismissal

Incident Summary

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

Disposition

The hiring authority sustained the allegations against both officers and dismissed the first officer and imposed a 10 percent salary reduction for ten months against the second officer. The OIG concurred. Both officers filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal of the first officer. During the pre-hearing settlement conference for the second officer, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for six months. The OIG did not concur with the settlement; however, the settlement terms did not merit a higher level of review because the penalty was within the appropriate range for the misconduct.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not adequately represent the department prior to or during State Personnel Board proceedings, conduct the disciplinary phase with due diligence, or provide adequate real-time consultation with the OIG. Also, the hiring authority agreed to a penalty reduction that was not consistent with policy.

CENTRAL REGION

Assessment Questions

- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?
The department attorney did not properly identify percipient witnesses in the pre-hearing settlement conference statements and neglected to identify a video recording expert to refute an officer's anticipated key defense.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney did not provide the OIG with reasonable time to review the draft pre-hearing settlement conference statement for the second officer.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?
The department attorney did not have a video recording of the incident to show the administrative law judge at the pre-hearing settlement conference and could not explain how the department would respond to the testimony of an officer's video recording expert.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The agreement to modify the second officer's penalty was not consistent with policy because the hiring authority did not identify any new evidence, flaws, or risks to justify the settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the decision to reduce the second officer's penalty because the hiring authority did not identify any new evidence, flaws, or risks to support the reduction.
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?
Despite the OIG's recommendation, the department attorney failed to identify that an expert witness was needed to rebut the testimony of an officer's video recording expert.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The department attorney did not understand the burden of proof or rules of evidence and inappropriately urged the hiring authority to settle both cases. The department attorney also filed untimely and legally insufficient motions to continue the hearing, both of which the administrative law judge denied, and could not appropriately respond during the hearing due to lack of knowledge regarding the use-of-force policies.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide the OIG with a draft pre-hearing settlement conference statement with reasonable time to review or provide the case settlement report to the OIG and effectively prevented the OIG from attending witness preparation by failing to notify the OIG of the preparation.
- Was the disciplinary phase conducted with due diligence by the department?
The department attorney filed two untimely motions for continuance, both of which the administrative law judge denied for lack of good cause and due diligence.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-03	15-0219-IR	<ol style="list-style-type: none"> Dishonesty Insubordination/Willful Disobedience Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Suspension

Incident Summary

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

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board reduced the dismissal to a six-month suspension after noting the department failed to provide evidence of the officer's prior disciplinary history.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney failed to properly represent the department at the State Personnel Board hearing, resulting in a modification of the discipline.

Assessment Questions

- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department attorney failed to present evidence of the officer's prior disciplinary actions.
- Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence?
The department attorney failed to attempt having the officer's prior disciplinary record entered into evidence.
- If the penalty modification was the result of an SPB decision, did the OIG concur with the modification?
The OIG concurred with the State Personnel Board decision to modify the penalty because the department attorney neglected to introduce the officer's prior disciplinary record into evidence.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-11	15-1171-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On February 11, 2015, an officer allegedly fired a warning shot from a Mini-14 rifle without justification, failed to immediately report firing the warning shot, and failed to sign his post orders.

Disposition

The hiring authority sustained allegations the officer neglected his duties and failed to adequately articulate his use of force in a written report but failed to add and sustain allegations that the officer's use of force was unreasonable and the officer had been dishonest during his administrative interview. The hiring authority imposed a salary reduction of 5 percent for six months. The OIG concurred with the sustained allegations but not the other decisions. The OIG did not seek a higher level of review because the deadline for taking disciplinary action was about to expire. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the disciplinary action could be removed from the officer's official personnel file after 18 months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the original penalty remained unchanged.

CENTRAL REGION

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary process with due diligence, did not select the appropriate disciplinary charges and penalty, and entered into an inappropriate settlement agreement. The department attorney did not provide appropriate legal advice, properly draft the disciplinary action, or adequately consult with the OIG. Also, the department did not comply with policy in conducting the *Skelly* hearing.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs initially returned the case to the hiring authority on June 10, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until June 30, 2015, 20 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney inappropriately advised the hiring authority that the officer's misconduct was not as serious as the facts revealed, thereby justifying a more lenient penalty than was appropriate.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The evidence supported findings that the officer used unreasonable deadly force, failed to report his use of deadly force, and was dishonest during the investigation, but the hiring authority did not add these allegations and, therefore, did not select those charges and causes for discipline.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority selected a more lenient salary reduction than was appropriate for the officer's misconduct.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not contain necessary definitions policy requires and did not advise the officer of his right to respond to a manager who was not involved in the disciplinary action.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action did not contain necessary definitions policy requires and did not advise the officer of his right to respond to a manager who was not involved in the disciplinary action.
- If there was a Skelly hearing, was it conducted pursuant to DOM?
The Skelly officer was not prepared and admitted she had not reviewed the investigation.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The hiring authority did not identify any new evidence, flaws, or risks to support the modification.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the modified penalty because the hiring authority did not identify any new evidence, flaws, or risks to support the modification.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide the OIG with the case settlement report and did not provide the OIG with sufficient time to review the disciplinary action before it was served on the officer because she delayed drafting the disciplinary action.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The employee relations officer did not provide the OIG with the form documenting the disciplinary determinations.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference and did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The Office of Internal Affairs returned the case to the hiring authority for a second time, following which the disciplinary findings conference was held on January 25, 2016. However, the department did not serve the disciplinary action until February 25, 2016, 31 days thereafter.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2015-02-26	15-0868-IR	1. Other Failure of Good Behavior	1. Sustained		

Incident Summary

On February 26, 2015, a parole agent allegedly hit his girlfriend, held her on the ground, and knocked the phone from her hand as she attempted to call for emergency response from outside law enforcement.

Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for six months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority agreed to reduce the penalty to a 10 percent salary reduction for three months. The OIG did not concur with the settlement; however, the settlement terms did not merit a higher level of review because the penalty was within the departmental guidelines.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not identify a crucial expert witness, the settlement agreement did not comply with policy, and the department did not adequately cooperate with the OIG. Also, the department attorney did not prepare an adequate draft disciplinary action.

Assessment Questions

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

The department attorney failed to provide the OIG reasonable time to review the draft disciplinary action because he provided the draft to the OIG only a few hours before the department intended to serve the parole agent.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The department attorney neglected to include in the draft disciplinary action the parole agent's right to respond to a manager who was not involved in the investigation.
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

The department attorney neglected to identify in the pre-hearing settlement conference statement an expert witness necessary to introduce crucial evidence.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The department did not identify any new evidence, flaws, or risks justifying the modification.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur with the modification because the department did not identify any new evidence, flaws, or risks justifying the modification.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

The department attorney failed to provide the OIG sufficient time to review the draft disciplinary action and did not provide the OIG with the case settlement report.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-24	15-1513-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty 4. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Dismissal	Salary Reduction

Incident Summary

On March 24, 2015, an officer allegedly used profanity toward an inmate, conducted a retaliatory search of the inmate's room, placed the inmate's personal property in the shower with the water running, failed to provide the inmate with a receipt for confiscated personal property, and was dishonest about the incident. A second officer allegedly failed to take action in response to the first officer's misconduct. A sergeant allegedly removed the inmate's property from the shower and stated, "Now it's their word against ours," and was dishonest regarding the incident. The sergeant also allegedly failed to investigate or document the incident, provide training to the first officer regarding the improper search, or report the first officer's misconduct. On March 25, 2015, the first officer allegedly failed to allow all inmates assigned to the room to be present during a search, adequately document the search, or follow policy regarding testing an inmate believed to be under the influence. On October 13, 2015, the first officer was allegedly dishonest during his interview with the Office of Internal Affairs and, on January 6, 2016, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained allegations that the first officer failed to provide a property receipt to an inmate, allow all appropriate inmates to be present during a search, adequately document a search, and follow policy regarding testing an inmate suspected of being under the influence, but not the other allegations, and dismissed him. The OIG concurred. After the officer's *Skelly* hearing, the hiring authority concluded the officer was more credible than the inmate witnesses, withdrew the dismissal, and issued a salary reduction of 10 percent for 12 months. The OIG did not concur but did not seek a higher level of review because of evidentiary issues. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for six months. The OIG did not concur but did not seek a higher level of review because the penalty was within departmental guidelines. The hiring authority found insufficient evidence to sustain the allegation against the second officer. The OIG concurred. The hiring authority found insufficient evidence to sustain the allegations against the sergeant. The OIG did not concur but did not seek a higher level of review because the misconduct would not have warranted a severe penalty and the hiring authority issued a letter of instruction and ordered on-the-job training for the sergeant.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority was not adequately prepared to address the disciplinary findings and inappropriately reduced the penalty. The department attorney did not provide appropriate legal consultation to the hiring authority, draft an appropriate settlement agreement, or adequately cooperate with the OIG.

CENTRAL REGION

Assessment Questions

- If the HA consulted with the OIG concerning the disciplinary determinations, was the HA adequately prepared?
After modifying the discipline, the hiring authority admitted he failed to review interview recordings before deciding to dismiss the officer.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney failed to advise the hiring authority to enter into a settlement agreement having the officer waive all rights, including the right to appeal, in exchange for reducing the penalty after the Skelly hearing. As a result, the officer was able to file an appeal with the State Personnel Board after the hiring authority reduced the penalty.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The department attorney and employee relations officer did not provide the OIG with the draft disciplinary actions for review.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department did not identify any new evidence, flaws, or risks to support a penalty modification.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the decision to reduce the penalty because the department did not identify any new evidence, flaws, or risks to justify a modification.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide the draft disciplinary action to the OIG before serving the officer or provide the draft settlement agreement to the OIG for review before it was signed.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-04-14	15-1327-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On April 14, 2015, two floor officers and a control booth officer allegedly failed to timely respond to a fight involving three inmates for more than eight minutes. Additionally, the two floor officers allegedly violated their post orders by being in the control booth without a legitimate purpose.

Disposition

The hiring authority sustained allegations the control booth officer and one floor officer failed to ensure inmate safety and imposed a letter of reprimand on the control booth officer and a salary reduction of 5 percent for six months on the floor officer. The OIG concurred except as to the amount of the salary reduction. The OIG did not seek a higher lever of review due to conflicting evidence. The floor officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the floor officer reducing the penalty to a 5 percent salary reduction for four months. The OIG did not concur; however, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines. The control booth officer did not file an appeal with the State Personnel Board. The hiring authority found insufficient evidence to sustain the remaining allegations against the first two officers and the third officer and the OIG concurred.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority selected an inappropriate penalty and inappropriately agreed to reduce the penalty, and the department attorney did not prepare an adequate disciplinary action and failed to adequately cooperate with the OIG.

CENTRAL REGION

Assessment Questions

- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority imposed a more lenient penalty on one of the officers than the aggravating factors warranted.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary actions did not advise the officers of their right to respond to a manager who was not involved in the investigation.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The final disciplinary actions did not advise the officers of their right to respond to a manager who was not involved in the investigation.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department did not identify any new evidence, flaws, or risks justifying the modification.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement because the department did not identify any new evidence, flaws, or risks justifying the modification.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney unreasonably demanded that the OIG review a draft settlement agreement less than an hour before it was signed.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-05-09	15-1324-IR	1. Dishonesty 2. Threat/Intimidation 3. Misuse of Authority 4. Discourteous Treatment 5. Other Failure of Good Behavior 6. Dishonesty 7. Misuse of Authority	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Not Sustained		

Incident Summary

On May 9, 2015, an officer was allegedly drunk and fighting on the street with his brother. The officer also allegedly physically resisted, verbally abused, and threatened outside law enforcement, attempted to use his status as a peace officer to obtain preferential treatment, and was dishonest to outside law enforcement and the hiring authority.

Disposition

The hiring authority sustained all allegations, except that the officer was dishonest with the hiring authority and misused his authority as a peace officer, and imposed a 10 percent salary reduction for 20 months. The OIG concurred with the sustained allegations and penalty but not the decision to not sustain the other allegations. The OIG did not seek a higher level of review because the investigation was not adequate to resolve factual issues. The officer filed an appeal with the State Personnel Board. Prior to the pre-hearing settlement conference, the officer withdrew the appeal.

Disciplinary Assessment

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

The department did not comply with the policies and procedures governing the disciplinary process because the department attorney did not modify the deadline for taking disciplinary action and did not prepare an adequate disciplinary action.

CENTRAL REGION

Assessment Questions

- Did the department attorney or employee relations officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?
The department attorney neglected to modify the deadline for taking disciplinary action once the criminal case against the officer concluded.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not advise the officer of his right to have the matter reviewed by a manager who was not involved in the action taken against him.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action served on the officer did not advise him of his right to have the matter reviewed by a manager who was not involved in the action taken against him.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-12	15-1419-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On May 12, 2015, a lieutenant allegedly left the institution without approval, was dishonest to an associate warden by claiming he attempted to notify the watch commander before leaving, and reported on his timesheet that he worked a full shift. On February 23, 2016, the lieutenant was allegedly dishonest during his investigative interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations, except that the lieutenant was dishonest when he reported on his timesheet that he worked a full shift, and dismissed the lieutenant. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the lieutenant resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred with the settlement because the ultimate goal of ensuring the lieutenant did not work for the department was achieved.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-26	16-0487-IR	<ol style="list-style-type: none"> Threat/Intimidation Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On May 26, 2015, a parole agent allegedly pushed his wife to the ground, injuring her shoulder, and threatened to kill his wife and her son if she reported the incident.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for five months. The OIG concurred with the findings but not with the penalty. However, the OIG did not seek a higher level of review because the penalty was within departmental guidelines. The parole agent did not file an appeal with the State Personnel Board.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner or select the appropriate penalty. The department attorney did not prepare an adequate draft disciplinary action.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until June 2, 2016, 23 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The hiring authority imposed a more lenient salary reduction than was appropriate and than the OIG recommended.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action did not include relevant legal authority to support the disciplinary action and did not advise the parole agent of his right to respond to a manager not involved in the investigation.
- Was the disciplinary phase conducted with due diligence by the department?

The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-12	15-1564-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

Incident Summary

On June 12 and June 14, 2015, an officer allegedly slept in a chair while at the institution and on June 17, 2015, was allegedly dishonest to a sergeant when he denied sleeping.

Disposition

The hiring authority sustained the allegations, except that the officer was dishonest, and imposed a 10 percent salary reduction for 12 months. The OIG concurred with the findings but not with the penalty. However, the OIG did not seek a higher level of review because the penalty was within departmental guidelines. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not select the appropriate penalty and delayed conducting the disciplinary findings conference.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 15, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until May 31, 2016, 46 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority selected a more lenient salary reduction than appropriate and than the OIG recommended given the officer's three prior disciplinary actions demonstrating a repeated inability to meet job expectations.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-30	15-2284-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment 4. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Dismissal

Incident Summary

Between August 30, 2015, and August 31, 2015, an officer allegedly helped her uncle, a fugitive, unlawfully enter the country and made false statements to outside law enforcement during the investigation. When outside law enforcement asked for the phone number to the institution where the officer works, she told them to conduct a computer search for the information. On November 19, 2015, and January 21, 2016, the officer was allegedly dishonest during interviews with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board but failed to appear at the pre-hearing settlement conference and the State Personnel Board dismissed the appeal.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department attorney did not consult with the OIG regarding the draft pre-hearing settlement conference statement before it was filed.

Assessment Questions

- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney did not provide the draft pre-hearing settlement conference statement to the OIG before filing it with the State Personnel Board.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not consult with the OIG regarding the pre-hearing settlement conference statement before it was filed.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-07	15-2870-IR	<ol style="list-style-type: none"> Misuse of Authority Insubordination/Willful Disobedience Intoxication 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On October 7, 2015, a sergeant allegedly drove while under the influence of alcohol and while on probation for a conviction of a prior similar offense. The sergeant also allegedly sought leniency from outside law enforcement based on his status as a peace officer.

Disposition

The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant wherein the sergeant resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the sergeant did not work for the department was achieved.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department attorney did not adequately cooperate with the OIG.

Assessment Questions

- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney did not provide the OIG with the draft pre-hearing settlement conference statement for review before filing.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide the OIG with a draft pre-hearing settlement conference statement or with the case settlement report.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-19	16-0620-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Salary Reduction

Incident Summary

Between December 19, 2015, and January 4, 2016, an officer allegedly did not report that an inmate attempted to blackmail him and failed to preserve evidence related to the blackmail attempts.

Disposition

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

Disciplinary Assessment

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

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-05	16-1310-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	Salary Reduction

Incident Summary

On February 5, 2016, an officer allegedly kicked his girlfriend during an argument.

Disposition

The hiring authority sustained the allegation and imposed a 48-working-day suspension. The OIG concurred. The department subsequently entered into a settlement agreement with the officer modifying the penalty to a 10 percent salary reduction for 24 months. The OIG concurred because the modified penalty results in a largely similar financial impact to the officer as the original suspension.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and the department attorney did not properly draft the disciplinary action.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on April 20, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until 37 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not inform the officer of his right to respond to a manager who was not involved in the investigation.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action did not inform the officer of his right to respond to a manager who was not involved in the investigation.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-19	16-0927-IR	1. Controlled Substance	1. Sustained	Dismissal	Dismissal

Incident Summary

On February 19, 2016, an officer allegedly tested positive for cocaine.

Disposition

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

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and did not timely serve the disciplinary action.

CENTRAL REGION

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on March 23, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 13, 2016, 51 days thereafter.

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

The department did not conduct the disciplinary findings conference in a timely manner. Furthermore, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on May 13, 2016; however, the department did not serve the disciplinary action until July 1, 2016, 49 calendar days later.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-01	15-1919-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Contraband 4. Failure to Report 5. Neglect of Duty 6. Misuse of State Equipment or Property 7. Failure to Report 8. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Not Sustained 8. Not Sustained 	Dismissal	Salary Reduction

Incident Summary

On May 1, 2012, an officer allegedly failed to notify the department his brother was incarcerated and visited his brother without proper authorization. Between August 13, 2015, and August 19, 2015, the officer allegedly brought food for inmates, allowed inmates to possess potentially dangerous items, brought movies into the institution for personal use, and was dishonest to a sergeant when he stated he never brought food for inmates before. Between May 1, 2015, and August 19, 2016, the officer allegedly watched movies on his State computer multiple times. On December 3, 2015, the officer allegedly admitted that he regularly allowed inmates to take leftover food back to their cells. On August 13, 2015, a cook allegedly failed to report that the officer brought food for the inmates and allowed inmates to possess food.

Disposition

The hiring authority sustained the allegations against the officer, except for allegations related to the officer's incarcerated brother, and dismissed the officer. The OIG concurred. After the *Skelly* hearing, the hiring authority discovered that policy allows inmates to take food to their cells at the officer's discretion and determined that bones, although potentially dangerous items, are not prohibited. Based on this new information, the hiring authority entered into a settlement agreement with the officer withdrawing the dishonesty allegation and reducing the penalty to a 10 percent salary reduction for 24 months. The OIG concurred based on the new information. The hiring authority sustained the allegation against the cook for failing to report that the officer allowed inmates to possess food, but not the remaining allegation, and issued the cook a letter of instruction. The OIG concurred.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-07	12-1931-IR	<ol style="list-style-type: none"> 1. Unreasonable Use of Force 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On June 7, 2012, an officer allegedly inappropriately opened the handcuff port and used unreasonable force when he applied pepper spray on an inmate while the inmate was confined in a holding cell, and was dishonest in his report regarding the incident. A second officer and a sergeant allegedly failed to stop the first officer's use of force and the sergeant was allegedly dishonest in his report regarding the incident. On June 11, 2012, the sergeant allegedly failed to ensure the first officer responded to a request for clarification and a lieutenant allegedly failed to properly complete and review incident reports. On March 13, 2013, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

NORTH REGION

Disposition

The hiring authority sustained the allegation against the lieutenant and issued a letter of reprimand. The hiring authority sustained the allegation that the sergeant failed to obtain a clarification report, but not the other allegations, and imposed a 5 percent salary reduction for six months. The hiring authority sustained the allegation that the first officer used unnecessary force and inappropriately opened the holding cell handcuff port, but not that he was dishonest, and imposed a 5 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the allegation against the second officer. The OIG concurred with the hiring authority's determinations. The lieutenant, sergeant, and first officer filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalties. All three filed appeals with Superior Court, which denied the appeals.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the disciplinary process because the department attorney failed to adequately represent the department during State Personnel Board and writ proceedings and neglected to provide the hiring authority and the OIG with written confirmation of penalty discussions or the writ memorandum. The hiring authority did not timely serve a disciplinary action.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.

- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?

The department attorney did not appropriately address legal issues during the hearing because a department witness mistakenly gave testimony that the department attorney knew was incorrect, but failed to immediately clarify the testimony. The witness reported his mistake to the hiring authority the day after he testified. The hiring authority informed the department attorney shortly thereafter. However, the department attorney waited more than three months after the hearing and only two days before the administrative law judge issued a proposed decision to clarify the testimony. As a result, the employees appealed the decision that sustained the discipline against them while alleging that the administrative law judge had relied on testimony that was not credible.

- Did the department attorney appropriately represent the department in writ proceedings?

The department attorney delayed responding to opposing counsels' requests to stipulate to the record. The judge later found that based upon the delayed response, the department attorney's request for a new hearing was not made in good faith.

- Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?

The department attorney did not provide the OIG with a final memorandum.

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

The department attorney failed to respond to multiple requests by opposing counsel during writ proceedings to stipulate to the record. Also, the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on June 4, 2013, but did not serve the disciplinary action on the officer until July 5, 2013, 31 days after the conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-28	13-0588-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Insubordination 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Dismissal

Incident Summary

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

NORTH REGION

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The officer filed a petition for rehearing with the State Personnel Board, which was denied. The officer then filed a petition for writ of mandamus, which was also denied.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department attorney did not adequately consult with the OIG or adequately track the deadline for filing an opposition brief.

Assessment Questions

- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

The department attorney neglected to discuss her decision to modify the statute of limitations with the OIG and did not give the OIG adequate time to review her closing brief or timely respond to the OIG's inquiries regarding the deadline to file an opposition brief.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	14-0784-IR	1. Neglect of Duty	1. Sustained	Demotion	Demotion

Incident Summary

Between January 1, 2013, and December 31, 2013, a chief executive officer and a chief psychologist allegedly failed to ensure, as required by policy, that their staff tracked the use of alternative housing cells for mental health inmates, and, from October 8, 2013, to February 13, 2014, failed to ensure that their staff properly placed inmates in alternative housing cells pending transfer to mental health crisis beds.

Disposition

The hiring authority sustained the allegations and imposed a ten-working-day suspension on the chief executive officer and demoted the chief of mental health to senior psychologist specialist. The OIG concurred. The chief of mental health and the chief executive officer filed appeals with the State Personnel Board. After a hearing, the State Personnel Board upheld the penalties.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-05-23	16-0994-IR	1. Failure to Report 2. Misuse of State Equipment or Property	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction

Incident Summary

Between May 23, 2013, and January 29, 2014, a sergeant allegedly used a State computer to exchange sexual email messages with a psychiatric technician and failed to report the psychiatric technician's misconduct.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-01	15-1648-IR	<ol style="list-style-type: none"> 1. Contraband 2. Dishonesty 3. Contraband 4. Discourteous Treatment 5. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Unfounded 	Salary Reduction	Modified Salary Reduction

Incident Summary

Between April 1, 2014, and April 30, 2015, an officer allegedly brought tobacco into the institution. On May 10, 2015, the officer allegedly introduced and used tobacco on institutional grounds, used improper language toward inmates, and spit into an inmate drinking fountain. On May 16, 2015, the officer was allegedly dishonest to a sergeant.

Disposition

The hiring authority sustained the allegation that the officer brought tobacco into the institution for personal use and imposed a 5 percent salary reduction for six months. The hiring authority determined the investigation conclusively proved that the officer did not spit into an inmate drinking fountain and found insufficient evidence to sustain the remaining allegations. The OIG concurred except for the finding of insufficient evidence to sustain the allegation that the officer used improper language. The OIG did not seek a higher level of review because the penalty would have remained the same. After a *Skelly* hearing, the hiring authority entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for three months. The OIG did not concur but did not seek a higher level of review because the penalty remained within departmental guidelines.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the draft disciplinary action omitted critical information and the department reduced the officer's penalty without identifying any new evidence, flaws, or risks in the case.

Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not specify the contraband the officer possessed or include the time or location of the officer's misconduct.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The agreement to reduce the penalty was not consistent with policy because the department did not identify any new evidence, flaws, or risks to justify the reduction.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with reducing the penalty because the department did not identify any new evidence, flaws, or risks to justify the reduction.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-05	15-0663-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Dismissal	Suspension

Incident Summary

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

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Disposition

The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the hearing, the department entered into a settlement agreement with the sergeant reducing the penalty to a 30-working-day suspension, striking the dishonesty and misuse of state property allegations, and removing the disciplinary action immediately from the sergeant's official personnel file upon written request. The sergeant agreed to waive an additional month of back pay. The OIG did not concur but did not seek a higher level of review due to evidentiary issues and sanctions the State Personnel Board issued against the department.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney failed to adequately represent the department before and during State Personnel Board proceedings, resulting in the imposition of evidentiary sanctions and the need for the department to settle the case. The department attorney and hiring authority failed to adequately consult with the OIG and timely serve the disciplinary action.

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Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action lacked sufficient detail to support some of the allegations and listed an inaccurate effective date.
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?
The department attorney failed to file an amended pre-hearing settlement conference statement after learning during trial preparation that there was newly discovered key evidence.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The case settlement report failed to indicate that the OIG did not concur with the settlement.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
Although the hiring authority consulted with the OIG regarding some settlement terms, the final settlement contained additional terms not discussed with the OIG.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG maintained the initial penalty of dismissal was the appropriate penalty for the misconduct.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The department attorney failed to respond to two amended pre-hearing settlement conference statements and a discovery request filed by the sergeant. The department attorney also filed inadequate responses to discovery requests and inadequate privilege logs and failed to timely raise appropriate objections to the discovery requests. The department attorney also failed to respond to State Personnel Board discovery orders and misrepresented facts in various pleadings. At a law and motion hearing, the department attorney inappropriately made excuses for not being adequately familiar with the facts, claiming to be too busy.
- Did the SPB impose any sanction or penalty on the department for failure to comply with the SPB regulations or deem any filing by the department untimely?
The State Personnel Board found that the department attorney filed inadequate responses to discovery requests and inadequate privilege logs, failed to timely raise appropriate objections to discovery requests, raised objections that were legally unsupported, was evasive in declarations, and made false and misleading statements to the State Personnel Board. As a result, the State Personnel Board found some objections to be waived and ordered that the department could not in any way use key evidence that supported a dishonesty allegation.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
Despite knowing that the OIG would attend, the department attorney allowed the sergeant's Skelly hearing to begin before the OIG's timely arrival. The department attorney did not provide the OIG sufficient time to review the draft pre-hearing settlement conference statement and failed to inform the OIG of a State Personnel Board conference and a meet and confer conference with appellant until after the conferences took place. The department attorney also neglected to provide the OIG with numerous pleadings the parties exchanged and filed with the State Personnel Board. When the OIG requested copies of the pleadings, the department attorney provided only some of the pleadings, necessitating meetings between the OIG and department attorney and his supervisor to compare documents to determine what had yet to be provided to the OIG. The department attorney also failed to provide the OIG with a draft settlement agreement and included several terms in the settlement agreement that had not been discussed with the OIG.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The hiring authority did not consult with the OIG regarding all settlement terms.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on September 9, 2015; however, the department did not serve the disciplinary action until October 12, 2015, 33 calendar days later.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-06	14-1549-IR	<ol style="list-style-type: none"> Insubordination Intoxication 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Dismissal

Incident Summary

On May 6, 2014, an officer allegedly tested positive for alcohol during a random drug and alcohol test, failed to report to the employee relations office after being ordered to do so, and operated his personal vehicle on and off institutional grounds after he tested positive and was ordered not to drive or perform safety-sensitive duties.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-03	14-2055-IR	<ol style="list-style-type: none"> Dishonesty Misuse of State Equipment or Property Dishonesty Failure to Report 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained 	Dismissal	Dismissal

Incident Summary

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

Disposition

The hiring authority sustained the allegations against the first sergeant and dismissed him. The hiring authority also sustained the allegation against the social worker and issued a letter of instruction. The hiring authority found insufficient evidence to sustain the allegations against the second sergeant and the officer. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and was not prepared to discuss the disciplinary determinations for the social worker, causing additional delay.

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Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority for the social worker on June 12, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until August 5, 2015, 54 days thereafter. That consultation had to be rescheduled to August 21, 2015, because the hiring authority was not prepared to discuss the disciplinary findings. The total delay was 70 days.
- If the HA consulted with the OIG concerning the disciplinary determinations, was the HA adequately prepared?

The hiring authority for the social worker was not prepared to discuss the disciplinary determinations at the first scheduled consultation.
- Was the disciplinary phase conducted with due diligence by the department?

The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-04	14-2146-IR	<ol style="list-style-type: none"> Dishonesty Insubordination Neglect of Duty Discourteous Treatment Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained 	Demotion	Demotion

Incident Summary

On June 4, 2014, a sergeant and an officer allegedly engaged in horseplay at an outside hospital and the sergeant allegedly failed to properly supervise the officer. On June 11 and June 12, 2014, the sergeant was allegedly dishonest to a lieutenant regarding the incident. On June 16, 2014, the officer was allegedly dishonest to the sergeant regarding the incident. Also on June 16, 2014, the sergeant allegedly attempted to discuss the incident with two other involved officers after a lieutenant instructed him not to do so.

Disposition

The hiring authority sustained the allegation that the officer engaged in horseplay, but not that he was dishonest, and issued a letter of instruction. The OIG concurred. The hiring authority sustained the allegations against the sergeant and demoted him to officer. The OIG did not concur with the penalty but did not seek a higher level of review because the sergeant was not working due to a serious medical condition and was unlikely to return to work for the department. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement to withdraw the disciplinary action from the sergeant's official personnel file and the sergeant agreed that if he ever returned to the department, he would voluntarily demote to an officer. The OIG concurred with the settlement because the sergeant had retired from the department for medical reasons, was unlikely to ever return, and if he did return, he would be an officer.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or impose the proper penalty, and the department attorney failed to recommend the proper penalty. Also, the department attorney did not prepare an adequate draft disciplinary action or provide written confirmation of penalty discussions.

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Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 3, 2015. However, the hiring authority did not consult with the department attorney and the OIG regarding the disciplinary determinations until May 20, 2015, 47 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not recommend dismissal as the appropriate penalty for peace officer dishonesty.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority failed to dismiss the sergeant although he had been dishonest to his supervisor regarding the alleged misconduct.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action failed to completely describe the alleged misconduct.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority did not timely conduct the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-25	15-0355-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Intoxication-Driving Under the Influence 3. Failure to Report 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On June 25, 2014, and September 26, 2014, an officer drove a State vehicle while his license was allegedly suspended. On November 28, 2014, the officer was arrested for allegedly driving his personal vehicle while under the influence of alcohol and oxycodone and with a suspended license, and allegedly failed to timely report his arrest to the hiring authority. On December 16, 2014, after the department promoted the officer to sergeant, he was allegedly dishonest when he denied to the hiring authority knowing his license was suspended.

Disposition

The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement whereby the sergeant resigned in lieu of dismissal and agreed to never seek employment with the department in the future and the department agreed not to put the settlement agreement in the sergeant's official personnel file. The OIG did not agree with not placing the settlement agreement in the sergeant's official personnel file but did not seek a higher level of review because the ultimate goal of ending the sergeant's employment with the department was achieved.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference. Also, the department attorney entered into an improper stipulation as part of the settlement.

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Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on February 11, 2015, and the district attorney declined prosecution on April 8, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until September 10, 2015, seven months after the Office of Internal Affairs returned the case and five months after the district attorney declined prosecution.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not agree with the hiring authority's agreement to not place the stipulation in the sergeant's official personnel file.
- Was the disciplinary phase conducted with due diligence by the department?
The department neglected to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-07-30	14-2229-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Incident Summary

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

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-09	14-2553-IR	1. Dishonesty 2. Battery 3. Discourteous Treatment 4. Battery	1. Sustained 2. Sustained 3. Sustained 4. Exonerated	Dismissal	Dismissal

Incident Summary

On August 9, 2014, a sergeant allegedly punched his ex-girlfriend and a third person, both of whom are also sergeants with the department. The sergeant also allegedly grabbed a bystander by the throat and threatened to kill him and was dishonest to outside law enforcement regarding the incident. On February 20, 2015, the first sergeant was allegedly dishonest during his interview with the Office of Internal Affairs. The other two sergeants allegedly hit the first sergeant in the face during the altercation.

Disposition

The hiring authority sustained the allegations against the first sergeant and dismissed the sergeant. For the other two sergeants, the hiring authority determined that the conduct did occur; however, the investigation revealed the actions were justified, lawful, and proper. The OIG concurred with the hiring authority's determinations. The first sergeant filed an appeal with the State Personnel Board. After an evidentiary hearing, the State Personnel Board upheld the penalty.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-08-09	14-2554-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Driving With a Suspended Driver's License 3. Driving Under the Influence 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Dismissal

Incident Summary

On August 9, 2014, a sergeant allegedly drove his personal vehicle using a suspended driver's license and while under the influence of alcohol, resulting in a collision with another vehicle. The sergeant then was allegedly dishonest to outside law enforcement regarding whether he had been drinking and to the hiring authority in his written memorandum regarding the incident.

Disposition

The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. After an evidentiary hearing, the State Personnel Board upheld the penalty.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and sought a higher level review regarding her own decision.

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on October 22, 2014. However, the hiring authority did not consult with the department attorney and the OIG regarding the disciplinary determination until February 2, 2015, 103 days thereafter.

- If an executive review was invoked, was the executive review process in the DOM followed?

The hiring authority sought a higher level of review regarding her own decision because the OIG disagreed with the hiring authority's intent to relay a settlement offer to the sergeant.

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

The hiring authority delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-09-01	15-1121-IR	<ol style="list-style-type: none"> 1. Other Failure of Good Behavior 2. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	Salary Reduction

Incident Summary

Between September 1, 2014, and March 27, 2015, an officer allegedly used his State computer to send email messages containing sexual innuendoes to female staff members. On March 25, 2015, while off duty, the officer allegedly touched a nurse's breasts and buttocks, and then choked her when she declined his sexual advances.

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Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer accepted responsibility for sending the email messages and harm caused. Based on this information, the department entered into a settlement agreement with the officer amending the disciplinary action to reflect undisputed facts and agreeing to remove the disciplinary action from the officer's official personnel file after two years. The OIG concurred because the disciplinary action still sufficiently described the misconduct and the monetary penalty remained the same.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-07	14-2704-IR	1. Dishonesty 2. Contraband 3. Failure to Report 4. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Suspension

Incident Summary

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

Disposition

The hiring authority sustained the allegations against the second officer and dismissed him. The OIG concurred. The hiring authority sustained the allegations that the first officer used a mobile phone and failed to report that the second officer also used a mobile phone, but not the allegation that the first officer was dishonest, and identified a salary reduction of 10 percent for 24 months as the appropriate penalty. The OIG did not concur with the hiring authority's determinations and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the dishonesty allegation should be sustained and that the officer should receive a 10 percent salary reduction for 30 months rather than dismissal because the officer was forthright and truthful during his interview with the Office of Internal Affairs. The OIG concurred. Both officers filed appeals with the State Personnel Board. At the State Personnel Board hearing, the department entered into settlement agreements reducing the first officer's penalty to a 10 percent salary reduction for 28 months and modifying the second officer's dismissal to a suspension for seven months and 18 days. The OIG did not concur with the settlements. However, the settlement terms did not merit a higher level of review because the penalties were within departmental guidelines.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and entered into settlement agreements with the officers without justification. The department attorney did not provide written confirmation of penalty discussions or prepare an adequate draft disciplinary action for one of the officers.

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Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 13, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until September 11, 2015, 29 days thereafter.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide written confirmation of penalty discussions.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action for one of the officers failed to include facts and allegations to support one of the sustained allegations.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur as the hiring authority did not identify any new evidence, flaws, or risks to warrant the settlements.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority did not timely conduct the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-20	15-0053-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Suspension

Incident Summary

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

Disposition

The hiring authority sustained the allegations against the first officer and dismissed him. The hiring authority sustained the allegation against the second armory officer and determined that a 36-working-day suspension was the appropriate penalty; however, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating that he resigned pending disciplinary action. The hiring authority sustained the allegation against the sergeant for allowing an unauthorized person enter the armory, but not dishonesty, and imposed a 10 percent salary reduction for 24 months. The hiring authority found insufficient evidence to sustain the allegations against the gate officer and one of the armory officers. The OIG concurred with these determinations. The sergeant and first officer filed appeals with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the sergeant reducing the penalty to a 10 percent salary reduction for 18 months and agreeing to remove the disciplinary action from the sergeant's official personnel file upon conclusion of the salary reduction. The OIG concurred because the sergeant accepted responsibility for his misconduct, demonstrated insight into his failure as a supervisor, and showed remorse. Following a hearing, the State Personnel Board upheld the allegations against the first officer, except dishonesty, which it revoked based on a credibility determination, and modified the penalty to a four-month suspension.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the employee relations officer did not notify the OIG of the *Skelly* hearing and the department attorney neglected to admit available evidence.

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Assessment Questions

- If there was a Skelly hearing, was it conducted pursuant to DOM?

The employee relations officer failed to notify the OIG when the hearing was scheduled, thereby preventing the OIG from attending.

- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?

The department attorney did not present a key witness to testify regarding an alleged false statement and neglected to elicit testimony from the officer about alleged false statements made during his investigative interview.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-04	15-0054-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Dismissal

Incident Summary

On November 4, 2014, three officers were allegedly dishonest when they documented performing security checks and a unit count and when they told a lieutenant that they performed the security checks and unit count. A fourth officer allegedly observed the other officers' misconduct but failed to report it.

Disposition

The hiring authority sustained all allegations and dismissed the three officers who were dishonest and imposed a 5 percent salary reduction for 24 months on the fourth officer. The OIG concurred. All officers filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the fourth officer reducing the penalty to a 5 percent salary reduction for 16 months. The OIG concurred because the fourth officer expressed remorse and took responsibility for his misconduct and the penalty remained within the same penalty range for the misconduct. Following a hearing, the State Personnel Board upheld the other three officers' dismissals.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-11	15-0764-IR	<ol style="list-style-type: none"> 1. Disclosure of Confidential Information 2. Discourteous Treatment 3. Other Failure of Good Behavior 4. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Suspension	Modified Suspension

Incident Summary

On December 11, 2014, a sergeant allegedly disclosed a confidential complaint about an officer directly to him. On February 5, 2015, the sergeant was allegedly dishonest when he denied disclosing the complaint to the officer. On February 4, 2015, the officer allegedly refused to open a housing unit door for a senior psychiatric technician.

Disposition

The hiring authority sustained the allegations, except that the sergeant was dishonest, and issued a letter of instruction to the sergeant. The hiring authority combined the officer's misconduct in this case with the officer's prior misconduct in another matter and imposed a 30-working-day suspension. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 20-working-day-suspension. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the officer accepted responsibility at the *Skelly* hearing and the penalty was within departmental guidelines.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not provide the OIG with a draft disciplinary action and the hiring authority entered into a settlement agreement without sufficient justification.

Assessment Questions

- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The department attorney failed to provide the OIG with a draft disciplinary action before serving it on the officer.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur as the hiring authority did not identify any new evidence, flaws, or risks to warrant the settlement.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide the OIG with a draft disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-01-07	15-0703-IR	<ol style="list-style-type: none"> Neglect of Duty Discourteous Treatment Use of Force Failure to Report 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained 	Salary Reduction	Letter of Reprimand

Incident Summary

On January 7, 2015, an officer allegedly argued with an inmate and pulled his food tray away from him multiple times. The inmate pushed the officer in the chest and a second officer deployed pepper spray at the inmate. As the first officer attempted to secure the inmate, the inmate grabbed the officer and struggled with him while the second officer allegedly failed to assist the first officer. A third officer allegedly witnessed the use of force but failed to report it. Two additional officers also allegedly failed to report their involvement in the incident.

Disposition

The hiring authority sustained the allegations against the first two officers and issued a letter of reprimand to the first officer and a 5 percent salary reduction for 12 months to the second officer. The hiring authority found insufficient evidence to sustain the allegations against the other three officers. The OIG concurred with the hiring authority's determinations. The officers filed appeals with the State Personnel Board. At the pre-hearing settlement conference for the first officer, the department entered into a settlement agreement agreeing to remove the letter of reprimand from the officer's official personnel file early. The OIG concurred with the settlement because the officer had accepted responsibility at the *Skelly* hearing and the letter of reprimand could be used for progressive discipline. Following a hearing for the second officer, the State Personnel Board revoked the salary reduction. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officer's credible denials.

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with procedures governing the disciplinary process because the department did not serve the disciplinary action within 30 days of the decision to take disciplinary action.

Assessment Questions

- Was the disciplinary phase conducted with due diligence by the department?
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on December 23, 2015; however, the department did not serve the disciplinary action until February 5, 2016, 44 calendar days later.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-10	15-0811-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Failure to Report Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

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

Disposition

The hiring authority sustained the allegations that the lieutenant used unnecessary force and failed to report the force used, but not the other allegations, and imposed a 5 percent salary reduction for nine months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the lieutenant took responsibility for his misconduct and expressed remorse. The department entered into a settlement agreement with the lieutenant reducing the penalty to a 5 percent salary reduction for six months. The OIG concurred because the lieutenant was remorseful and expressed insight into his misconduct.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-05	15-1207-IR	<ol style="list-style-type: none"> Theft 	<ol style="list-style-type: none"> Sustained 	Dismissal	Dismissal

Incident Summary

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

Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-20	15-2593-IR	<ol style="list-style-type: none"> Disclosure of Confidential Information Neglect of Duty Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On March 20, 2015, and September 28, 2015, a lieutenant allegedly used a State computer to send personal email messages containing confidential information.

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Disposition

The hiring authority sustained the allegations and imposed 10 percent salary reduction for nine months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the lieutenant reducing the penalty to a 10 percent salary reduction for six months. The OIG concurred because the lieutenant, for the first time, admitted the misconduct, accepted responsibility, expressed remorse, and the penalty remained within departmental guidelines.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-21	15-1369-IR	<ol style="list-style-type: none"> 1. Failure to Report Use of Force 2. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

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

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for six months against the first officer and a 5 percent salary reduction for 18 months against the control booth officer. The hiring authority imposed a higher penalty for the control booth officer because she had prior disciplinary actions. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for five months and agreeing to remove the disciplinary action from the officer's official personnel file after 12 months. The OIG did not concur with the settlement but did not seek a higher level of review because the penalty reduction was not significant and the disciplinary action can still be used for progressive discipline. The control booth officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority was not adequately prepared to address the disciplinary determinations, failed to timely issue the decision after the *Skelly* hearing, and reduced the penalty without justification. The department attorney provided improper legal advice to the hiring authority, failed to accurately set forth the reasons for settlement, and did not adequately consult with the OIG.

NORTH REGION

Assessment Questions

- If the HA consulted with the OIG concerning the disciplinary determinations, was the HA adequately prepared?
The hiring authority was not familiar with all of the documents regarding the disciplinary determinations and, during a subsequent consultation with the OIG, acknowledged that lack of familiarity.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
After the disciplinary findings conference, the department attorney improperly advised the hiring authority that discipline could not be imposed on one of the officers because the officer received training.
- If there was a Skelly hearing, was it conducted pursuant to DOM?
The Skelly hearing took place on October 15, 2015, and the Skelly officer issued the recommendation that day. However, the hiring authority did not provide written notification of the decision until February 10, 2016, 118 days thereafter.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department did not identify any new evidence, flaws, or risks justifying the reduction.
- If the case settled, did the department attorney or employee relations officer properly complete the CDC Form 3021?
The department attorney initially stated the settlement was based on information provided at the Skelly hearing, but during settlement discussions, the department attorney articulated no basis to settle except finality.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement because the department did not identify any new evidence, flaws, or risks justifying the reduction.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney received the State Personnel Board's decision approving the settlement on August 3, 2016, but did not forward the approval or the case settlement report to the OIG until more than one month later.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed providing a written decision following the Skelly hearing.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-04-25	15-1476-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand

Incident Summary

On April 25, 2015, an officer allegedly failed to carry his personal alarm and radio during an incident and was allegedly dishonest when he reported why he failed to activate his personal alarm during the incident.

Disposition

The hiring authority sustained the allegation that the officer failed to carry his equipment, but not that he was dishonest, and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-04-26	15-1755-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	Letter of Reprimand

Incident Summary

On April 26, 2015, an officer allegedly failed to timely release an inmate from his cell for a family visit.

Disposition

The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the officer could request removing the letter of reprimand from his official personnel file after 18 months. The OIG did not concur; however, the settlement terms did not merit a higher level of review because the penalty remained within the department's disciplinary range for the misconduct.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner or consult the OIG prior to making disciplinary determinations and the employee relations officer did not provide the OIG the draft disciplinary action for review. The department also entered into a settlement agreement without sufficient justification.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on July 22, 2015. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until more than six months thereafter and did not consult with the OIG prior to making a determination.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The employee relations officer did not provide a copy of the draft disciplinary action to the OIG for review.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur as the hiring authority did not identify any new evidence, flaws, or risks to warrant the settlement.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-04-30	16-0617-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On April 30, 2015, an officer allegedly counted a dead inmate as being alive.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for nine months, removing willful disobedience as a cause for discipline, and agreeing to remove the disciplinary action from the officer's official personnel file after 24 months. The OIG concurred because during settlement discussions, the officer expressed remorse and accepted responsibility and the penalty was within the appropriate range for the misconduct.

NORTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-11	15-1754-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On May 11, 2015, May 19, 2015, July 19, 2015, and July 27, 2015, a control booth officer allegedly closed cell doors, each time on a different inmate, striking the inmates, some of whom sustained minor injuries.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 15 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for ten months because critical witnesses were not subpoenaed for the hearing. The OIG concurred because of the evidentiary problems.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority neglected to conduct the disciplinary findings in a timely manner and the department attorney failed to include critical witnesses in the pre-hearing settlement conference statement and did not subpoena critical witnesses.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until April 27, 2016, 33 days thereafter.
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

The department attorney omitted critical witnesses and exhibits.
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?

The department attorney failed to subpoena critical witnesses to appear for the hearing.
- Was the disciplinary phase conducted with due diligence by the department?

The department did not conduct the disciplinary findings conference in a timely manner.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-16	15-1435-IR	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Neglect of Duty 3. Dishonesty 4. Unreasonable Use of Force 5. Failure to Report 6. Neglect of Duty 7. Discourteous Treatment 8. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Unfounded 4. Unfounded 5. Unfounded 6. Unfounded 7. Unfounded 8. Unfounded 	Salary Reduction	Letter of Reprimand

Incident Summary

On May 16, 2015, an officer allegedly slapped an inmate and two other officers allegedly failed to report the incident. The first officer had allegedly ordered the second and third officers out of the room and challenged the inmate to fight. On June 12, 2015, the second and third officers were allegedly dishonest in memoranda describing the incident. On May 25, 2015, the first officer allegedly punched another inmate and the second and third officers were allegedly aware of the incident and failed to report it. The second officer and a fourth officer allegedly failed to intervene or call for assistance when the inmate allegedly assaulted the first officer. Between February 1, 2016, and February 14, 2016, the first officer allegedly discussed the investigation with another employee after the special agent instructed him not to do so.

Disposition

The hiring authority sustained the allegation the first officer discussed the investigation after being instructed not to do so and imposed a 10 percent salary reduction for three months. The hiring authority sustained the allegation against the fourth officer and imposed a letter of reprimand. The hiring authority determined the investigation conclusively proved the other misconduct did not occur. The OIG concurred with the hiring authority's determinations. The first and fourth officers filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement with the first officer reducing the penalty to a letter of reprimand. The OIG concurred because the officer expressed remorse and accepted responsibility. The department also agreed to remove a cause for discipline and to remove the disciplinary action from the officer's official personnel file after one year. The OIG did not concur with the additional terms because they were added after the department accepted the officer's offer. The OIG did not seek a higher level of review because the disciplinary action could still be used for progressive discipline. Prior to State Personnel Board Proceedings, the department also entered into a settlement agreement with the fourth officer agreeing to remove the disciplinary action from the officer's official personnel file after one year. The OIG concurred because the penalty remained the same.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority and department attorney neglected to adequately consult with the OIG and agreed to new settlement terms without a change in circumstances. Also, the department attorney prepared a legally insufficient draft disciplinary action.

NORTH REGION

Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action for one officer included exhibits with confidential information that related solely to a different officer. The draft disciplinary action for another officer omitted a critical date from the statement of facts and a critical exhibit.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department allowed the first officer to add additional terms to his offer, after the officer accepted the original offer, and the department did not identify any new evidence, flaws, or risks to justify the new terms.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
The hiring authority failed to consult with the OIG before agreeing to remove the disciplinary action from the first officer's personnel file after one year.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the additional term to remove the disciplinary action from the first officer's personnel file after one year because the department did not identify any new evidence, flaws, or risks to justify the new term.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney failed to timely notify the OIG of the substance of settlement offers and neglected to timely provide copies of critical documents despite the OIG's repeated requests.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The hiring authority neglected to consult with the OIG before agreeing to a change in settlement terms.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-21	15-1783-IR	1. Dishonesty 2. Misuse of State Equipment or Property	1. Sustained 2. Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

On May 21, 2015, a parole agent allegedly used a State vehicle to travel to and from his residence without authorization. On June 19, 2015, the parole agent allegedly used a State vehicle for personal business and was allegedly dishonest to a supervising parole agent and to outside law enforcement. On April 21, 2016, the parole agent was allegedly dishonest during an interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations, combined them with allegations from another case, and served a notice of dismissal. The OIG concurred with the hiring authority's determinations. Before the dismissal took effect, the department entered into a settlement agreement with the parole agent extending the effective date of the disciplinary action two days and allowing the parole agent to use two days of leave credits and the parole agent agreed to resign from State service. The OIG concurred because the settlement ensured that the parole agent would not seek or accept employment with the department in the future.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-23	15-2451-IR	<ol style="list-style-type: none"> Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On May 23, 2015, an officer allegedly failed to properly conduct an inmate count and a sergeant and two other officers allegedly failed to timely act in an effort to locate a missing inmate.

Disposition

The hiring authority sustained the allegations against the first officer and imposed a 5 percent salary reduction for 12 months. The hiring authority found insufficient evidence to sustain the allegations against the sergeant and two other officers. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for nine months. The OIG did not concur with the settlement; however, the settlement terms did not merit a higher level of review because the modified penalty was within the department's range for the misconduct.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-31	15-1439-IR	<ol style="list-style-type: none"> Failure to Report Discourteous Treatment Sexual Misconduct Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained Not Sustained 	Suspension	Suspension

Incident Summary

On May 31, 2015, an officer allegedly told an inmate that he liked "bad girls" and referred to the inmate as his "bad girl." On June 2, 2015, the officer allegedly commented to a second inmate about tattoos on her breasts, stared at the legs and breasts of a third inmate, brushed his groin area against the leg of a fourth inmate, and failed to timely report that another inmate had exposed her breasts and touched the officer's buttocks.

Disposition

The hiring authority sustained the allegations that the officer made inappropriate comments and failed to timely report the inmate's misconduct, but not the remaining allegations, and imposed a 30-working-day suspension. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-01	15-2106-IR	<ol style="list-style-type: none"> Dishonesty Retaliation Discrimination/Harassment 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On June 1, 2015, a parole agent allegedly sexually harassed another parole agent and a program technician. On September 4, 2015, the parole agent allegedly retaliated against a third parole agent for filing a complaint against him. On September 9, 2015, the parole agent was allegedly dishonest when he reported the misconduct of the third parole agent.

NORTH REGION

Disposition

The hiring authority sustained the allegations, except the sexual harassment allegations, combined the sustained allegations with allegations from another case, and served the parole agent with a notice of dismissal. The OIG concurred with the hiring authority's determinations. Before the dismissal took effect, the department entered into a settlement with the parole agent extending the effective date of the disciplinary action two days and allowing the parole agent to use two days of leave credits and the parole agent agreed to resign from State service. The OIG concurred because the settlement ensured that the parole agent would not seek or accept employment with the department in the future.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-06	15-1442-IR	<ol style="list-style-type: none"> 1. Medical-Denied Care 2. Neglect of Duty 3. Medical-Denied Care 4. Failure to Report 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Letter of Reprimand	Letter of Reprimand

Incident Summary

On June 6, 2015, after learning an inmate cut himself and swallowed a broken razor blade, two sergeants allegedly failed take appropriate action, seek medical attention for the inmate, or report the incident.

Disposition

The hiring authority sustained the allegations that the first sergeant failed to take action and failed to provide the inmate with medical care, but not the remaining allegation, and issued a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the second sergeant. The OIG concurred with the hiring authority's determinations. The first sergeant did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department did not serve the disciplinary action within 30 days of the disciplinary findings conference.

Assessment Questions

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

The department conducted the disciplinary findings conference on April 6, 2016, but did not serve the disciplinary action until May 12, 2016, 36 days after the conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-13	15-1733-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On June 13, 2015, an officer allegedly miscounted the number of inmate workers and a second officer allegedly documented the incorrect count. After the incorrect count led to the overall count not clearing, a third officer allegedly falsified the count so that it would clear after a fourth officer allegedly told her to do so.

NORTH REGION

Disposition

The hiring authority sustained the allegations against the first and second officers and imposed a 5 percent salary reduction for six months on each. The hiring authority also sustained the allegation against the third officer and imposed a 10 percent salary reduction for 13 months rather than dismissal because she was a new officer with less than one week of experience, completing her first count, relying on the advice of an experienced senior officer, accepted responsibility, and understood how to handle the situation in the future. The OIG concurred with the hiring authority's determinations. The hiring authority found insufficient evidence to sustain the allegation against the fourth officer. The OIG did not concur but did not seek a higher level of review. The officers filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into settlement agreements reducing the penalties for the first and second officers to 5 percent salary reductions for three months and for the third officer, to a 10 percent salary reduction for ten months. The OIG concurred with the settlement for the first officer because he expressed remorse and accepted responsibility. The OIG did not concur with the settlements for the remaining officers as there were no changed circumstances; however, the settlement terms did not merit a higher level of review because the penalties remained within the same disciplinary range for the misconduct.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department attorney did not recommend and the hiring authority did not select the appropriate allegation of dishonesty or impose the appropriate penalty against the fourth officer. Also, the hiring authority entered into settlement agreements without any changed circumstances to justify the settlements.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney did not recommend sustaining the dishonesty allegation against the fourth officer. Therefore, the hiring authority did not select the appropriate charge or impose the appropriate penalty.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority did not sustain the dishonesty allegation against the fourth officer despite a preponderance of evidence supporting the charge.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
Because the hiring authority did not sustain dishonesty against the fourth officer, the hiring authority did not impose the appropriate penalty of dismissal.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The hiring authority did not identify any new evidence, flaws, or risks justifying the settlements for two of the officers.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlements for two of the officers.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-17	15-1706-IR	1. Neglect of Duty 2. Misuse of State Equipment or Property	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On June 17, 2015, a sergeant allegedly read a non-work related electronic book using a State computer while on duty.

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the sergeant reducing the penalty to a 10 percent salary reduction for 15 months. The department's reason for entering into the settlement agreement was to bring finality to the case. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained within the department's disciplinary guidelines for the misconduct.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and modified the penalty without sufficient justification.</p>	
Assessment Questions <ul style="list-style-type: none"> Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision? <i>The Office of Internal Affairs returned the case to the hiring authority on August 19, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until October 15, 2015, 57 days thereafter.</i> If there was a settlement agreement, was the settlement consistent with the DOM factors? <i>The hiring authority did not identify any new evidence, flaws, or risks to warrant the settlement.</i> If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification? <i>The OIG did not concur as the hiring authority did not identify any new evidence, flaws, or risks to warrant the settlement and the sergeant had two prior disciplinary actions for similar misconduct.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The hiring authority did not timely conduct the disciplinary findings conference.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2015-06-18	15-1918-IR	1. Other Failure of Good Behavior 2. Misuse of State Equipment or Property 3. Dishonesty 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained		

Incident Summary

On June 18, 2015, a sergeant allegedly used his State computer for personal use. On June 22, 2015, the sergeant allegedly called the outside law enforcement emergency number and falsely reported that someone was trying to break into his home and filed a false police report regarding the event. The sergeant subsequently pled no contest to disturbing the peace. Between June and September 2015, another sergeant allegedly used his State computer for the first sergeant's and his own personal use.

Disposition

The hiring authority sustained the allegations against the first sergeant, except that he was dishonest to outside law enforcement and filed a false police report, and imposed a 5 percent salary reduction for 12 months. The OIG did not concur with the decision to not sustain dishonesty but concurred with the penalty based on the sustained allegations. The OIG did not seek a higher level of review due to conflicting evidence and the penalty was still significant. The hiring authority sustained the allegations against the second sergeant and imposed a 5 percent salary reduction for six months. The OIG concurred. At a *Skelly* hearing, the second sergeant accepted responsibility and expressed remorse for his actions. Due to this mitigating information, the hiring authority modified the penalty to a 5 percent salary reduction for three months. The OIG concurred based on the factors learned at the *Skelly* hearing. The first sergeant filed an appeal with the State Personnel Board but withdrew his appeal before the pre-hearing settlement conference.

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference, sustain dishonesty allegations, or impose the appropriate penalty of dismissal. The department attorney recommended against sustaining dishonesty allegations despite evidence supporting the allegations and failed to provide written confirmation of penalty discussions.</p>	

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 5, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until April 27, 2016, 22 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney recommended against sustaining dishonesty allegations that a preponderance of the evidence supported and therefore, did not recommend imposing the appropriate penalty of dismissal.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority failed to select charges of making false or intentionally misleading statements to a public safety officer and in an official report despite a preponderance of the evidence supporting these charges for the first sergeant.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority did not dismiss the first sergeant, which was the appropriate penalty for charges of making false or intentionally misleading statements to a public safety officer and in an official report.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide written confirmation of penalty discussions.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-21	15-1921-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Reprimand	Letter of Reprimand

Incident Summary

On June 21, 2015, three officers allegedly failed to assist an inmate who expressed suicidal ideations. One of the officers also allegedly opened the inmate's cell door without other officers present. On June 30, 2015, one of the other officers allegedly provided false information during an appeal inquiry. On July 4, 2015, the third officer also allegedly provided false information during an appeal inquiry.

Disposition

The hiring authority sustained the allegation that the second officer opened the cell door, but not the other allegation, and imposed a letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer agreeing to remove the letter of reprimand from the officer's personnel file after 12 months. The OIG did not concur with the settlement; however, the settlement terms did not merit a higher level of review because the penalty was within the department's range for the misconduct. The hiring authority found insufficient evidence to sustain the allegations against the other officers and the OIG concurred.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority inappropriately modified the disciplinary penalty and delayed conducting the disciplinary findings conference.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until May 6, 2016, 86 days thereafter.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department did not identify any new evidence, flaws, or risks justifying the settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the decision to withdraw the disciplinary action early because the department did not identify any new evidence, flaws, or risks justifying the settlement.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-02	15-1780-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

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

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for eight months on each. The OIG concurred. The sergeant and the labor relations analyst filed appeals. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant reducing the penalty to a 5 percent salary reduction for six months and agreeing to remove the disciplinary action from the sergeant's official personnel file after 12 months. The OIG concurred because the sergeant expressed remorse. Following a hearing, the State Personnel Board revoked the disciplinary action against the labor relations analyst, finding no nexus between the misconduct and her employment.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department attorney failed to provide written confirmation of penalty discussions and neglected to timely provide the OIG with a copy of the State Personnel Board decision. The department attorney included incorrect citations and attachments in the draft disciplinary actions.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The department attorney incorrectly cited legal authority regarding causes of action and appeal rights, and listed inappropriate supporting materials.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide written confirmation of penalty discussions to the OIG and neglected to provide a copy of the State Personnel Board's decision until after the time to file a petition for rehearing had expired.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-05	15-1957-IR	1. Controlled Substance	1. Sustained	Dismissal	No Penalty Imposed

Incident Summary

On August 5, 2015, an officer allegedly tested positive for a barbiturate for which he had no prescription.

Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officer's credible testimony that he unknowingly took his roommate's father's prescription.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-26	15-2157-IR	1. Dangerous Driving 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Dismissal	Salary Reduction

Incident Summary

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

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. At the *Skelly* hearing, the officer produced records documenting that she had not been texting while driving. Due to this information, the hiring authority determined there was insufficient evidence to sustain the original allegations. However, the hiring authority added and sustained an allegation that the officer was driving dangerously by using her mobile phone and imposed a salary reduction of 10 percent for 18 months and involuntarily transferred the officer from the statewide transportation unit to an institution. The OIG concurred. The officer filed an appeal with the State Personnel Board. After the pre-hearing settlement conference, the department entered into a settlement agreement with the officer reducing the penalty to a salary reduction of 10 percent for 13 months. The OIG did not concur but did not seek a higher level of review because the penalty was still within the department's disciplinary guidelines for the sustained misconduct.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and entered into a settlement agreement with the officer inappropriately reducing the penalty.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on October 14, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until 33 days thereafter.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department inappropriately entered into a settlement reducing the penalty to a 10 percent salary reduction for 13 months even though the previous penalty appropriately considered the gravity of the misconduct and the hiring authority did not identify any new evidence, flaws, or risks to warrant the settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement reducing the penalty to a 10 percent salary reduction for 13 months because the previous penalty appropriately considered the gravity of the misconduct and the hiring authority did not identify any new evidence, flaws, or risks to warrant the settlement.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-13	15-2258-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Threat/Intimidation 3. Misuse of Authority 4. Discourteous Treatment 5. Other Failure of Good Behavior 6. Intoxication 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 	Dismissal	Suspension

Incident Summary

On September 13, 2015, an officer allegedly fought with a security guard, attempted to use his status as a peace officer to gain favorable treatment, used derogatory language, and threatened outside law enforcement. The officer was also allegedly intoxicated in public and dishonest with outside law enforcement.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement reducing the dismissal to a one-year suspension and providing for random drug and alcohol testing. The OIG did not concur but did not seek a higher level of review because the drug and alcohol testing reduced the likelihood of recurrence and the settlement also allowed for dismissing the officer without appeal rights if the officer violated its terms.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority inappropriately reduced the penalty and the department attorney injudiciously evaluated the evidence and recommended settlement based on an unreasonable assessment of the case. The department attorney also failed to consult with her supervisor prior to recommending settlement, failed to cooperate with the OIG, and inappropriately informed the hiring authority it was improper to consult with the OIG.

NORTH REGION

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department gave undue weight to the officer's post-dismissal rehabilitation efforts and insufficient weight to the gravity of the misconduct and prior discipline.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The officer's post-dismissal rehabilitation efforts compared with the gravity of the offense, strength of the evidence, and prior discipline did not warrant reducing the penalty.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The department attorney gave undue weight to post-dismissal evidence of rehabilitation during settlement discussions and insufficient weight to the gravity of the misconduct.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
During settlement negotiations, the department attorney consulted the OIG regarding the settlement proposal without first consulting her supervisor and refused to disclose to the OIG the hiring authority's position as to the proposed settlement. During discussions with the hiring authority, the department attorney failed to disclose that the OIG did not concur with the proposed settlement and improperly told the hiring authority it was wrong to consult with the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-17	15-2320-IR	1. Discourteous Treatment	1. Sustained	Salary Reduction	Salary Reduction

Incident Summary

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

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for three months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty. The officer filed a petition for rehearing, which the State Personnel Board denied.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference. The employee relations officer did not include all of the pertinent facts and a cause of action in the draft disciplinary action, did not include the officer's prior discipline and a cause of action in the disciplinary action served on the officer, and did not provide the OIG with a draft of the department's response to the officer's petition for rehearing until after it was filed.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on November 4, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until December 2, 2015, 28 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not include pertinent facts that supported the causes for discipline and did not include the neglect of duty cause for discipline.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action served on the officer did not include the neglect of duty cause for discipline nor make reference to the officer's prior discipline.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The employee relations officer did not provide the OIG with a draft copy of the department's response to the officer's petition for rehearing until after it was filed.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-13	15-2665-IR	1. Dishonesty 2. Insubordination/Willful Disobedience 3. Insubordination/Willful Disobedience	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination

Incident Summary

On October 13, 2015, an officer allegedly refused an order to work involuntary overtime and falsely reported to a sergeant that he was unable to work the shift due to a pre-scheduled physician's appointment. On October 14, 2015, and October 15, 2015, the officer allegedly failed to provide medical substantiation of the appointment as ordered and falsely reported to his sergeant that he had forgotten the physician's note.

Disposition

The hiring authority sustained the allegations, except that the officer was insubordinate when he refused to work the involuntary overtime shift, and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the hearing, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-24	16-0313-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Dismissal

Incident Summary

Between October 24, 2015, and December 9, 2015, an officer allegedly wore an unauthorized stab-resistant vest inside the institution, failed to notify a sergeant that his stab-resistant vest was lost or stolen, and dishonestly completed a form regarding the vest.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board but failed to appear for the pre-hearing settlement conference and the administrative law judge dismissed the appeal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-01	15-2591-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained 	Letter of Reprimand	Letter of Reprimand

Incident Summary

On November 1, 2015, an officer allegedly illuminated a deer decoy with a light and was cited by outside law enforcement for spotlighting.

Disposition

The hiring authority sustained the allegation and imposed a letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-12	16-0270-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty 	<ol style="list-style-type: none"> Sustained Not Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On November 12, 2015, an officer allegedly falsely documented that she issued a rules violation report to an inmate and failed to correct the report once she learned the inmate was released on parole. A second officer allegedly instructed the first officer to improperly complete the rules violation report. On March 10, 2016, the second officer was allegedly dishonest in his investigative interview.

NORTH REGION

Disposition

The hiring authority sustained the allegation that the first officer failed to correct the form, but not that she falsified the report, and issued a letter of reprimand. The hiring authority sustained the allegation that the second officer improperly instructed the first officer on how to complete the form, but not that he was dishonest, and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The officers filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into settlement agreements with both officers agreeing to remove the disciplinary actions early from their official personnel files. The OIG did not concur with the settlement for the first officer as there were no changed circumstance to justify the settlement; however, the OIG did not seek a higher level of review as the penalty remained the same and the disciplinary action could be used for progressive discipline. The OIG concurred with the settlement for the second officer because he had expressed remorse and accepted responsibility and the monetary penalty remained the same.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department did not timely serve the disciplinary actions and entered into a settlement agreement with the first officer despite no changed circumstances.

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department did not identify any new evidence, flaws, or risks justifying the settlement for the first officer.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement for the first officer because the department did not identify any new evidence, flaws, or risks justifying the settlement.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on May 10, 2016; however, the department did not serve the disciplinary actions until July 20, 2016, 71 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-16	16-0384-IR	1. Over-Familiarity 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction

Incident Summary

On December 16, 2015, an officer allegedly stopped a transport vehicle at a restaurant to buy food for an inmate. The officer, armed with a handgun, allegedly opened the secured door to give the food to the inmate.

Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the penalty was unchanged but the department agreed to remove the disciplinary action from the officer's official personnel file if and when he were to resign to reenter the military. OIG did not concur but did not seek a higher level of review because the penalty remained the same.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2016-01-10	16-0614-IR	1. Other Failure of Good Behavior	1. Sustained		

Incident Summary

On January 10, 2016, an officer was arrested for false imprisonment and battery after he allegedly fought with his wife.

Disposition

The hiring authority sustained the allegation and determined a 5 percent salary reduction for four months was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

Procedural Rating:	Sufficient
Substantive Rating:	Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2003-07-27	14-1736-IR	1. Dishonesty	1. Sustained	Dismissal	Suspension

Incident Summary

On July 27, 2003, an officer was allegedly dishonest when, during the pre-employment background process, he failed to disclose that he previously visited an inmate at an institution and also when he omitted information about some of his family members. On September 15, 2014, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board reduced the penalty to a one-year suspension based on the officer's work history.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not adequately represent the department during State Personnel Board proceedings.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 2, 2014. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until February 6, 2015, 66 days thereafter.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department attorney failed to present evidence to support some of the key allegations, inappropriately conceded to having several portions of the disciplinary action stricken, and failed to adequately counter or address witness testimony that contradicted the remaining allegations.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority did not timely conduct the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-14	13-0708-IR	1. Neglect of Duty 2. Failure to Report Use of Force 3. Neglect of Duty	1. Sustained 2. Unfounded 3. Unfounded	Salary Reduction	Salary Reduction

Incident Summary

On February 14, 2013, a lieutenant allegedly authorized a cell extraction in violation of departmental policy. The lieutenant allegedly did not obtain authorization from his two direct managers, ensure a manager was present during the extraction, ensure a licensed health care staff was on scene, and ensure the incident was videotaped. The lieutenant also allegedly failed to obtain incident reports from all officers who either witnessed or participated in the cell extraction and failed to document a sergeant's involvement in the use of force. Further, the sergeant who allegedly participated in the use of force did not write a report regarding force he witnessed, and six officers and a second sergeant allegedly did not include the first sergeant in their reports as a participant in the cell extraction.

SOUTH REGION

Disposition

The hiring authority sustained the allegation that the lieutenant violated the cell extraction policy, but determined the investigation conclusively proved all other alleged misconduct against the lieutenant, the sergeants, and the officers did not occur. The hiring authority imposed a 10 percent salary reduction for 24 months on the lieutenant. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction. The lieutenant filed a writ with Superior Court, which the court denied.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the disciplinary process because the hiring authority failed to conduct the disciplinary findings conference in a timely manner and the department attorney did not adequately consult with the OIG or provide a required document to the hiring authority.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 10, 2014. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until February 10, 2014, 31 days thereafter.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The department attorney did not provide a draft of the pre-hearing settlement conference statement to the OIG prior to filing it with the State Personnel Board.
- Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?
The department attorney failed to prepare a final memorandum to the hiring authority or consult with the OIG.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide the OIG with a draft of the pre-hearing settlement conference statement prior to filing and failed to prepare a final memorandum to the hiring authority and consult with the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-01	15-0096-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity 4. Over-Familiarity 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 	Dismissal	Dismissal

Incident Summary

From October 1, 2013, through April 20, 2014, an officer allegedly engaged in sexual misconduct with an inmate, disclosed personal information to the inmate, communicated with the inmate on a mobile phone, and brought the inmate food and other contraband. On January 17, 2014, the officer allegedly failed to activate his alarm when he witnessed several inmates fighting, including the inmate with whom he was having a sexual relationship. On September 13, 2014, the officer allegedly misled his supervisor twice regarding a telephone call he received from the inmate and, on March 2, 2015, was allegedly dishonest in an interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained allegations of sexual misconduct, dishonesty, and overfamiliarity, but not the remaining allegations, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with procedures governing the disciplinary process because the department attorney did not timely file a pre-hearing settlement conference statement or provide the hiring authority and the OIG written confirmation of penalty discussions.

Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide the OIG with written confirmation of penalty discussions.
- Did the SPB impose any sanction or penalty on the department for failure to comply with the SPB regulations or deem any filing by the department untimely?
The department attorney did not timely file the pre-hearing settlement statement and as a result, the administrative law judge issued an order for the department attorney to file the pre-hearing settlement conference statement along with a statement explaining good cause for the failure.
- Was the disciplinary phase conducted with due diligence by the department?
The department attorney did not timely file the pre-hearing settlement conference statement.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-12	14-1060-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Dismissal

Incident Summary

On January 12, 2014, a sergeant allegedly signed the name of a second sergeant on a time sheet, indicating that the second sergeant was working at the institution for that entire shift when in fact the second sergeant was not present at the institution. The second sergeant allegedly authorized the first sergeant to falsely indicate on the time sheet his presence at the institution despite a third sergeant directing the second sergeant to sign the time sheet at the location he was actually assigned and working. On January 14, 2014, when the third sergeant confronted the first sergeant about signing the time sheet for the second sergeant, the first sergeant was allegedly discourteous to her. On February 17, 2014, the first sergeant also allegedly reassigned custody staff without authorization.

Disposition

The hiring authority sustained the allegations against the first sergeant and dismissed the sergeant. The hiring authority sustained a dishonesty allegation against the second sergeant, but not the other allegation, and served a notice of dismissal. The OIG concurred with the hiring authority's determinations. The second sergeant had previously been dismissed in another matter before the disciplinary action took effect. The first sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. However, following a petition for rehearing, the State Personnel Board modified the penalty to an 18-month suspension.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-04-01	15-2261-IR	<ol style="list-style-type: none"> Dishonesty Battery Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Dismissal

Incident Summary

On April 1, 2014, and April 7, 2014, an officer was allegedly dishonest to outside law enforcement regarding an alleged domestic violence incident involving his girlfriend, and on April 15, 2014, he allegedly provided a false memorandum to the warden regarding the incident. On August 29, 2015, the officer allegedly punched and slapped his girlfriend, causing injuries requiring 14 sutures. On August 31, 2015, the officer allegedly falsely told a lieutenant that he did not own a personal firearm even though he owns several firearms.

Disposition

The hiring authority sustained all allegations, except the allegation regarding the personal firearm, and served a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board but failed to attend State Personnel Board proceedings, resulting in a dismissal of his appeal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-01	15-2448-IR	<ol style="list-style-type: none"> Discourteous Treatment Misuse of State Equipment or Property 	<ol style="list-style-type: none"> Sustained Sustained 	Suspension	Suspension

Incident Summary

In June 2014, an employee relations officer and a captain involved in a romantic relationship allegedly exchanged inappropriate email messages, some of which made disparaging comments regarding another departmental employee.

Disposition

The hiring authority sustained the allegations and decided on a 20-working-day suspension for the captain. However, the hiring authority combined this case with another case against the captain and demoted him to lieutenant. The hiring authority imposed a 5 percent salary reduction for six months on the employee relations officer. The OIG concurred with the hiring authority's determinations. The captain and the employee relations officer filed appeals with the State Personnel Board. After the pre-hearing settlement conference, the department entered into a settlement agreement with the employee relations officer reducing the penalty to a 5 percent salary reduction for three months, striking willful disobedience and discourteous treatment as legal causes of action, and agreeing to early removal of the disciplinary action from the employee relations officer's official personnel file. The OIG did not concur but did not seek a higher level of review because the penalty was within the appropriate range for the misconduct. Following the captain's evidentiary hearing, the State Personnel Board upheld the findings and penalty.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the department attorney provided incorrect legal advice to the hiring authority, prepared an insufficient pre-hearing settlement conference statement, and did not adequately cooperate with the OIG, and the hiring authority entered into a settlement agreement without sufficient justification. Also, the department attorney prepared inadequate draft disciplinary actions.

SOUTH REGION

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

The department attorney did not know the applicable policy and laws regarding the penalty range for a captain and, as a result, provided incorrect legal advice to the hiring authority regarding the penalty.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary actions for the employee relations officer and the captain did not include the investigative report as an exhibit. The draft disciplinary action for the captain contained incorrect legal authority and failed to state that the suspension was without pay.
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

The department attorney filed a pre-hearing settlement conference statement containing an incorrect witness, incorrect investigative report number, and incorrect exhibits. The statement also failed to include a key witness and key exhibits. The draft first amended pre-hearing settlement conference statement also included an incorrect witness and incorrect exhibits, and failed to include a key witness and key exhibits.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The department attorney filed the pre-hearing settlement conference statement without providing a draft to the OIG.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The department did not identify any new evidence, flaws, or risks justifying the reduced penalty for the employee relations officer.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur with the decision to reduce the employee relations officer's penalty because the department did not identify any new evidence, flaws, or risks justifying the reduction.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

The department attorney neglected to advise the OIG when the captain and employee relations officer filed appeals with the State Personnel Board and failed to provide the OIG with the draft pre-hearing settlement conference statement or documents related to the State Personnel Board proceedings even after the OIG requested the documents.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-02	14-2556-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Neglect of Duty Other Failure of Good Behavior Insubordination/Willful Disobedience Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained Not Sustained 	Dismissal	Dismissal

Incident Summary

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

SOUTH REGION

Disposition

The hiring authority sustained the allegations against the officer, except insubordination, and dismissed him. The hiring authority also sustained the allegation against the lieutenant for failing to issue rules violations to inmates, but not that he coordinated a fight, and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The officer and lieutenant filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalties.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-11	14-2557-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Dismissal

Incident Summary

On June 11, 2014, an officer allegedly failed to intervene when an inmate attacked a nursing assistant and was also allegedly dishonest when he wrote in his report that he did physically intervene. On May 15, 2015, the officer was allegedly dishonest to Office of Internal Affairs special agents when he claimed that he did physically intervene to assist the nursing assistant and again when he denied speaking to a witness about the ongoing investigation.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-06-12	14-1734-IR	1. Dishonesty 2. Attendance	1. Sustained 2. Not Sustained	Dismissal	Dismissal

Incident Summary

On June 12, 2014, an officer was allegedly dishonest when he told a supervisor that he had contacted the personnel office concerning his available leave time. On June 13, 2014, the officer was allegedly absent from work without receiving prior authorization.

Disposition

The hiring authority sustained the dishonesty allegation, but not the remaining allegation, and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The officer filed a petition for rehearing, which was denied.

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-07	14-2862-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Dishonesty 3. Unreasonable Use of Force 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Demotion	Demotion

Incident Summary

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

Disposition

The hiring authority sustained an allegation against the lieutenant for concealing the use of force, but not the other allegation, and demoted him to sergeant for a minimum of one year, after which the lieutenant could apply for promotion. The hiring authority found insufficient evidence to sustain the allegations against the two officers. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the demotion. The lieutenant filed a petition for rehearing, which the State Personnel Board denied.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-03	15-0180-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Weapons 3. Other Failure of Good Behavior 4. Dishonesty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Dismissal

Incident Summary

On November 3, 2014, a parole agent allegedly forged his ex-girlfriend's signature on a check and attempted to deposit the check. The parole agent was arrested and was allegedly dishonest to outside law enforcement regarding the circumstances of the check. Between November 12, 2014, and January 12, 2015, the parole agent allegedly possessed a firearm in violation of a restraining order and failed to report to the hiring authority that his eligibility to own or possess a firearm was restricted. On September 11, 2015, the parole agent was allegedly dishonest during his Office of Internal Affairs interview.

Disposition

The hiring authority sustained the allegations, except for one dishonesty allegation that was inaccurately written, and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-24	15-1779-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report Use of Force 3. Misuse of Authority 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Dismissal	Dismissal

Incident Summary

Between November 24, 2014, and June 24, 2015, a parole agent allegedly failed to properly supervise a parolee and complete adequate documentation regarding his supervision. On June 24, 2015, the parolee was being detained at a hospital on a psychiatric hold when the parole agent came to the hospital and allegedly took the parolee from the hospital without authorization and against the instructions of hospital staff. Once in the parole agent's vehicle, the parolee forcefully took the parole agent's firearm, exited the vehicle and began randomly shooting while standing in a busy intersection during rush hour. The parole agent allegedly was not wearing his required ballistics vest. The parole agent allegedly failed to document his use of force and made dishonest statements to his direct supervisor and outside law enforcement during the investigation. On December 11, 2015, the parole agent was allegedly dishonest during an interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board sustained the allegations and upheld the dismissal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-11	15-0506-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Failure to Report 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 	Dismissal	Dismissal

Incident Summary

On December 11, 2014, a lieutenant allegedly falsely documented an assistant was present to help an inmate with a rules violation report hearing. On December 19, 2014, the lieutenant allegedly falsely documented that he called a psychologist as a witness at another rules violation report hearing. An officer was allegedly aware of the lieutenant's misconduct at the rules violation report hearing on December 19, 2014, but failed to report it. On August 10, 2015, the lieutenant was allegedly dishonest during his Office of Internal Affairs interview.

Disposition

The hiring authority sustained the allegations against the lieutenant and dismissed him, but found insufficient evidence to sustain the allegation against the officer. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-16	15-0501-IR	<ol style="list-style-type: none"> 1. Neglect of Duty 2. Dishonesty 3. Insubordination/Willful Disobedience 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 	Letter of Reprimand	Letter of Reprimand

Incident Summary

On December 16, 2014, an officer allegedly disobeyed a sergeant's order to conduct a cell search, informed the sergeant he had completed the search when he had not, and failed to document completion of the search.

Disposition

The hiring authority sustained the allegation that the officer failed to document the cell search, but not the remaining allegations, and imposed a letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-12-23	15-2449-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Misuse of State Equipment or Property 3. Disclosure of Confidential Information 4. Discourteous Treatment 5. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Salary Reduction	Letter of Instruction

Incident Summary

Between December 23, 2014, and February 4, 2015, a nurse allegedly made derogatory comments about a second nurse. Between January 20, 2015, and February 15, 2015, the nurse and an investigative services unit sergeant allegedly used State computers to exchange non-work related email messages, including messages containing derogatory statements about the second nurse. On February 15, 2015, the second nurse allegedly printed the email messages without the permission of the first nurse and the sergeant. On February 4, 2015, the sergeant allegedly shared confidential information about the second nurse with the first nurse.

Disposition

The hiring authority for the sergeant sustained an allegation for sending derogatory email messages, but not the other allegations, and provided a letter of instruction. The hiring authority for the nurses sustained the allegations against both nurses and imposed a 5 percent salary reduction for six months against the first nurse and a 5 percent salary reduction for three months against the second nurse. The OIG concurred with the hiring authorities' determinations. The first nurse resigned before disciplinary action took effect and the hiring authority placed a letter in the nurse's official personnel file indicating she resigned pending disciplinary action. The second nurse filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the hiring authority withdrew the disciplinary action and issued a letter of instruction. The OIG did not concur because there was no change of circumstances warranting a penalty reduction and, since there was no settlement agreement, the nurse received back pay with interest without providing legal protections for the department. The OIG did not seek a higher level of review given the minor nature and particular circumstances of the misconduct.

Disciplinary Assessment

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

The department did not comply with the policies and procedures governing the disciplinary process because the hiring authority for the nurses delayed conducting disciplinary determinations and withdrew the disciplinary action against one nurse without sufficient justification.

SOUTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on February 1, 2016. However, the hiring authority for the nurses did not consult with the OIG and the department attorney regarding the disciplinary determinations until March 22, 2016, 50 days thereafter.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the decision to withdraw the disciplinary action and issue a letter of instruction to the second nurse because the department did not identify any new evidence, flaws, or risks justifying the modification.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-04-01	15-1321-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Unreasonable Use of Force 4. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Letter of Reprimand	Letter of Instruction

Incident Summary

On April 1, 2015, an officer allegedly slammed a handcuffed inmate against a wall, yelled obscenities at the inmate, and submitted a false report regarding the incident.

Disposition

The hiring authority sustained the allegation that the officer yelled obscenities at the inmate, but not the other allegations, and issued a letter of reprimand. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the department issued a letter of instruction. The OIG concurred with the modification based on significant evidentiary issues.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department did not conduct the disciplinary findings conference in a timely manner. Also, the department did not adequately cooperate with the OIG.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on February 4, 2016. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until March 14, 2016, 39 days thereafter.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department did not provide the OIG with the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-19	15-1550-IR	1. Discourteous Treatment	1. Sustained	Salary Reduction	Salary Reduction

Incident Summary

On May 19, 2015, an officer, whom a sergeant had previously counseled for inappropriate behavior, allegedly sent threatening text messages to the sergeant.

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for three months. The OIG concurred. The officer filed an appeal with the State Personnel Board, but subsequently withdrew his appeal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-16	15-2048-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

Incident Summary

On July 16, 2015, an officer allegedly entered an inaccurate inmate count into the department's database. A second and third officer allegedly moved inmates during the same count and the second officer allegedly allowed the third officer to use his log-in password to enter bed-move information into the department's database. On July 22, 2015, the second officer allegedly submitted a false memorandum regarding the incident.

Disposition

The hiring authority sustained the allegations against the second and third officers, except that the second officer was dishonest, and imposed a 5 percent salary reduction for six months on each officer. The hiring authority found insufficient evidence to sustain the allegations against the first officer. The OIG concurred with the hiring authority's determinations. Both officers filed appeals with the State Personnel Board. The State Personnel Board dismissed the second officer's appeal when he failed to appear at the pre-hearing settlement conference and the third officer withdrew the appeal prior to the hearing date.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-23	15-1922-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Incident Summary

On July 23, 2015, an officer allegedly made personal phone calls and failed to maintain continuous observation of an inmate on suicide watch. The officer allegedly falsely reported he asked another officer to check on the inmate when the inmate squatted down out of his view. The inmate attempted suicide while out of view of the officer.

SOUTH REGION

Disposition

The hiring authority sustained the allegations, except dishonesty, and imposed a 10 percent salary reduction for ten months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, based on new information that the officer had attended additional suicide prevention training, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for nine months and removing the disciplinary action from the officer's official personnel file after 18 months. The OIG concurred based on the new information and because the modification was not significant.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-08-18	15-2264-IR	1. Failure to Report Use of Force 2. Failure to Report Use of Force	1. Sustained 2. Not Sustained		

Incident Summary

On August 18, 2015, an officer grabbed an inmate by his collar and arm but allegedly failed to report his use of force. A sergeant and office assistant allegedly failed to timely report witnessing the use of force.

Disposition

The hiring authority for the office assistant sustained the allegation and imposed a 10 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the allegations against the officer and the sergeant. The OIG concurred with the hiring authority's determinations. The office assistant filed an appeal with the State Personnel Board but failed to appear for proceedings and the State Personnel Board dismissed the appeal.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner, the employee relations officer did not adequately cooperate with the OIG, and the department representative was not adequately prepared for State Personnel Board proceedings.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authorities on October 28, 2015. However, the hiring authority for the officers did not consult with the OIG regarding the disciplinary determinations until March 10, 2016, 134 days thereafter. The hiring authority for the office assistant did not consult with the OIG until March 22, 2016, 146 days after the case was returned.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?
The employee relations officer did not provide the OIG with a draft of the pre-hearing conference statement prior to it being filed.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?
A department representative with no prior knowledge of the case received only 30 minutes notice to appear at the hearing because the scheduled department representative unexpectedly could not appear.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-31	15-2438-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On August 31, 2015, an officer allegedly grabbed his wife, forced her into a bedroom, threw her on a bed, and displayed a knife while advancing toward her. On April 5, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the officer resigned in lieu of dismissal. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-02	15-2733-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Salary Reduction

Incident Summary

On September 2, 2015, a lieutenant allegedly failed to notify an administrator of suspicions that an inmate swallowed drugs and a sergeant allegedly failed to notify the lieutenant that the inmate admitted to swallowing the drugs.

Disposition

The hiring authority sustained the allegations and issued a 5 percent salary reduction for 12 months against the lieutenant and a letter of instruction to the sergeant. The OIG concurred. The lieutenant retired before the disciplinary action took effect but the hiring authority placed a letter into his official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-16	15-2436-IR	<ol style="list-style-type: none"> Insubordination/Willful Disobedience Discourteous Treatment Dishonesty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On September 16, 2015, an officer allegedly falsely stated that he went to a pre-scheduled medical appointment, provided inadequate verification of the medical appointment when directed to do so by a sergeant, and angrily spoke to the sergeant when presenting the inadequate verification.

SOUTH REGION

Disposition

The hiring authority sustained the allegations, except for dishonesty, and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for three months. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the penalty was within the appropriate range for the misconduct.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the department improperly modified the penalty.

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department did not identify any new evidence, flaws, or risks justifying the settlement.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur because the department did not identify any new evidence, flaws, or risks justifying the modification.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-02	15-2843-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Resignation in Lieu of Termination

Incident Summary

On November 2, 2015, an officer was arrested after he allegedly rammed his vehicle into the back of his estranged wife's vehicle while his four-year-old daughter and three-year-old niece were in his car. He allegedly was dishonest to outside law enforcement about the incident and subsequently failed to report his arrest to the department. On April 5, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations, except for failure to report his arrest, and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement wherein the officer resigned in lieu of dismissal. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-03-28	16-1530-IR	<ol style="list-style-type: none"> Neglect of Duty 	<ol style="list-style-type: none"> Sustained 	Salary Reduction	Modified Salary Reduction

Incident Summary

On March 28, 2016, an officer allegedly failed to notify the department of a firearms prohibition.

SOUTH REGION

Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered in a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for five months. The OIG did not concur because the department did not identify any new evidence, flaws, or risks justifying the modification. However, the settlement terms did not merit a higher level of review because the penalty was within the appropriate range for the misconduct.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority failed to consult with the OIG prior to entering into a settlement and entered into the settlement without sufficient justification.

Assessment Questions

- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?
The department did not identify any new evidence, flaws, or risks justifying the modification.
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?
The hiring authority agreed to the settlement terms without consulting with the OIG.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur with the settlement because the department did not identify any new evidence, flaws, or risks justifying the modification.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The hiring authority failed to adequately consult with the OIG prior to settlement.

APPENDIX C COMBINED PHASE CASES

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2008-03-04	15-1790-IR	1. Dishonesty 2. Dishonesty	1. Sustained 2. Not Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary
 On March 4, 2008, an officer allegedly falsely signed an affidavit under penalty of perjury stating his girlfriend was his dependent, that he had a parent-child relationship with her, and that her parents lived in his home but could not perform parental duties. On March 6, 2008, the officer allegedly falsely claimed his girlfriend as a dependent eligible for benefits coverage and added her to his dental benefits. The officer also allegedly falsely claimed on insurance enrollment and eligibility forms that his girlfriend was his cousin, that she was a dependent living with him in a parent-child relationship, and that she was not eligible for other dental benefits. Between March 6, 2008, and October 9, 2013, the officer allegedly falsely added his girlfriend to his dental benefits as an eligible dependent. On May 25, 2016, the officer pled no contest to a misdemeanor based on his fraudulent acts.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not conduct a thorough investigation or prepare thorough investigative reports, the department attorney provided inappropriate legal advice to the hiring authority and failed to adequately consult with the OIG, and the hiring authority did not timely refer the matter to the Office of Internal Affairs, pursue additional investigation, or appropriately determine the investigative findings. Also, the special agent did not make required entries into the case management system.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 20, 2014, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 17, 2015, nearly nine months after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not address when the department first learned of the alleged misconduct or the officer's claim that he disclosed the true nature of his relationship with his girlfriend when signing an affidavit of eligibility adding her to his health and dental plans.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not address when the department first learned of the alleged misconduct or the officer's claim that he disclosed the true nature of his relationship with his girlfriend when signing an affidavit of eligibility adding her to his health and dental plans.
- Was the investigation thorough and appropriately conducted?
The special agent did not investigate when the department first learned of the alleged misconduct or the officer's claim that he disclosed the true nature of his relationship with his girlfriend when signing an affidavit of eligibility adding her to his health and dental plans.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority improperly deemed the investigation sufficient when the investigation failed to address the date on which the department learned of the officer's alleged misconduct and the officer's claim he disclosed the true nature of his relationship when signing an affidavit of eligibility.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority improperly determined additional investigation was not necessary to determine whether the officer disclosed the true nature of his relationship and when the department first learned of the alleged misconduct.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority it was not necessary to determine the date the department first learned of the officer's alleged misconduct and inappropriately advised the hiring authority to suspend the investigative findings conference.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority sustained allegations the officer was dishonest without knowing whether the alleged misconduct was barred by the deadline for taking disciplinary action.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney interviewed two witnesses after the Office of Internal Affairs concluded the investigation, without notifying or involving the OIG.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

CENTRAL REGION

Disposition

The hiring authority found insufficient evidence to sustain the allegations as originally drafted but added and sustained an allegation for pleading no contest to a misdemeanor. The OIG concurred. The hiring authority also added and sustained revised allegations based on all alleged misconduct and dismissed the officer. The OIG did not concur with these determinations, but did not seek a higher level of review due to conflicting evidence. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not appropriately advise the hiring authority or draft the disciplinary action and the hiring authority did not appropriately determine the discipline or timely serve the disciplinary action.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney inappropriately advised the hiring authority it was not necessary to determine when the department first learned of the officer's alleged misconduct before bringing disciplinary action against the officer.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority selected causes for discipline without knowing whether the deadline for taking disciplinary action precluded the action.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority decided to dismiss the officer without knowing whether the deadline for taking disciplinary action precluded the action.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not inform the officer of his right to respond to a manager who was not involved in the investigation.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action did not inform the officer of his right to respond to a manager who was not involved in the investigation.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on August 17, 2016; however, the department did not serve the disciplinary action until October 3, 2016, 47 days later.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-09-01	16-1311-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Contraband 4. Controlled Substance 5. Over-Familiarity 6. Contraband 7. Controlled Substance 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 7. Not Sustained 	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

Between September 1, 2013, and April 30, 2016, an officer allegedly purchased and used anabolic steroids and cocaine. Between December 1, 2014, and April 30, 2016, the officer allegedly conspired with inmates to introduce controlled substances and mobile phones into the institution in exchange for money. On March 18, 2015, the officer allegedly accepted bribes from inmates and took mobile phones and narcotics into the institution. On April 6, 2016, the officer allegedly took his personal mobile phone into the institution. On May 4, 2016, the officer was allegedly dishonest multiple times during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent did not adequately consult and cooperate with the OIG or enter all case activity in the case management system. The special agent also did not adequately consult with the department attorney and the district attorney's office. The department attorney did not adequately consult with the OIG or provide appropriate legal consultation to the hiring authority. Additionally, the underlying initial incident took place in September 2013. On June 30, 2015, the Office of Internal Affairs assigned a special agent to conduct an investigation, but he did not conduct the first interview until March 17, 2016.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 18, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 20, 2015, 63 days after the date of discovery.
- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?
The special agent did not consult with the OIG upon case initiation and prior to finalizing the investigative plan.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?
The department attorney did not contact the OIG until the department attorney was already meeting with the special agent to discuss the investigation. Therefore, the OIG was unable to attend.
- Did the OIA adequately consult with the OIG, department attorney (if designated), and the appropriate prosecuting agency to determine if an administrative investigation should be conducted concurrently with the criminal investigation?
The Office of Internal Affairs neglected to consult with the OIG, department attorney, and district attorney's office to determine whether an administrative investigation should be conducted concurrently with a criminal investigation.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent only invited the OIG to the initial case conference after his meeting with the department attorney already started and unilaterally set the officer's interview to take place the following day, without regard to OIG availability.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately recommended sustaining four poorly drafted allegations and did not recommend amending or adding allegations the evidence supported.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

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

Disciplinary Assessment

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

The department did not comply with the policies and procedures governing the disciplinary process because the department attorney did not exercise due diligence in drafting the disciplinary action and drafted an inappropriate disciplinary action and the department did not timely serve the disciplinary action.

CENTRAL REGION

Assessment Questions

- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The department attorney delayed 32 days preparing a draft disciplinary action and included an allegation the hiring authority did not sustain, failed to set forth an adequate factual basis for sustained allegations, and did not include notice that the officer was entitled to respond to a manager who was not involved in the investigation.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action served on the officer did not advise him that he was entitled to respond to a manager who was not involved in the investigation.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on July 27, 2016, but the department did not serve the disciplinary action until August 31, 2016, 35 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2014-07-10	14-2179-IR	1. Discourteous Treatment 2. Other Failure of Good Behavior 3. Dishonesty 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained		

Case Type: **Administrative Investigation**

Incident Summary

On July 10, 2014, an officer allegedly pushed a private citizen away from the officer's vehicle after a collision, hit a second vehicle as he fled the scene of the accident, and was cited for hit and run. On July 15, 2014, the officer allegedly failed to promptly report the incident and was dishonest when reporting it to the hiring authority.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not conduct a thorough investigation, prepare a thorough report, adequately cooperate with the OIG, or enter all activity in the case management system. The hiring authority did not timely conduct the investigative findings conference or appropriately determine the need for further investigation. The department attorney did not provide appropriate legal advice to the hiring authority.

CENTRAL REGION

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not obtain the statement the victim provided to the district attorney's office before interviewing the officer.
- Were all of the interviews thorough and appropriately conducted?
The special agent did not use a generic, sanitized diagram of the accident scene when interviewing the officer and did not question the officer about the victim's statement to the district attorney's office because the special agent neglected to obtain the statement before the officer's interview.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft report did not include photographs the special agent took of the officer's car, summarize the victim's statement to the district attorney's office, include all of the officer's admissions, or reference applicable policies.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not summarize the victim's statement to the district attorney's office or reference applicable policies.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The Office of Internal Affairs misrepresented that the OIG agreed to limit the investigation to the officer's interview and the special agent did not timely provide the OIG with the victim's statement to the district attorney's office.
- Was the investigation thorough and appropriately conducted?
The special agent did not interview a witness or an outside law enforcement officer and did not investigate obvious conflicts in the statements the victim and the officer provided.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 28, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 19, 2016, 21 days thereafter.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority inappropriately deemed the investigation sufficient without interviews of the victim, a witness, and an outside law enforcement officer.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority that the investigation was sufficient despite initially agreeing with the OIG's recommendation that the victim should be interviewed.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained allegations the officer pushed a private citizen, left the scene of the accident, and failed to promptly notify his supervisor, but not that he was dishonest, and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. However, the officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

CENTRAL REGION

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and neglected to timely serve the disciplinary action. The department attorney did not prepare an appropriate draft or final disciplinary action.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred to the matter to the hiring authority on June 28, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 19, 2016, 21 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not identify all applicable violations of departmental rules and policies or inform the officer of his right to respond to a manager who was not involved in the investigation.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action did not identify all applicable violations of departmental rules and policies or inform the officer of his right to respond to a manager who was not involved in the investigation.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner and did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on July 19, 2016; however, the department did not serve the disciplinary action until September 8, 2016, 51 calendar days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-09-05	15-1170-IR	<ol style="list-style-type: none"> Disclosure of Confidential Information Disclosure of Confidential Information Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Suspension	Suspension

Case Type: Administrative Investigation

Incident Summary
On September 5, 2014, and September 6, 2014, an ombudsman allegedly disclosed confidential information to inmates' friends and family members. On January 15, 2015, the ombudsman allegedly made a disparaging comment about employees to inmates.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not refer the case to the Office of Internal Affairs in a timely manner. Also, the hiring authority did not conduct the investigative findings conference in a timely manner and the department attorney did not make an entry into the case management system confirming relevant dates.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 15, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 13, 2015, 118 days thereafter.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 11, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until March 8, 2016, 26 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the case to the Office of Internal Affairs or conduct the investigative findings conference.

Disposition

The hiring authority sustained one allegation for disclosing confidential information, but not the remaining allegations, and imposed a five-working-day suspension. The OIG concurred. The ombudsman did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not provide written confirmation of penalty discussions or timely prepare the disciplinary action.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 11, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until March 8, 2016, 26 days thereafter.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide written confirmation of penalty discussions to the hiring authority and the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed conducting the disciplinary findings conference. The department attorney did not complete a draft disciplinary action for the OIG to review until July 22, 2016, more than five months after the disciplinary findings conference and only after the OIG elevated the issue to the department attorney's supervisor and to the department's chief counsel. The department attorney's delay resulted in the department failing to serve the disciplinary action until August 22, 2016, more than six months after the disciplinary findings conference.

CENTRAL REGION

Incident Date 2015-06-18	OIG Case Number 15-1676-IR	Allegations 1. Discrimination/Harassment 2. Dishonesty	Findings 1. Sustained 2. Not Sustained	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
Case Type: Administrative Investigation					
Incident Summary Between June 18, 2015, and July 20, 2015, an officer allegedly slapped a co-worker's buttock and made sexually suggestive comments. On July 20, 2015, the officer allegedly contacted the employee and asked her to falsify her story.					
Predisciplinary Assessment The department's handling of the pre-disciplinary process was substantively insufficient because the special agent did not adequately prepare for the investigation or appropriately conduct an interview and the Office of Internal Affairs did not refer the matter to the district attorney's office. The special agent neglected to enter key case activity in the case management system				Procedural Rating: Sufficient Substantive Rating: Insufficient	
Assessment Questions <ul style="list-style-type: none"> Did the special agent adequately prepare for all aspects of the investigation? <i>The special agent could not have a witness authenticate a visual recording of the incident because he did not have the recording present at the interview.</i> Were all of the interviews thorough and appropriately conducted? <i>The special agent allowed too many unnecessary observers to attend the interview thereby intimidating the complaining witness and causing her to become nervous, embarrassed, and refrain from freely providing critical details.</i> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.</i> Did the Office of Internal Affairs appropriately determine whether there was probable cause to believe a crime was committed and, if probable cause existed, was the investigation referred to the appropriate agency for prosecution? <i>The Office of Internal Affairs refused to refer the matter to the district attorney's office to determine whether criminal charges should be filed despite a visual recording of the officer's misconduct.</i> Was the investigation thorough and appropriately conducted? <i>The special agent inappropriately allowed unnecessary observers to attend a critical interview and failed to properly authenticate a visual recording of the officer's misconduct.</i> 					
Disposition The hiring authority sustained allegations the officer sexually harassed a co-worker, but not that the officer was dishonest, and imposed a 10 percent salary reduction for 18 months. The OIG concurred. After a <i>Skelly</i> hearing, the hiring authority learned another officer received a lower penalty for similar misconduct eight years earlier. Based on this information, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 12 months. The OIG did not concur but did not seek a higher level of review because the penalty was within the department's disciplinary guidelines.					
Disciplinary Assessment The department's handling of the disciplinary process was substantively insufficient because the hiring authority entered into a settlement agreement that was not consistent with policy.				Procedural Rating: Sufficient Substantive Rating: Insufficient	

CENTRAL REGION

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?
The department did not identify any new evidence, flaws, or risks justifying a reduction.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?
The OIG did not concur because the department did not identify any new evidence, flaws, or risks justifying a reduction.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-06-30	15-1727-IR	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Intoxication 3. Insubordination/Willful Disobedience 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 		

Case Type: **Administrative Investigation**

Incident Summary

On June 30, 2015, and July 1, 2015, an officer allegedly reported to work while under the influence of alcohol. On July 1, 2015, the officer allegedly violated a lieutenant's order not to eat or drink until a drug and alcohol test could be administered.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not timely complete the investigation, adequately prepare for or appropriately conduct the investigation, prepare a thorough investigative report, or make all entries in the case management system. The senior special agent did not appropriately consult with the OIG. The department attorney did not adequately cooperate or consult with the special agent. The hiring authority did not timely conduct the investigative findings conference. The employee relations officer did not properly complete the form documenting the findings. Additionally, the underlying incident took place on June 30, 2015. On September 3, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until February 10, 2016.

CENTRAL REGION

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not obtain an expert opinion to determine whether the officer was dishonest regarding when he stopped drinking and the extent to which he was intoxicated when he drove to and reported for work.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorney did not provide appropriate substantive feedback regarding the failure to investigate the officer's dishonesty and intoxication level.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not address the officer's dishonesty or intoxication level as specifically requested by the hiring authority.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not address the officer's dishonesty or intoxication level as specifically requested by the hiring authority.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The senior special agent misrepresented the purpose of a case conference when refusing to schedule a case conference requested by the OIG.
- Was the investigation thorough and appropriately conducted?
The investigation did not determine whether the officer was truthful regarding when he stopped drinking or the extent to which he was intoxicated when he drove to and reported for work, as the hiring authority requested.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 17, 2016, 23 days thereafter.
- If the HA determined additional investigation was necessary, was additional investigation requested?
Although the hiring authority determined additional investigation was necessary, she was unable to request additional investigation because the deadline to take disciplinary action was about to expire.
- Was the CDCR Form 402 documenting the findings properly completed?
The form documenting the investigative findings did not accurately describe one of the allegations.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
At the interviews, the department attorney was not familiar with the facts and did not provide the special agent with appropriate advice regarding the interviews.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department delayed conducting the investigative findings conference. The Office of Internal Affairs' delay in investigating the case, which was completed less than one month before the deadline to take disciplinary action, resulted in the hiring authority being unable to request needed additional investigation because the deadline to take disciplinary action was about to expire.

CENTRAL REGION

Disposition

The hiring authority sustained all allegations, except that the officer was insubordinate, and imposed a 10 percent salary reduction for 18 months. The OIG did not concur with the hiring authority's finding that the officer was not insubordinate but was instead willfully disobedient and did not agree with the penalty, but did not seek a higher level of review due to conflicting evidence. Prior to the officer filing an appeal with the State Personnel Board, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 13 months. The OIG did not concur with the settlement as the hiring authority did not identify any new evidence, flaws, or risks; however, the settlement terms did not merit a higher level of review because the penalty was still within departmental guidelines.

Disciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or select the appropriate penalty and settled the case without sufficient justification. The department attorney drafted and caused to be served an incorrect and inadequate disciplinary action, did not provide written confirmation of penalty discussions, and did not adequately consult with the OIG.

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until June 17, 2016, 23 days thereafter.

- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The hiring authority imposed a more lenient penalty than warranted.

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide the OIG with written confirmation of penalty discussions.

- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

The disciplinary action did not set forth all allegations the hiring authority sustained, cite all appropriate legal authority, describe all evidence supporting the allegations, or advise the officer of his right to respond to an uninvolved manager.

- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The hiring authority did not identify any new evidence, flaws, or risks justifying a reduction.

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

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

- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

The department attorney did not provide the OIG with a draft settlement agreement for review before it was signed or provide the OIG with the case settlement report.

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

The department delayed conducting the disciplinary findings conference.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Letter of Instruction	FINAL Letter of Instruction
2015-07-16	15-2830-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: **Administrative Investigation**

Incident Summary

On July 16, 2015, an officer allegedly deployed pepper spray on an inmate when there was no imminent threat and failed to adequately report his use of force. Also on July 16, 2015, a sergeant and lieutenant allegedly failed to seek clarification regarding the use of force and the sergeant allegedly failed to identify the unreasonable use of force. On July 19, 2015, the lieutenant allegedly failed to identify the unreasonable use of force. On July 20, 2015, a captain allegedly failed to identify the unreasonable use of force and seek clarification and on July 27, 2015, an associate warden also allegedly failed to identify the unreasonable use of force and seek clarification.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner and the department attorney did not provide appropriate advice to the hiring authority. The special agent did not make all entries in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on July 16, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 16, 2015, four months after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer, sergeant, lieutenant, captain, and associate warden supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 26, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and investigative findings until June 28, 2016, 33 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority that the unreasonable use-of-force allegation could not be sustained even though it was supported by the evidence.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority neglected to refer the matter to the Office of Internal Affairs in a timely manner and delayed conducting the investigative findings conference.

Disposition

The hiring authority sustained the allegations against the officer, lieutenant, captain, and associate warden, served each with a letter of instruction and required additional training. The OIG concurred with sustaining the allegations, but not with the hiring authority's decision to issue letters of instruction, but did not seek a higher level of review because of an evidentiary dispute. The hiring authority found insufficient evidence to sustain allegations against the sergeant and the OIG concurred.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority delayed holding the disciplinary findings conference and did not select the appropriate penalty.

CENTRAL REGION

Assessment Questions

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

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 26, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until June 28, 2016, 33 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The hiring authority decided to serve the officer, lieutenant, captain, and associate warden with letters of instruction and provide additional training instead of serving more appropriate letters of reprimand.
- Was the disciplinary phase conducted with due diligence by the department?

The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-07	15-2579-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On September 7, 2015, two officers were allegedly dishonest when reporting an inmate remained in his cell while his cellmate was attempting suicide.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney incorrectly assessed the deadline for taking disciplinary action, provided erroneous feedback to the Office of Internal Affairs, and did not provide appropriate legal advice to the hiring authority or adequately consult with the OIG.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on September 8, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 12, 2015, 65 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the deadline for taking disciplinary action as October 20, 2016, when the deadline was actually September 8, 2016.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorney provided inappropriate feedback by demanding the inclusion of exhibits already included in the draft report.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
Although credibility was a critical factor, the department attorney did not consider the significance of and advise the hiring authority that the control booth officer who witnessed the incident had been dismissed for dishonesty in another case.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The quality of the department attorney's consultation, including errors in calculating the deadline for taking disciplinary action, assessing witness credibility, and reviewing the draft report, was inadequate, creating needless work and lost time for the hiring authority, the Office of Internal Affairs, and the OIG.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-11	15-2555-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On September 11, 2015, a counselor allegedly failed to comply with procedures when she provided an inmate's paperwork directly to the inmate's attorney and was allegedly dishonest to her supervisor.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not correctly assess the deadline for taking disciplinary action, the Office of Internal Affairs did not assign an appropriately qualified special agent to conduct the investigation, and the special agent did not adequately prepare for the investigation, appropriately conduct interviews, or adequately cooperate with the department attorney and the OIG. Also, the special agent did not enter all case activity in the case management system. Additionally, the underlying incident took place on September 11, 2015. On December 3, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but the agent did not conduct the first interview until July 7, 2016.

CENTRAL REGION

Assessment Questions

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

The department attorney incorrectly assessed the deadline for taking disciplinary action as August 26, 2016, when the deadline was actually September 11, 2016.

- Did the special agent adequately prepare for all aspects of the investigation?

The Office of Internal Affairs failed to assign a special agent with the necessary counseling experience to conduct the investigation. The special agent relied on a captain for subject-matter expertise, who said he had minimal relevant experience when interviewed. The special agent did not conduct a site visit or obtain critical parole hearing transcripts in a timely manner. After scheduling and cancelling interviews five times, the special agent conducted little investigative work until 64 days before the deadline to take disciplinary action.

- Were all of the interviews thorough and appropriately conducted?

The special agent conducted excessively long interviews due to a lack of necessary counseling knowledge and the need to educate herself while conducting the interviews.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the counselor supported, refuted, denied, or admitted the allegations.

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

The Office of Internal Affairs unilaterally scheduled a case conference 66 days before the deadline for taking disciplinary action and refused to reschedule it after the department attorney said he was not available.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-24	16-0541-IR	1. Dishonesty 2. Insubordination/Willful Disobedience	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

Between September 24, 2015, and December 9, 2015, a sergeant allegedly disobeyed an order from an associate warden and inappropriately worked 52 hours of overtime without supervisor approval and in positions he created for himself.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney did not timely assess the deadline for taking disciplinary action and the special agent did not make all entries into the case management system.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on December 9, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 29, 2016, 51 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned February 24, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until March 17, 2016, 22 days after assignment.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-12	16-0115-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On October 12, 2015, an officer allegedly deployed pepper spray on an inmate pursuant to a sergeant's instructions when no imminent threat justified the use of force. A second officer allegedly unnecessarily forced the inmate to the ground and a third officer allegedly failed to notify a supervisor the inmate had a weapon. A lieutenant and nurse allegedly failed to report the use of force.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney did not correctly advise the hiring authority and the hiring authority did not make appropriate investigative findings. The special agent did not make all entries in the case management system.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officers, sergeant, lieutenant, and nurse supported, refuted, denied, or admitted the allegations.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney neglected to advise the hiring authority that use-of-force allegations should be sustained against two officers.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority inappropriately determined that use-of-force allegations should not be sustained against two officers.

CENTRAL REGION

Disposition

The hiring authorities found insufficient evidence to sustain the allegations. The OIG did not concur with the determinations regarding the allegations two officers used unreasonable force. The OIG did not seek a higher level of review because of an evidentiary dispute and the hiring authority agreed to provide training.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-25	15-2690-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On October 25, 2015, an officer allegedly counted a dead inmate as alive and a nurse allegedly failed to correctly document her observations of the inmate and failed to promptly correct her errors.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate decision when the hiring authority requested an interview of the officer and the department attorney failed to adequately consult with the OIG and did not modify the deadline for taking disciplinary action. The special agent did not make a key entry into the case management system.

Assessment Questions

- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs inappropriately denied the hiring authority's request to interview the officer.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?
The department attorney failed to cooperate in scheduling the initial case conference and did not confer with the OIG until 49 days after being assigned.
- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?
The department attorney did not modify the deadline for taking disciplinary action.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer or nurse supported, refuted, denied, or admitted the allegations.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney refused to cooperate and consult with the OIG and made false statements to the OIG.

Disposition

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

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Letter of Instruction	FINAL Letter of Instruction
2015-11-06	15-2846-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Unreasonable Use of Force 3. Failure to Report Use of Force 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 		

Case Type: **Administrative Investigation**

Incident Summary

On November 6, 2015, an officer allegedly slammed an inmate's face into a fence. A second officer allegedly failed to report witnessing the use of force and was dishonest in his report regarding the incident. A sergeant allegedly failed to properly investigate the incident. On November 11, 2015, the first officer was allegedly dishonest in his report of the incident.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not adequately confer with the OIG and the department attorney and the hiring authority did not sustain an allegation supported by the evidence. Neither the special agent nor the department attorney appropriately entered case activity into the case management system. Additionally, the underlying incident took place on November 6, 2015. On December 30, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but she did not conduct the first interview until July 19, 2016.

Assessment Questions

- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?
The special agent was unprepared for the initial case conference and failed to have the case file with her to review during the conference.
- Did the special agent adequately confer with the department attorney upon case initiation and prior to finalizing the investigative plan?
The special agent was unprepared for the initial case conference and failed to have the case file with her to review during the conference.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned January 8, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until February 5, 2016, 28 days after assignment.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant and officers supported, refuted, denied, or admitted the allegations.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority did not sustain the allegation against the sergeant despite sufficient evidence supporting the allegation.

Disposition

The hiring authority found insufficient evidence to sustain the allegations but issued a letter of instruction to the sergeant and training to the first officer. The OIG did not concur with the hiring authority's finding as to the sergeant but did not seek a higher level of review because the letter of instruction may be used for progressive discipline purposes.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-11	16-0279-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Obstructing a Public Official 3. Other Failure of Good Behavior 4. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 	Dismissal	Dismissal

Case Type: Direct Action with Subject Only Interview

Incident Summary

On November 11, 2015, an officer allegedly left the scene of an accident after crashing his car into a tree. On November 12, 2015, the officer allegedly told his brother to be dishonest to outside law enforcement, fled his residence when outside law enforcement arrived, failed to return telephone calls from outside law enforcement, and made false statements to a lieutenant and outside law enforcement.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference and the department attorney provided inappropriate legal advice. The special agent did not make all entries in the case management system.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed the investigation and referred the matter to the hiring authority on June 22, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 13, 2016, 21 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately recommended sustaining two poorly drafted allegations the evidence did not support.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

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

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference, the department attorney did not adequately cooperate with the OIG, and the department did not serve the disciplinary action in a timely manner. The department attorney did not prepare an adequate draft disciplinary action.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed the investigation and referred the matter to the hiring authority on June 22, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 13, 2016, 21 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The department attorney did not adequately describe the factual basis for the alleged dishonesty or include notice that the officer was entitled to respond to a manager who was not involved in the investigation.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
After taking 44 days to prepare a draft disciplinary action, the department attorney asked the OIG to review the draft in one day.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on July 13, 2016, but the department did not serve the disciplinary action until August 29, 2016, 47 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-01	16-0628-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Theft - Undetermined/Other 3. Insubordination/Willful Disobedience 4. Weapons 5. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On December 1, 2015, a sergeant allegedly stole State property from the institution. On December 22, 2015, the sergeant allegedly brought two firearms, one of which was illegal, and illegal ammunition onto institutional grounds, possessed stolen State property, disobeyed an order from a special agent not to discuss a criminal investigation with coworkers. On June 8, 2016, the sergeant allegedly was dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not adequately consult with the OIG. The department attorney did not timely or adequately review the investigative report or sufficiently cooperate with the special agent, hiring authority, or the OIG. The special agent did not enter all activity into the case management system.

CENTRAL REGION

Assessment Questions

- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?
Without consulting the OIG, the special agent who conducted the criminal investigation attempted to conclude the administrative investigation without even interviewing the sergeant.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant supported, refuted, denied, or admitted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
Despite knowing the sergeant was planning to retire, the department attorney took 21 days to review the investigative report, during which time the sergeant retired and avoided being served with a dismissal. Additionally, the feedback was not substantive.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The department attorney did not provide the special agent with her review of the investigative report before the sergeant retired.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney did not provide the hiring authority or the OIG with adequate time to review her written recommendations regarding the investigative findings because she provided them less than 45 minutes before the consultation.

Disposition

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

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department attorney did not provide the hiring authority timely advice regarding disciplinary determinations, and did not timely provide the OIG with a copy of her written analysis regarding disciplinary determinations.

Assessment Questions

- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not provide the hiring authority and OIG with adequate time to review her written recommendations regarding disciplinary determinations because she provided them less than 45 minutes before the consultation.

CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-07	16-0281-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Discrimination/Harassment 4. Contraband 5. Neglect of Duty 6. Discourteous Treatment 7. Misuse of State Equipment or Property 8. Over-Familiarity 9. Neglect of Duty 10. Discourteous Treatment 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Sustained 8. Not Sustained 9. Not Sustained 10. Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On December 7, 2015, an officer allegedly provided inmates extra supplies and gambled with inmates in exchange for inmate drawings, some to sell on the internet, received inmate drawings, failed to issue rules violation reports to inmates for possessing contraband, and used derogatory language and engaged in inappropriate behavior when addressing transgender inmates. The officer also allegedly possessed mobile phones and accessories, inmate drawings and other contraband, and was dishonest to a lieutenant about possessing the items. The officer also allegedly watched movies on his mobile phone and used work-related memoranda to shame coworkers. On December 7 and December 31, 2015, the officer allegedly smuggled an engraving tool into the institution to engrave inmate property in exchange for inmate drawings. On August 1, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not adequately prepare for all aspects of the investigation, conduct a thorough investigation, or adequately cooperate with the OIG. The special agent also did not enter all activity into the case management system.

Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not inspect the site before commencing interviews, did not know the officer had been previously disciplined for similar misconduct, and failed to identify relevant institution-specific memoranda, policies, and procedures before conducting interviews.
- Were all of the interviews thorough and appropriately conducted?
The special agent failed to question the officer about institution-specific memoranda, policies, and procedures.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?
The special agent unilaterally scheduled the officer's interview knowing the OIG was unavailable and refused to reschedule it. Only after the OIG elevated the issue to the senior special agent did the special agent reschedule the interview.
- Was the investigation thorough and appropriately conducted?
The special agent failed to obtain and then question the officer regarding relevant institution-specific memoranda, policies, and procedures.

CENTRAL REGION

Disposition

The hiring authority sustained the allegations, except that the officer engaged in inappropriate behavior toward inmates, was involved in inmate gambling, watched movies on his mobile phone, and failed to issue rules violation reports, and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-30	16-0857-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On December 30, 2015, during an escort, an officer allegedly struck an inmate with a baton and a second officer allegedly used physical force on the inmate and tripped him, causing the handcuffed inmate to land face-first on the ground. Both officers allegedly made demeaning and disparaging statements to the inmate. A nurse allegedly falsely documented the time she treated the inmate.

Predisciplinary Assessment

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

The department did not comply with the procedures governing the pre-disciplinary phase because the hiring authorities delayed referring the matter to the Office of Internal Affairs and conducting investigative findings conferences and the department attorney did not assess a deadline for taking disciplinary action. The hiring authority for the nurse did not adequately consult with the OIG and the special agent did not make required entries into the case management system. Additionally, the underlying incident took place on December 30, 2015. On March 28, 2016, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until August 23, 2016.

CENTRAL REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on December 30, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 16, 2016, 48 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entry into the case management system confirming relevant dates regarding the nurse's alleged misconduct.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officers and the registered nurse supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on November 10, 2016. However, the hiring authority for the nurse did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until December 7, 2016, 27 days thereafter. The hiring authority for the officers did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until December 15, 2016, 35 days after return of the case.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority for the nurse did not provide the OIG with the form documenting the investigative findings.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
Both hiring authorities delayed referring the matter to the Office of Internal Affairs and conducting the investigative findings conferences.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-01-20	16-0682-IR	1. Discourteous Treatment	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action with Subject Only Interview

Incident Summary

On January 20, 2016, an officer allegedly posted messages on a social networking site threatening employees at a local business.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not conduct a thorough investigation, preserve all evidence, conduct an appropriate interview, or prepare a thorough investigative report. Also, neither the special agent nor the employee relations officer entered all activity in the case management system and the hiring authority did not conduct the investigative findings conference in a timely manner.

CENTRAL REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the special agent adequately prepare for all aspects of the investigation?
Despite the OIG's recommendations, the special agent did not adequately preserve evidence from the officer's social networking site.
- Were all of the interviews thorough and appropriately conducted?
Despite the OIG's recommendations, the special agent did not question the officer about all inappropriate content posted on his social networking site.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include information regarding all inappropriate postings on the officer's social networking site or information the special agent would have been obtained if the officer's interview had been thorough.
- Was the final investigative report thorough and appropriately drafted?
Despite the OIG's recommendations, the final investigative report did not include information regarding all inappropriate postings on the officer's social networking site or information that the special agent should have been obtained if the officer's interview had been thorough.
- Was the investigation thorough and appropriately conducted?
The special agent failed to preserve evidence from the officer's social networking site and did not question the officer regarding all inappropriate postings, despite the OIG's recommendations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 30, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until July 20, 2016, 20 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for six months, but did not reject the officer on probation. The OIG concurred except for the decision to not reject the officer on probation. The OIG did not seek a higher level of review because the hiring authority sustained the allegation and imposed discipline. After the *Skelly* hearing, upon reviewing the officer's work history since the incident and learning the officer removed the social networking accounts and expressed remorse for his actions, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for three months. The OIG concurred because the penalty was still within the department's disciplinary guidelines and can be used for progressive discipline.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or make an appropriate decision regarding the officer's probationary status.

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 30, 2016. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until July 20, 2016, 20 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority did not make the appropriate personnel decision because the hiring authority refused to reject the officer on probation.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2016-03-13	16-1516-IR	<ol style="list-style-type: none"> 1. Battery 2. Discourteous Treatment 3. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 		

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On March 13, 2016, an officer allegedly yelled at and punched a private citizen multiple times after a traffic accident.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate initial determination. The hiring authority, employee relations officer, and department attorney failed to adequately consult with the OIG. Also, the hiring authority did not conduct the investigative findings conference in a timely manner.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs refused to open an investigation even though there were multiple conflicting reports about the incident.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on May 18, 2016. However, the hiring authority did not consult with the department attorney regarding the sufficiency of the investigation and the investigative findings until June 17, 2016, 30 days thereafter. The hiring authority never consulted with the OIG before determining the sufficiency of the investigation and the investigative findings.
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?
The department attorney failed to ensure the OIG was included in the investigative findings conference despite having actual notice the OIG was monitoring the case.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority and the employee relations officer neglected to notify the OIG of and did not ensure the OIG was included in the investigative findings conference despite having actual notice the OIG was monitoring the case.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not timely conduct the investigative findings conference.

CENTRAL REGION

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 13 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein the matter was consolidated with another disciplinary action and the penalty remained unchanged. The OIG concurred because the penalty remained the same.

Disciplinary Assessment

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

The department did not comply with the policies and procedures governing the disciplinary process because the hiring authority, employee relations officer, and department attorney failed to consult with the OIG. The hiring authority delayed conducting the disciplinary findings conference. The department attorney did not draft an appropriate disciplinary action or provide the OIG with written confirmation of penalty discussions. The department served an inappropriate disciplinary action on the officer.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on May 18, 2016. However, the hiring authority did not consult with the department attorney regarding the disciplinary determinations until June 17, 2016, 30 days thereafter. The hiring authority never consulted with the OIG before making disciplinary determinations.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide the OIG with written confirmation of the penalty discussions.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The draft disciplinary action did not cite all appropriate legal authority, but cited inaccurate legal authority and did not provide a sufficient factual basis to support the allegations, reference all relevant exhibits, or advise the officer of his right to respond to an uninvolved manager.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action served on the officer did not cite all appropriate legal authority, cited inaccurate legal authority, and did not advise the officer of his right to respond to an uninvolved manager.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney failed to ensure the OIG was consulted before disciplinary determinations were made despite having actual notice the OIG was monitoring the case.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The hiring authority and the employee relations officer neglected to notify the OIG of and did not ensure the OIG was included in the disciplinary findings conference despite having actual notice the OIG was monitoring the case.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-05-09	16-1743-IR	1. Controlled Substance	1. Sustained	Dismissal	Resignation in Lieu of Termination

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On May 9, 2016, an officer allegedly tested positive for marijuana.

CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department did not comply with the procedures governing the pre-disciplinary process because the hiring authority delayed conducting the investigative findings conference.	
Assessment Questions <ul style="list-style-type: none">• Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on June 15, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 18, 2016, 33 days thereafter.</i>• Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The department did not conduct the investigative findings conference in a timely manner.</i>	
Disposition <p>The hiring authority sustained the allegation and served the officer with a notice of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer wherein he resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred because the ultimate goal of ensuring the officer did not work for the department was achieved.</p>	
Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department did not comply with policies and procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and the department attorney drafted an inadequate disciplinary action and pre-hearing settlement conference statement, inappropriately asked questions during the officer's <i>Skelly</i> hearing, and did not properly prepare for the State Personnel Board hearing or adequately consult with the OIG.	

CENTRAL REGION

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on June 15, 2016. However the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 18, 2016, 33 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action included allegations the hiring authority did not sustain and did not cite necessary legal authority, advise the officer of the right to respond to a manager not involved in the investigation, or reference all documents necessary to prove the misconduct.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

The disciplinary action cited irrelevant legal authority, did not cite applicable legal authority, inaccurately alleged the officer's dismissal was based on dishonesty, and neglected to advise the officer of the right to respond to a manager who was not involved in the investigation.
- If there was a Skelly hearing, was it conducted pursuant to DOM?

The department attorney inappropriately asked the officer questions during the Skelly hearing.
- Did the department file a written pre-hearing settlement conference statement with the SPB containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

The pre-hearing settlement conference statement did not set forth information to defend against claims the officer raised at his Skelly hearing and the department attorney failed to file an amended statement in response to the officer's pre-hearing settlement conference statement.
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

The department attorney did not provide the draft pre-hearing settlement conference statement to the OIG for review until after the statement was filed with the State Personnel Board.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?

Despite being on notice of specific affirmative defenses the officer raised during his Skelly hearing, the department attorney failed to take any action to prepare to rebut the officer's arguments.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

When providing the draft pre-hearing settlement conference statement to the OIG for review, the department attorney misrepresented the need for OIG feedback before filing the statement with the State Personnel Board when, in fact, the department attorney already filed the document. The department attorney also neglected to provide the case settlement report to the OIG.
- Was the disciplinary phase conducted with due diligence by the department?

The department delayed in conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-05-13	16-1758-IR	1. Other Failure of Good Behavior 2. Other Failure of Good Behavior	1. Sustained 2. Not Sustained	Suspension	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On May 13, 2016, an officer was arrested after he allegedly assaulted his wife and punched a man he suspected was having an affair with his wife.

CENTRAL REGION

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Disposition

The hiring authority sustained allegations the officer battered a man and was in a physical altercation with his wife, but not an allegation that was improperly worded, and imposed a 49-working-day suspension. The OIG concurred. The officer did not file an appeal with the State Personnel Board. However, the department entered into a settlement agreement with the officer modifying the penalty in this matter to a 10 percent salary reduction for 24 months and combining this action with another disciplinary action. The OIG concurred because the salary reduction was equivalent to the suspension.

Disciplinary Assessment

Procedural Rating: Sufficient
Substantive Rating: Insufficient

The department's handling of the disciplinary process was substantively insufficient because the department attorney did not appropriately prepare the disciplinary action served on the officer. The hiring authority delayed conducting the disciplinary findings conference and the department attorney neglected to provide a form to the OIG.

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on June 22, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 18, 2016, 26 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action did not set forth all the necessary facts and law, cited inappropriate legal authority, and did not notify the officer of the right to respond to an uninvolved manager.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

The disciplinary action served on the officer cited inappropriate legal authority and did not notify the officer of the right to respond to an uninvolved manager.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

The department attorney did not provide the OIG with the case settlement report.
- Was the disciplinary phase conducted with due diligence by the department?

The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-05-29	16-1807-IR	<ol style="list-style-type: none"> Misuse of Authority Other Failure of Good Behavior Intoxication 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On May 29, 2016, an officer allegedly drove the wrong way while under the influence of alcohol, asked outside law enforcement to drive him home because he was a correctional officer, and refused to relinquish a shoe while in jail, necessitating the use of force. On June 2, 2016, the officer allegedly confronted the outside law enforcement officer and claimed the report was false and that he should have been given leniency.

CENTRAL REGION

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

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred. At his *Skelly* hearing, the officer, for the first time, expressed remorse and accepted responsibility. Based on this new information, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 13 months. The OIG concurred based on the new information learned at the *Skelly* hearing.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-06-23	16-1821-IR	1. Controlled Substance	1. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 23, 2016, an officer allegedly tested positive for marijuana.

Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed conducting the investigative findings conference. The department attorney did not timely assess the deadline for taking disciplinary action.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

Assessment Questions

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

The department attorney was assigned August 5, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 29, 2016, 24 days after assignment.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs returned the case to the hiring authority on July 27, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 29, 2016, 33 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not conduct the investigative findings conference in a timely manner.

Disposition

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

Disciplinary Assessment The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not adequately consult with the OIG.	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

CENTRAL REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on July 27, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until August 29, 2016, 33 days thereafter.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The department attorney did not provide the draft disciplinary action to the OIG for review before the department served the officer.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?
The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not consult with the OIG regarding the draft disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-07-06	16-1859-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Direct Action (No Subject Interview)

Incident Summary

On July 6, 2016, an officer allegedly punched his domestic partner, also an officer with the department, in the face.

Predisciplinary Assessment

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

The department did not comply with the policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate initial determination, the hiring authority did not request additional investigation or timely conduct the investigative findings conference, and the department attorney did not provide appropriate legal advice.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs refused to open an administrative investigation even though the officers made conflicting statements to outside law enforcement about whether one officer punched the other.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on August 17, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 19, 2016, 63 days thereafter.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority inappropriately determined additional investigation was not necessary.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney provided inaccurate advice regarding when the investigative findings conference should be held and inappropriately advised that additional investigation was not necessary.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred because the lack of an investigation resulted in insufficient evidence to sustain the allegations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL No Penalty Imposed	FINAL No Penalty Imposed
2016-07-06	16-1860-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On July 6, 2016, an officer was arrested after he allegedly battered his domestic partner, also an officer with the department.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make an appropriate initial determination, the hiring authority did not request additional investigation or timely conduct the investigative findings conference, and the department attorney did not provide appropriate legal advice.

CENTRAL REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs refused to open an administrative investigation even though the officers made conflicting statements to outside law enforcement about whether one officer punched the other.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on August 17, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until September 19, 2016, 33 days thereafter.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority inappropriately determined additional investigation was not necessary.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney provided inaccurate advice regarding when the investigative findings conference should be held and that additional investigation was not necessary.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred because the lack of investigation resulted in insufficient evidence to sustain the allegations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-08-25	16-1992-IR	1. Controlled Substance	1. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 25, 2016, an officer allegedly tested positive for cocaine.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney neglected to properly assess the deadline for taking disciplinary action.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the deadline for taking disciplinary action as September 6, 2017, when the deadline was actually August 30, 2017.

Disposition

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

CENTRAL REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2016-09-15	16-2017-IR	1. Insubordination/Willful Disobedience 2. Neglect of Duty	1. Sustained 2. Sustained		

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On September 15, 2016, a sergeant allegedly disobeyed a lieutenant's order regarding the housing of inmates and inappropriately placed two incompatible inmates in the same cell, resulting in a fight.

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

Disposition
 The hiring authority sustained the allegations and determined a 10 percent salary reduction for 12 months was the appropriate penalty. The OIG concurred. However, the sergeant retired before disciplinary action could be imposed. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
Overall, the department sufficiently complied with the policies and procedures governing the disciplinary process.	

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	14-1602-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Other Criminal Act 3. Discourteous Treatment 4. Other Failure of Good Behavior 5. Misuse of State Equipment or Property 6. Dishonesty 7. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Not Sustained 	Dismissal	Resignation in Lieu of Termination

Case Type: Administrative Investigation

Incident Summary

Between January 1, 2012, and December 31, 2015, a captain allegedly misused his State computer and mobile phone for non-work-related communications. In March 2014, the captain allegedly kicked his wife, also a department employee, in the head. On May 1, 2014, the captain allegedly choked his wife during an argument, was dishonest to outside law enforcement regarding the incident, and failed to timely notify the hiring authority of his arrest and that a restraining order was issued restricting his access to firearms. On May 10, 2014, the captain was allegedly dishonest in a memorandum to the hiring authority regarding the incident. On July 9, 2014, the captain allegedly contacted his wife via an email message in violation of a restraining order. On April 11, 2016, the captain was allegedly dishonest during an interview with the Office of Internal Affairs

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the investigative report was not appropriately drafted, the department attorney did not provide adequate feedback regarding the investigative report, and the hiring authority did not make appropriate findings. Also, the special agent did not appropriately conduct all interviews.

Assessment Questions

- Were all of the interviews thorough and appropriately conducted?
The special agent did not identify all parties present during some of the witness interviews.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorney neglected to address substantive deficiencies in the draft investigative report and provide appropriate recommendations to the special agent.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include a summary of evidence or all relevant exhibits, included inappropriate use of italics and parentheses for emphasis, and was void of relevant portions from witness interviews.
- Was the final investigative report thorough and appropriately drafted?
The final investigative report did not include a summary of evidence or all relevant exhibits, included inappropriate use of italics and parentheses for emphasis, and was void of relevant portions from witness interviews.
- Did the HA who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?
The OIG recommended adding two dishonesty allegations for additional false statements the captain made during his interview with the Office of Internal Affairs. The hiring authority did not add the allegations even though evidence supported the allegations.

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Disposition

The hiring authority sustained the allegations, except that the captain failed to timely notify the hiring authority of his arrest and of a restraining order restricting his access to firearms, and dismissed the captain. The OIG concurred. At the pre-hearing settlement conference, the hiring authority reached a settlement agreement wherein the captain agreed to resign in lieu of termination and to never seek employment with the department in the future. The OIG concurred because the department achieved the ultimate goal of ensuring the captain would no longer work for the department.

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department attorney did not adequately cooperate with the OIG.

Assessment Questions

- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The department attorney did not provide a copy of the draft disciplinary action until one day before the deadline for serving the disciplinary action, giving the OIG an unreasonable amount of time to adequately review the draft.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
Despite the OIG's requests, the department attorney failed to provide the draft disciplinary action to the OIG with sufficient time to review and consult and failed to provide the case settlement report to the OIG.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-28	16-1626-IR	<ol style="list-style-type: none"> Neglect of Duty Discourteous Treatment Other Failure of Good Behavior 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On March 28, 2012, an Office of Correctional Safety senior special agent allegedly pointed a weapon at a special agent, cleared the chamber, and ejected the ammunition. Between January 1, 2014, and March 31, 2016, the senior special agent was allegedly unprofessional and discourteous toward two special agents, directed subordinate employees not to inform management of the senior special agent's whereabouts, and openly disparaged management during meetings with subordinates. On October 1, 2014, the senior special agent allegedly engaged in an altercation with a private citizen while searching for a parolee.

Predisciplinary Assessment

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

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

Disposition

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-01	15-2107-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Insubordination/Willful Disobedience 3. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

Between January 1, 2013, and June 30, 2015, a male officer allegedly offered marijuana and alcohol to a minor female. Between May 22, 2014, and June 8, 2015, the officer allegedly sent inappropriate romantic text messages to a minor female. On June 28, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs and refused to complete the interview.

Predisciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney did not modify the deadline for taking disciplinary action and the Office of Internal Affairs did not complete its investigation before the deadline to take disciplinary action. Also, the special agent did not enter critical case activity in the case management system.

Assessment Questions

- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?

The department attorney did not determine that the deadline for taking disciplinary action should be modified while the district attorney's office investigated the matter or as the result of alleged misconduct that occurred in 2013, which was identified during the investigation.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not make an entry in the case management system documenting whether the officer supported, admitted, denied, or refuted the allegations.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?

The Office of Internal Affairs completed its report and submitted it to the hiring authority on July 19, 2016, seven months after the deadline to take disciplinary action.
- Did the deadline for taking disciplinary action or filing charges expire before the investigation was completed?

The deadline for taking disciplinary action was January 1, 2016. The Office of Internal Affairs did not complete its investigation until July 19, 2016, seven months thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not timely complete the investigation.

Disposition

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

Disciplinary Assessment

Procedural Rating: Sufficient
Substantive Rating: Insufficient

The department's handling of the disciplinary process was substantively insufficient because the disciplinary findings conference was not completed until after the deadline to take disciplinary action.

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Assessment Questions

- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?
The deadline for taking disciplinary action was January 1, 2016. However, due to the untimely investigation, the hiring authority did not complete its findings until July 25, 2016, seven months after the earliest deadline to take disciplinary action.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not complete its disciplinary findings until after the deadline to take disciplinary action.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-10-01	16-0269-IR	1. Battery 2. Disclosure of Confidential Information	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On October 1, 2013, a sergeant and an officer allegedly revealed confidential information about an inmate's sex-related conviction to other inmates. On August 5, 2015, a second officer allegedly assaulted the inmate.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-11-01	16-0854-IR	1. Failure to Report 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between November 1, 2013, and December 28, 2015, an officer allegedly engaged in multiple acts of domestic violence against his wife. On February 22, 2016, the officer allegedly failed to report his arrest to the hiring authority. On September 21, 2016, the officer suffered a felony conviction for domestic violence.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the hiring authority non-punitively dismissed the officer in another matter before disciplinary action could be imposed.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-01-01	16-0538-IR	<ol style="list-style-type: none"> Over-Familiarity Assault Contraband Misuse of Authority 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

From January 1, 2014, through February 28, 2014, an officer allegedly threatened to assault an inmate. On March 7, 2015, the officer allegedly solicited an inmate to assault another inmate. On March 9, 2015, the officer allegedly gave the inmate contraband as payment for the assault. On August 25, 2015, a second officer allegedly solicited the same inmate to assault yet another inmate. On December 16, 2015, a third officer allegedly solicited the same inmate to assault other inmates.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-14	16-0482-IR	<ol style="list-style-type: none"> Sexual Misconduct Discourteous Treatment 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

Between May 14, 2014, and August 3, 2015, an officer allegedly called inmates derogatory names and made sexual comments and gestures toward them.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Also, the department attorney delayed confirming relevant dates and the special agent did not make a critical entry in the case management system.

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Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 14, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 15, 2016, 93 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned on February 19, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until March 24, 2016, 34 days after assignment.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not refer the matter to the Office of Internal Affairs in a timely manner.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-05-23	15-2204-IR	<ol style="list-style-type: none"> Neglect of Duty Other Failure of Good Behavior Misuse of State Equipment or Property Other Failure of Good Behavior 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained 	Suspension	Suspension

Case Type: **Administrative Investigation**

Incident Summary

Between May 23, 2014, and July 17, 2015, two associate wardens allegedly engaged in a romantic relationship with each other in violation of the department's nepotism policy, engaged in sexual activity while on duty, and used State computers and mobile phones to send inappropriate email and text messages to each other while on duty.

Predisciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the investigative findings conference. The special agent did not make a critical entry in the case management system.

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Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the associate wardens supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and returned the case to the hiring authority on May 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 10, 2016, more than two months thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely complete the investigative findings conference.

Disposition

The hiring authority sustained the allegations, except that the associate wardens engaged in sexual activity while on duty, and imposed a five-working-day suspension on each. The OIG concurred with the hiring authority's determinations. The associate wardens did not file appeals with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-09-07	14-2238-IR	1. Neglect of Duty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On September 7, 2014, three officers were allegedly involved in a physical altercation with several people at a bar, resulting in the death of a private citizen. Outside law enforcement arrested two of the officers, both of whom were charged with voluntary manslaughter. The third officer allegedly interfered with the outside investigation. The first officer allegedly failed to report the third officer's interference and failed to report his arrest to the hiring authority. The second officer allegedly attempted to use his position in the department to gain favor from outside law enforcement and the first and second officers allegedly failed to stop the fight.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference and the first two officers remained on paid administrative leave for over one year.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on September 11, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings for two of the officers until November 10, 2015, 60 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not conduct the investigative findings conference in a timely manner.

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Disposition

The hiring authority sustained the allegations and dismissed the officers. The OIG concurred. The first two officers filed appeals with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority wanted to settle with the officers and reduce the penalty to a four-month suspension for each officer. The OIG did not agree and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor determined the allegations and penalty would remain as initially determined. Following an evidentiary hearing, the State Personnel Board dismissed all of the charges and revoked the dismissals. The administrative law judge determined that the department attorney failed to produce any evidence to support four of the allegations. The judge also made a credibility determination and ruled that both officers acted in self defense and, based on uncontroverted testimony, one of the officers suffered a concussion that affected his behavior. The third officer did not file an appeal.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and inappropriately attempted to settle the case. The department attorney prepared an insufficient draft disciplinary action, recommended settling the case before obtaining critical evidence, and failed to adequately represent the department at the State Personnel Board hearing, resulting in an unfavorable outcome.

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on September 11, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until November 10, 2015, 60 days thereafter.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?
The department attorney did not include all of the sustained allegations in the draft disciplinary action and failed to include that the private citizen died in the fight.
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?
The department attorney recommended settling the case without having obtained readily available evidence that would be critical to an analysis of the case.
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?
The department attorney stipulated that she failed to provide any evidence to support an allegation after one of the officers moved to dismiss the allegation.
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?
The department attorney conceded that she neglected to present any evidence that the first officer failed to report the third officer's interference with the investigation or that the first officer failed to report his arrest. The department attorney also failed to call an expert witness to rebut expert testimony that was critical to the one of the officers' defenses.
- Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence?
The department attorney did not present or offer any evidence to prove that the first officer failed to report the third officer's interference with the investigation.
- If an executive review was invoked in the case, did OIG request the executive review?
The OIG disagreed with the hiring authority's decision to settle the matter with the officers by reducing the penalty from a dismissal to a suspension and elevated the matter to the hiring authority's supervisor.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-10-11	15-2160-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On October 11, 2014, a sergeant and three officers allegedly solicited inmates to assault other inmates.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-02-13	16-1320-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Direct Action with Subject Only Interview

Incident Summary

Between February 13, 2015, and February 15, 2015, a nurse allegedly failed to make required entries in a medical record and was dishonest by recording that a ward received medication that was not provided. On February 16, 2015, a second nurse allegedly failed to make required entries in a medical record and was dishonest by recording that a ward received medication that was not provided.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not timely complete the investigation, the department attorney did not timely assess the deadline for taking disciplinary action, and the hiring authority delayed conducting the investigative findings conference. The special agent neglected to enter critical information into the case management system.

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Assessment Questions

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

The department attorney did not make any entry in the case management system confirming relevant dates until more than one year after the incident date.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the nurses supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs completed its investigation and returned the case to the hiring authority on August 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 18, 2016, 69 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department did not complete the investigation until almost 18 months after the date of discovery and because of the delay, the nurses could no longer recall the events when interviewed. Also, the hiring authority delayed conducting the investigative findings conference.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-02-18	15-0701-IR	1. Other Failure of Good Behavior 2. Dishonesty 3. Intoxication	1. Sustained 2. Not Sustained 3. Not Sustained		

Case Type: Direct Action (No Subject Interview)

Incident Summary

On February 18, 2015, an officer was arrested for allegedly operating his vehicle while under the influence of marijuana and driving without a valid driver's license. The officer also allegedly possessed synthetic marijuana, other materials commonly used to get intoxicated, and a pipe with marijuana residue, and was dishonest to outside law enforcement when he claimed he could not perform field sobriety tests due to an injury sustained in the military.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs failed to grant the hiring authority's request to interview the officer. The department attorney neglected to make all required entries into the case management system.

NORTH REGION

Assessment Questions

- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs inappropriately denied the hiring authority's request to interview the officer regarding his military background and statement to outside law enforcement.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney failed to enter the incident date into the case management system.

Disposition

The hiring authority sustained allegations the officer operated a vehicle with a suspended license and possessed synthetic marijuana and drug paraphernalia, but not the remaining allegations, and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board but later withdrew the appeal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-05	16-1825-IR	<ol style="list-style-type: none"> 1. Contraband 2. Disclosure of Confidential Information 3. Discourteous Treatment 4. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

From March 5, 2015, through June 22, 2016, an officer allegedly shared confidential and graphic departmental information with a private citizen by electronic mail and personal delivery, misused his department-issued email account, brought his mobile phone into the institution, and used the mobile phone to communicate with others via social media and to photograph the institution and other employees. Between June 8, 2016, and August 24, 2016, the officer allegedly possessed and used his personal mobile phone inside the institution.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 18 months. The OIG concurred. At the *Skelly* hearing, the officer presented new information that he volunteered in the department's peer support program to ensure staff involved in work-related critical incidents are provided with intervention and available resources to cope with the immediate effects of traumatic incidents. Based on the new information, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 26 months. The OIG concurred based on the new information.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-09	16-0975-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Failure to Report 4. Disclosure of Confidential Information 5. Misuse of State Equipment or Property 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between March 9, 2015, and May 31, 2015, a sergeant allegedly failed to disclose that an inmate is a friend of his and his family. Between April 1, 2015, and February 29, 2016, the sergeant allegedly used a State computer to search for confidential information regarding the inmate and provided the information to his wife. On March 29, 2015, the officer allegedly knowingly worked in the inmate's housing unit. On May 18, 2016, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not timely assess relevant dates or timely conduct the initial case conference and the Office of Internal Affairs did not timely complete the investigation.

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned August 17, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until December 21, 2015, four months after assignment.
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?
The department attorney was assigned August 17, 2015. On October 5, 2015, the special agent contacted the department attorney regarding the initial case conference. An initial case conference was scheduled for November 24, 2015, but the department attorney failed to appear. The initial case conference eventually took place on December 21, 2015, four months after the department attorney was assigned.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 15, 2016, ten days before the deadline to take disciplinary action.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department attorney did not timely conduct the initial case conference and the Office of Internal Affairs completed the investigation only ten days before the deadline for taking disciplinary action.

Disposition

The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-05-22	16-1430-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Distraction from Duty 4. Neglect of Duty 5. Contraband 6. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained 	Dismissal	Dismissal

Case Type: Direct Action with Subject Only Interview

Incident Summary

Between May 22, 2015, and December 2, 2015, an officer was allegedly overly familiar with inmates, one of whom was his father. On May 23, 2015, the officer allegedly engaged in financial transactions with other inmates and failed to report his father's request that the officer send money to other inmates. On October 4, 2015, the officer allegedly failed to notify the hiring authority that his father was an inmate. On October 8, 2015, the officer allegedly brought a mobile phone into the institution and used it while on duty. On February 28, 2016, the officer was allegedly dishonest when documenting his communications with his father and on June 14, 2016, was allegedly dishonest multiple times during an interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Also, the special agent did not make all critical entries in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 8, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 13, 2016, six months after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, admitted, denied, or refuted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations, except that the officer brought a mobile phone into the institution and failed to notify the hiring authority that his father was an inmate, and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-01	16-0381-IR	<ol style="list-style-type: none"> 1. Sexual Misconduct 2. Failure to Report Use of Force 3. Battery 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Training	Training

Case Type: **Administrative Investigation**

Incident Summary

Between June 1, 2015, and January 31, 2016, a sergeant allegedly instructed officers to perform unnecessary unclothed body searches on members of an inmate committee and five officers allegedly retaliated against the inmates by conducting the searches. Between November 6, 2015, and December 27, 2015, three of the five officers allegedly made sexual comments to the inmates during unclothed body searches. Between June 1, 2015, and January 31, 2016, one of the officers allegedly delayed program activities and retaliated against committee members by telling inmates that the delay was the fault of the members. A sixth officer also allegedly told inmates that the diminished program time was the fault of the committee members. A seventh and eighth officer allegedly retaliated against committee members by telling inmates that their program would return to normal if they removed the members. A second sergeant allegedly retaliated against an inmate when he issued an unjustified disciplinary action against a committee executive member. On October 11, 2015, a ninth officer allegedly used unnecessary force on an inmate when conducting an unclothed body search. That officer and a tenth officer allegedly failed to report the use of force. From November 6, 2015, through December 27, 2015, the first nine officers and the two sergeants allegedly threatened to retaliate against inmates by way of disciplinary action, transfer, and assault. On January 5, 2016, an associate warden allegedly retaliated against an inmate when he recommended that an inmate be transferred out of the institution.

Predisciplinary Assessment

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

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

Disposition

The hiring authority found insufficient evidence to sustain any of the allegations but provided training to one of the sergeants regarding his expectations regarding unclothed body searches. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-01	16-1060-IR	<ol style="list-style-type: none"> 1. Contraband 2. Misuse of State Equipment or Property 3. Retaliation 4. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 	Suspension	Modified Suspension

Case Type: **Administrative Investigation**

Incident Summary

Between June 1, 2015, and August 31, 2015, an officer allegedly brought a personal mobile phone inside an institution and took photographs of herself and other officers. Between January 29, 2016, and March 29, 2016, the officer allegedly used a State computer to exchange inappropriate email messages with coworkers. On February 24, 2016, a sergeant allegedly called a second officer a derogatory term in retaliation for the officer reporting the first officer's unrelated misconduct. On February 26, 2016, the first officer also allegedly called the second officer a derogatory term and, on February 29, 2016, allegedly told other officers to "watch their backs" while pointing at the second officer, both actions also allegedly in retaliation for the officer reporting the first officer's unrelated misconduct. A lieutenant allegedly failed to take action in response to the first officer's actions toward the second officer.

NORTH REGION

Predisciplinary Assessment		Procedural Rating: Insufficient Substantive Rating: Insufficient
<p>The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs made an inappropriate initial determination and the special agent did not appropriately conduct interviews. The special agent also neglected to enter critical information into the case management system and prepared an insufficient draft investigative report.</p>		
Assessment Questions		
<ul style="list-style-type: none"> Did the Office of Internal Affairs make an appropriate initial determination regarding the case? <i>The OIG disagreed with the Office of Internal Affairs' initial decision to not add the sergeant as a subject of the investigation because there was a reasonable belief the sergeant made the alleged inappropriate comments. The OIG elevated the matter and the deputy director agreed to add the sergeant.</i> Were all of the interviews thorough and appropriately conducted? <i>During a key witness interview, the special agent interjected her own opinion regarding the involved officer, interrupted the witness, answered for the witness, frequently apologized for asking questions, and discussed her own experiences rather than simply asking questions. During the lieutenant's interview, the special agent asked an excessive amount of leading questions.</i> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the lieutenant, sergeant, and officer supported, refuted, denied, or admitted the allegations.</i> Was the investigative draft report provided to the OIG for review thorough and appropriately drafted? <i>The draft investigative report contained confidential information regarding one officer's prior disciplinary action and the special agent's opinions.</i> 		
Disposition		
<p>The hiring authority sustained allegations that the officer improperly used a State computer and possessed a personal mobile phone inside an institution, but not the other allegations, and imposed a ten-working-day suspension. The hiring authority found insufficient evidence to sustain the allegations against the sergeant or lieutenant. The OIG concurred with the hiring authority's determinations. Following a <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement with the officer reducing the penalty to an eight-working-day suspension. The OIG did not concur but did not seek a higher level of review because the penalty was still significant and within the department's disciplinary matrix for the allegations.</p>		
Disciplinary Assessment		Procedural Rating: Sufficient Substantive Rating: Sufficient
<p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>		

Incident Date	OIG Case Number	Allegations	Findings	Penalty
2015-06-11	16-2014-IR	1. Confidential Information-Improper access	1. Sustained	INITIAL Counseling FINAL Counseling

Case Type: Direct Action (No Subject Interview)

Incident Summary

On June 11, 2015, and August 21, 2015, an officer allegedly inappropriately accessed an inmate's medical records. On May 18 and May 19, 2016, a second officer allegedly inappropriately accessed the inmate's custody and medical records.

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

Disposition

The hiring authority sustained the allegations and issued each officer an employee counseling memorandum. The OIG concurred.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-27	15-1650-IR	<ol style="list-style-type: none"> Dishonesty Conviction of a Felony Other Failure of Good Behavior Controlled Substance 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained 	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 27, 2015, an officer allegedly used illegal steroids, sexually assaulted his wife, and was dishonest to outside law enforcement. On May 27, 2016, the officer suffered a felony domestic violence conviction and a misdemeanor conviction for violating a court order.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on May 18, 2016, and the officer was convicted on May 27, 2016. However, the hiring authority did not conduct the investigative findings conference until September 8, 2016, over three months after the conviction.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department delayed conducting the investigative findings conference.

Disposition

The hiring authority sustained the allegations, except that the officer used illegal steroids, and identified dismissal as the appropriate penalty. However, prior to taking disciplinary action, the department non-punitively terminated the officer for being absent without authorized leave and for failing to meet minimum job qualifications due to a court-ordered firearms prohibition.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-29	15-1734-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On June 29, 2015, an officer allegedly failed to properly complete a holding cell log and conduct security checks of an inmate in a holding cell. A sergeant allegedly failed to obtain approval to allow the inmate to remain in the holding cell for more than four hours and allegedly falsified the holding cell log.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
Disposition	
The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-30	15-2175-IR	1. Neglect of Duty 2. Dishonesty 3. Attendance	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary
 Between June 30, 2015, and August 15, 2015, an officer allegedly failed to sign post order acknowledgement forms as instructed. On August 14, 2015, the officer was allegedly dishonest when she used the department's time management program to adjust her time and on August 15, 2015, was allegedly absent without leave.

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

Disposition
 The hiring authority sustained the allegation that the officer failed to sign her post orders, but not the other allegations, and issued a letter of instruction. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-01	15-2452-IR	1. Over-Familiarity	1. Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary
 From July 1, 2015, through December 1, 2015, an officer allegedly kissed, hugged, and intimately touched an inmate, and exchanged personal notes with the inmate.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not provide the department attorney with a draft investigative report, the department attorney did not request the investigative report from the special agent or provide feedback regarding the report, and the department attorney did not enter a critical date in the case management system.	

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make an entry into the case management system confirming the incident date.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the department attorney to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent did not provide a draft of the investigative report to the department attorney before forwarding the report to the hiring authority.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The special agent did not provide a copy of the draft investigative report to the department attorney for review and the department attorney neglected to request the report to review and provide feedback.
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?
The department attorney did not review the report or provide written confirmation of critical discussions about the report.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The special agent did not provide a copy of the draft investigative report to the department attorney.

Disposition

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

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-01	16-1943-IR	1. Sexual Misconduct 2. Discrimination/Harassment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

Between July 1, 2015, and July 31, 2015, an officer allegedly ran his fingers through a certified nursing assistant's hair and made an inappropriate comment. Between December 1, 2015, and December 31, 2015, the officer allegedly brushed up against the certified nursing assistant, grabbed her buttocks, and made an inappropriate comment. On January 20, 2016, the officer allegedly followed the certified nursing assistant into a supply closet, pressed his body against hers, and grabbed her breast.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.

NORTH REGION

Assessment Questions

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

The department learned of the alleged misconduct on January 23, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 12, 2016, over seven months after the date of discovery.

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-03	15-1825-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On July 3, 2015, two officers allegedly failed to accurately count inmates in the housing unit and were allegedly dishonest when they documented that an inmate was present when he had been released nearly ten hours earlier. A sergeant allegedly failed to ensure that the inmate count was accurate.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation or timely complete the investigation, the hiring authority did not timely conduct the investigative findings conference and made incorrect findings, and the department attorney provided incorrect legal advice to the hiring authority. Also, the special agent neglected to make critical entries in the case management system.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?
The Office of Internal Affairs received the request for investigation on August 4, 2015, but did not take action until September 9, 2015, 36 days after the receipt of the request.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officers supported, refuted, denied, or admitted the allegations.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The Office of Internal Affairs did not complete the investigation and return the case to the hiring authority the second time until 11 days before the deadline to take disciplinary action.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs initially returned the case to the hiring authority on September 9, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until November 4, 2015, 56 days thereafter.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney improperly advised the hiring authority that there was insufficient evidence to sustain the dishonesty allegations despite evidence that the officers counted an inmate as present who had been released from the institution before the count occurred. Further, one of the officers admitted that both he and the other officer previously submitted inmate counts without actually conducting the counts.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority improperly refused to sustain the dishonesty allegations against the officers despite evidence that the officers claimed to have properly conducted an inmate count even though an inmate they counted as present had been released from the institution. Also, one of the officers admitted that both he and the other officer previously submitted inmate counts without actually conducting the counts.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation or timely complete the investigation, and the hiring authority did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations against the officers, except for dishonesty, and imposed a 10 percent salary reduction for 18 months. The OIG did not concur with the decision to not sustain dishonesty but did not seek a higher level of review due to time constraints. One of the officers filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 15 months and agreeing to remove the disciplinary action from the officer's official personnel file after 18 months. The OIG concurred based on potential legal issues concerning service of the disciplinary action. The hiring authority sustained the allegation against the sergeant and issued a letter of reprimand. The OIG concurred. Following a *Skelly* hearing, the hiring authority reduced the penalty to letter of instruction because the sergeant expressed remorse and accepted responsibility for his actions. The OIG concurred based on the new factors presented during the *Skelly* hearing. The second officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and did not sustain dishonesty or identify the appropriate penalties.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on September 9, 2015. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until November 4, 2015, 56 days thereafter.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority improperly decided to not sustain dishonesty against the officers despite a preponderance of evidence supporting the allegations.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority imposed an inappropriately low penalty for the officers considering that one of the officers admitted that both he and the other officer had previously submitted inmate counts without actually completing them.
- Was the disciplinary phase conducted with due diligence by the department?
The department delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-06	15-2071-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

On July 6, 2015, an officer allegedly failed to review his post orders. On July 8, 2015, the officer and a second officer allegedly failed to conduct an unclothed body search of an inmate or an inspection with a hand-held metal detector prior to escorting him from an exercise yard.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations that the first officer failed to review his post orders and both officers failed to conduct an inspection with a hand-held metal detector, but not the remaining allegations, and imposed a 5 percent salary reduction for three months on each. The hiring authority imposed the same penalty for both officers based on their length of service. The OIG agreed with the hiring authority's determinations. The officers did not file appeals with the State Personal Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-09	15-2104-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On July 9, 2015, a sergeant allegedly falsely told a lieutenant that an inmate's State-issued linen and clothing complied with policy regarding the inmate's status of being on a modified program.

NORTH REGION

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Insufficient

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney incorrectly assessed the deadline for taking disciplinary action and corrected it only after consultation with the OIG. Also, the special agent did not enter critical information in the case management system.

Assessment Questions

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

The department attorney incorrectly assessed the deadline for taking disciplinary action as September 8, 2016, when the deadline was actually August 10, 2016.
- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?

The department attorney failed to identify the need to modify the deadline for taking disciplinary action until the OIG recommend doing so.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the sergeant supported, refuted, denied, or admitted the allegations.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-14	15-1955-IR	1. Neglect of Duty 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On July 14, 2015, an officer allegedly taunted an inmate in a mental health crisis bed, banged the door of the inmate's cell with his baton, and covered the inmate's window with paper. A nurse allegedly assisted the officer in covering the window.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs did not conduct all interviews thoroughly or appropriately and did not appropriately prepare draft and final investigative reports. Also, the hiring authorities did not timely conduct the investigative findings conferences and the department attorney did not timely enter all information in the case management system or provide feedback regarding the investigative report.

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not timely enter into the case management system the incident date.
- Were all of the interviews thorough and appropriately conducted?
In one interview, the special agent did not have all persons who were present identify themselves on the record. After the interview was complete, the special agent had the parties identify themselves but he did not state the case number or name on the record.
- Did the special agent appropriately enter case activity in the case management system?
The special agent entered his personal opinion in the case management system and failed to make an entry documenting whether the officer supported, admitted, denied, or refuted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on February 17, 2016. However, the department attorney did not provide substantive feedback until March 10, 2016, 22 days later.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The special agent did not include all relevant training records, omitted witness statements and incorrectly summarized others, and included an inappropriate investigator's note.
- Was the final investigative report thorough and appropriately drafted?
The final report included an inappropriate investigator's note.
- Was the investigation thorough and appropriately conducted?
The special agent did not have a witness being interviewed and persons present during the interview identify themselves on the record. After the interview, the special agent made a separate recording and requested the witnesses identify themselves. However, he failed to identify the case number or name, or sufficiently associate the recording with the case.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on May 18, 2016. However, the hiring authority for the officer did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 22, 2016, 35 days thereafter. The hiring authority for the nurse did not consult with the OIG and the department attorney until August 19, 2016, three months after the Office of Internal Affairs completed the investigation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not timely conduct the investigative findings conferences.

Disposition

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-16	16-1010-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Failure to Report Use of Force 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On July 16, 2015, a sergeant allegedly struck an unresistive inmate in the head with a flashlight and failed to report his use of force. Two officers allegedly observed the use of force but failed to report it.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not make required entries into the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on December 7, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 4, 2016, 88 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant and officers supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-27	15-1953-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Failure to Report Use of Force Failure to Report Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On July 27, 2015, a lieutenant and sergeant allegedly failed to ensure staff assigned to a controlled use of force used appropriate cell extraction gear, failed to intervene upon witnessing an officer use unreasonable force, and failed to report the officer's unreasonable use of force. An officer allegedly repeatedly struck a ward with his protective shield and failed to report his own actions as unreasonable force.

NORTH REGION

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not properly prepare for or conduct a thorough investigation. The department attorney did not timely or appropriately make an entry in the case management system, incorrectly modified the deadline to take disciplinary action, and provided improper legal advice to the hiring authority. The hiring authority incorrectly determined the investigation was sufficient. Also, the special agent did not make a critical entry in the case management system. Additionally, the underlying incident took place on July 27, 2015. On September 25, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until February 17, 2016.

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned September 28, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 6, 2015, 39 days after assignment. Also, the department attorney did not enter the date of discovery.
- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?
The department attorney improperly modified the deadline for taking disciplinary action as originally calculated and did not consult with the OIG.
- Did the special agent adequately prepare for all aspects of the investigation?
The special agent did not visit the incident site prior to interviewing the lieutenant, which impeded the special agent's ability to effectively interview the lieutenant about what he could see during the use of force.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer, sergeant, and lieutenant supported, refuted, denied, or admitted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The department attorney failed to note the special agent had not determined whether cell extraction suits and other equipment were actually available and recommend that he do so. This was necessary to resolve conflicts among witness statements.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The special agent did not determine whether extraction suits and other equipment required for cell extractions were actually available. This was necessary to resolve conflicts among witness statements.
- Was the final investigative report thorough and appropriately drafted?
The special agent did not determine whether cell extraction suits and other equipment required for cell extractions were actually available. This was necessary to resolve conflicts among witness statements.
- Was the investigation thorough and appropriately conducted?
The special agent did not determine whether cell extraction suits and other equipment required for cell extractions were actually available. This was necessary to resolve conflicts among witness statements.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?
The hiring authority deemed the investigative report sufficient despite the failure to address the conflict in witness statements about the availability of cell extraction equipment.
- Did the HA properly determine whether additional investigation was necessary?
The hiring authority determined no additional investigation was necessary despite the failure to determine whether proper cell extraction equipment had been available.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney improperly advised the hiring authority the investigation was sufficient, despite the failure to address whether appropriate cell extraction equipment was actually available.
- Was the CDCR Form 402 documenting the findings properly completed?
The form documenting the disciplinary findings had an incorrect date for the deadline to take disciplinary action.

Disposition

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Letter of Instruction	FINAL Letter of Instruction
2015-08-07	16-0204-IR	<ol style="list-style-type: none"> 1. Failure to Report 2. Neglect of Duty 3. Dishonesty 4. Failure to Report 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 		

Case Type: **Administrative Investigation**

Incident Summary

On August 7, 2015, after an inmate reported a sexual assault, a lieutenant allegedly failed to include two officers' reports in the incident package and inaccurately documented the time the investigative services unit arrived. A sergeant also allegedly failed to include the two officers' reports in the incident package and failed to order a medical evaluation of the alleged inmate offender. On August 8, 2015, the sergeant allegedly failed to accurately complete a holding cell log. Also on August 7, 2015, an officer allegedly failed to document supervising the inmate in a holding cell and was allegedly dishonest to a sergeant, a second officer allegedly failed to document supervising the inmate, and a third officer allegedly offered to allow the inmate to use a restroom without investigative services unit approval.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Also, the special agent did not enter critical information in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on August 7, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 16, 2015, 131 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the lieutenant, sergeant, and officers supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations that the lieutenant and sergeant failed to include two officers' reports in the incident package and that the first two officers failed to document supervising the inmate. The hiring authority issued letters of instruction to the lieutenant and sergeant, and provided training to the officers. The hiring authority found insufficient evidence to sustain any of the remaining allegations, including those against the third officer. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Letter of Instruction
2015-08-12	15-2178-IR	1. Confidential Information 2. Confidential Information	1. Sustained 2. Not Sustained		
Case Type: Direct Action (No Subject Interview)					
Incident Summary Between August 12, 2015, and August 14, 2015, nine lieutenants, 15 sergeants, 14 counselors, five officers, and two case records technicians allegedly improperly accessed and printed confidential information without authorization.					
Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request and the hiring authority did not timely conduct the investigative findings conference.				Procedural Rating: Insufficient Substantive Rating: Sufficient	
Assessment Questions <ul style="list-style-type: none"> Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days? <i>The Office of Internal Affairs received the request for investigation on September 18, 2015, but did not take action until October 21, 2015, 33 days thereafter.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on October 21, 2015. However, the hiring authority did not consult with the OIG and the department attorney until November 19, 2015, 29 days thereafter, and did not make a determination regarding the sufficiency of the investigation and the investigative findings until January 7, 2016, 78 days after receipt of the case.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request and the hiring authority did not timely conduct the investigative findings conference.</i> 					
Disposition The hiring authority sustained the allegations against all employees except two lieutenants, two supervising counselors, and one officer. The hiring authority determined that the appropriate penalty for one case records technician was a 5 percent salary reduction for three months and the appropriate penalty for one lieutenant was a 5 percent salary reduction for six months based on prior misconduct of those employees. The hiring authority determined that all other employees with sustained allegations should receive letters of instruction. The OIG concurred with the hiring authority's determinations. However, before the discipline and corrective action were imposed, the hiring authority learned that all employees except one sergeant had already received corrective action and decided not to impose the salary reductions on the case records technician or the lieutenant. The OIG did not concur but did not seek a higher level of review because the misconduct was not egregious. The hiring authority issued the remaining sergeant a letter of instruction.					
Disciplinary Assessment The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not impose the proper penalties as to a lieutenant and case records technician and delayed conducting the disciplinary findings conference.				Procedural Rating: Insufficient Substantive Rating: Insufficient	

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on October 21, 2015. However, the hiring authority did not consult with the OIG and the department attorney until November 19, 2015, 29 days thereafter, and did not make a determination regarding the disciplinary determinations until January 7, 2016, 78 days after receipt of the case.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority initially decided to impose salary reductions on two employees but because institutions had already issued corrective action to the employees, the hiring authority decided not to impose the appropriate penalty.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority delayed conducting the disciplinary findings conference.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-13	15-2542-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Over-Familiarity 3. Contraband 4. Neglect of Duty 5. Other Failure of Good Behavior 6. Misuse of State Equipment or Property 7. Controlled Substance 8. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Not Sustained 8. Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On August 13, 2015, an officer allegedly brought a knife into the institution and four other officers allegedly saw the officer with the knife but failed to report it. On September 22, 2015, the first officer allegedly brought two knives, nail files, scissors, movies, and earbuds into the institution, possessed medications not prescribed to her, and was allegedly dishonest to a sergeant about possessing the items. On the same day, the officer also allegedly accepted letters from inmates and was dishonest to a sergeant regarding the letters. Between September 14, 2015, and March 10, 2016, the officer allegedly used a State computer to send personal email messages, provided confidential information to an unauthorized recipient, and failed to report any of her misconduct. On September 22, 2015, and March 29, 2016, the officer was allegedly dishonest during interviews with the Office of Internal Affairs.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations against the first officer, except for an allegation that the officer possessed unprescribed medication, and served a notice of dismissal. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action. The hiring authority sustained the allegations against three of the four other officers and issued letters of instruction. The hiring authority found insufficient evidence to sustain the allegation against the fourth officer. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-19	16-1118-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On August 19, 2015, an officer allegedly falsified a rules violation report against an inmate.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on September 14, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 18, 2016, 186 days after the date of discovery.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-30	16-1044-IR	1. Dishonesty 2. Discourteous Treatment 3. Dishonesty 4. Unreasonable Use of Force 5. Failure to Report Use of Force 6. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Salary Reduction	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On August 30, 2015, an officer allegedly pulled an inmate's leg restraints, lifting the inmate's feet off the ground. A sergeant and a lieutenant allegedly improperly supervised the officer and the lieutenant allegedly witnessed the use of force but failed to report it. The sergeant allegedly instructed a second officer to report false information regarding the incident. The second officer was allegedly dishonest in his report of the incident and allegedly made a racially derogatory statement to the inmate during the incident. On September 2, 2015, the lieutenant allegedly improperly conducted a video-recorded interview with the inmate and on January 4, 2016, the lieutenant was allegedly dishonest to an associate warden regarding the incident.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not make a critical entry in the case management system.

NORTH REGION

Assessment Questions

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

The department learned of the alleged misconduct on August 30, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 7, 2016, more than six months after the date of discovery.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not make an entry into the case management system documenting whether the officers, sergeant, and lieutenant supported, admitted, denied, or refuted the allegations.

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

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

Disposition

The hiring authority found insufficient evidence to sustain the allegation against the first officer, but sustained the allegations against the second officer and imposed a 10 percent salary reduction for 24 months. The OIG concurred with the hiring authority's determination because the officer accepted responsibility and the alleged misconduct may have gone undetected if the officer had not been forthcoming. After the *Skelly* hearing, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for 18 months. The OIG did not concur but did not seek a higher level of review because the likelihood of recurrence was low. The hiring authority found insufficient evidence to sustain the allegations against the sergeant and lieutenant. The OIG concurred.

Disciplinary Assessment

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

The department's handling of the disciplinary process was substantively insufficient because the hiring authority inappropriately modified a penalty.

Assessment Questions

- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The department did not identify any new evidence, flaws, or risks justifying the reduction in penalty.

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

The OIG did not concur with the decision to reduce the officer's penalty because the department did not identify any new evidence, flaws, or risks justifying the reduction.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-02	16-0762-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 2, 2015, a nurse allegedly failed to report an inmate's allegation that he had sex with a female officer at another institution.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and delayed conducting the investigative findings conference, the department attorney incorrectly assessed the deadline for taking disciplinary action, and the Office of Internal Affairs did not authorize an investigation. The lack of investigation made it impossible for the hiring authority to determine whether misconduct occurred.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 1, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 10, 2016, 132 days after the date of discovery.
- If the hiring authority submitted a request for reconsideration, did the Office of Internal Affairs make an appropriate decision regarding the request?
The Office of Internal Affairs denied the hiring authority's request for investigation to determine whether the inmate reported having sex with an officer at another institution to a physician when the physician ordered the inmate tested for sexually transmitted diseases.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the deadline for taking disciplinary action as August 31, 2018, when the deadline was actually September 2, 2018. In addition, the department attorney did not make an entry assessing the date of discovery.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office Internal Affairs returned the case to the hiring authority on March 9, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until 28 days thereafter. The hiring authority determined there was insufficient evidence and requested an investigation, which the Office of Internal Affairs denied on May 17, 2016. The hiring authority did not consult with the OIG and the department attorney until 34 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs and delayed conducting the investigative findings conference.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-06	15-2176-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained Unfounded Unfounded 	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On September 6, 2015, an officer allegedly reported three inmates were lying down when he responded to an alarm when, in fact, the inmates were still fighting. A second officer allegedly failed to thoroughly document the incident and a third officer allegedly failed to report the force he observed. A lieutenant was allegedly dishonest regarding receipt of the incident reports and left the institution before all reports were completed.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs improperly removed the third officer as a subject of the investigation. Also, the special agent did not enter all activity in the case management system.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The Office of Internal Affairs inappropriately determined a third officer the hiring authority had identified as a subject of the investigation should be excluded from the investigation even though a witness identified the officer as being present during the incident.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the lieutenant and the officers supported, refuted, denied, or admitted the allegations.

Disposition

The hiring authority found insufficient evidence to sustain the allegations against the officers and determined the investigation conclusively proved the lieutenant's alleged misconduct did not occur. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-07	15-2321-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

Case Type: **Administrative Investigation**

Incident Summary

On September 7, 2015, two youth counselors allegedly secured a ward inside an occupied room assigned to a different ward and failed to detect one room was unoccupied during two counts of wards.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney used an incorrect legal standard to calculate the deadline to take disciplinary action, neglected to identify the date of discovery, and delayed discussing the elements of a thorough investigation. The special agent neglected to make critical entries in the case management system.

Assessment Questions

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

The department attorney did not enter the date of discovery and used the incident date rather than the date of discovery to determine the deadline for taking disciplinary action.

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

The department attorney neglected to contact the special agent and the OIG within 21 days of assignment to discuss the elements of a thorough investigation.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the youth counselors supported, refuted, denied, or admitted the allegations.

Disposition

The hiring authority sustained allegations that the first youth counselor allowed two wards to be in a room and that both youth counselors failed to follow informal count procedures, but not the other allegation against the second youth counselor. The hiring authority imposed a 5 percent salary reduction for four months on the first youth counselor and issued a letter of reprimand to the second counselor. The hiring authority issued a more severe penalty to the first youth counselor because the misconduct was greater. The OIG concurred with the hiring authority's determinations. Neither youth counselor filed an appeal with the State Personnel Board.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department did not comply with procedures governing the disciplinary process because the department attorney failed to prepare an adequate draft disciplinary action and timely respond to the OIG, the employee relations officer did not adequately cooperate with the OIG, and the department did not timely serve the disciplinary actions.</p>	
Assessment Questions <ul style="list-style-type: none"> Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The draft disciplinary action did not include a cause for discipline for willful disobedience that the facts supported and included a cause for discipline for inefficiency that the facts did not support.</i> Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The employee relations officer delayed providing copies of the Skelly officer's recommendation and the hiring authority's decision and refused to provide a copy of the Skelly officer's notes to the OIG. The department attorney failed to respond to the OIG's requests for the status of the disciplinary action.</i> Was the disciplinary phase conducted with due diligence by the department? <i>The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on August 26, 2016, but the department did not serve the disciplinary action on the second youth counselor until October 6, 2016, 41 days later and on the first youth counselor until October 7, 2016, 42 days later.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-07	15-2388-IR	1. Discourteous Treatment 2. Misuse of State Equipment or Property	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On September 7, 2015, three youth counselors allegedly encouraged a ward with a mental health diagnosis to draw sexually explicit pictures on an office window.

Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Insufficient
<p>The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney incorrectly assessed the deadline to take disciplinary action. The special agent did not enter all critical information into the case management system.</p>	

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the deadline for taking disciplinary action as September 6, 2016, when the deadline was actually September 8, 2016.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether youth counselors supported, refuted, denied, or admitted the allegations.

Disposition

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-09	15-2774-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Failure to Report 5. Neglect of Duty 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On September 9, 2015, an officer allegedly failed to notify a supervisor he used force on an inmate, submitted a false or misleading report, and made false or misleading statements to supervisors about the use of force. A sergeant and a lieutenant allegedly failed to document that the officer was injured during the use-of-force incident. The sergeant also allegedly attempted to prevent a second sergeant from reporting the use of force. On September 17, 2015, the officer was allegedly dishonest to investigative services unit staff and allegedly submitted a false or misleading memorandum. On June 2, 2016, and June 29, 2016, the officer was allegedly dishonest during his interviews with the Office of Internal Affairs. On September 22, 2015, the second sergeant allegedly submitted a false memorandum and, on June 2, 2016, was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter for investigation, the department attorney delayed assessing critical dates, and the Office of Internal Affairs did not complete the investigation in a timely manner. The special agent neglected to enter critical information into the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on September 9, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 20, 2015, 72 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned on December 23, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until January 15, 2016, 23 days after assignment.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the lieutenant, sergeants, and officer supported, refuted, denied, or admitted the allegations.
- Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action or the deadline for a prosecuting agency to file charges?
The department learned of the alleged misconduct on September 9, 2015, but the Office of Internal Affairs did not complete its investigation until almost one year later and only eight days before the deadline to take disciplinary action.
- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?
Due to the delay in conducting the investigation, witnesses had only a vague memory of events and were unable to recall critical details.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed requesting an investigation and the Office of Internal Affairs did not complete the investigation until September 1, 2016, only eight days before the deadline to take disciplinary action, resulting in an insufficient amount of time for the hiring authority to adequately review the investigation and address the allegations. Additionally, due to the delay in conducting the investigation, witnesses had only a vague recollection of important facts and were unable to provide critical details.

NORTH REGION

Disposition

The hiring authority sustained the allegations against the officer and dismissed him. The hiring authority found insufficient evidence to sustain the allegations against the lieutenant and the two sergeants. The OIG occurred with the hiring authority's determinations, except for the determination to sustain the allegation that the officer failed to report his use of force. The OIG did not seek a higher level of review because the penalty would have remained the same. The officer retired before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-09	16-0382-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On September 9, 2015, a counselor allegedly gave false testimony under oath in federal court.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference, the special agent inappropriately conducted the counselor's interview and prepared an inappropriate draft investigative report, and the department attorney delayed providing feedback regarding the draft investigative report and did not provide substantive feedback. Also, the special agent did not enter critical information in the case management system.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 10, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 4, 2016, 55 days after the date of discovery.
- Were all of the interviews thorough and appropriately conducted?
During the counselor's interview, the special agent informed the counselor that the department did not have critical evidence and commented on the quality of the evidence. The special agent also allowed the counselor to review critical evidence prior to questioning the counselor about her independent recollection of the events.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the counselor supported, refuted, denied, or admitted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on June 21, 2016. However, the department attorney did not provide feedback until July 15, 2016, 24 days later, and failed to provide independent substantive feedback, instead simply indicating agreement with the OIG's recommendations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report incorrectly cited an exhibit and included inappropriate investigator notes.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 19, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 23, 2016, 35 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conference.

Disposition

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

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner, the department attorney did not provide the OIG with written confirmation of penalty discussions, and the department attorney and the employee relations officer did not timely consult with the OIG.

NORTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 19, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until August 23, 2016, 35 days thereafter.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?
The department attorney did not provide the OIG with written confirmation of penalty discussions.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The department attorney did not timely advise the OIG that the counselor had retired before the disciplinary action could be served.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The employee relations officer did not timely advise the OIG that the counselor had retired before the disciplinary action could be served.
- Was the disciplinary phase conducted with due diligence by the department?
The department failed to conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-12	16-0679-IR	1. Neglect of Duty	1. Sustained	Suspension	Suspension

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On September 12, 2015, a warden allegedly inappropriately accepted tickets to a professional boxing match, hotel accommodations, and other gratuities from a foreign government official.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the associate director failed to timely request an investigation and timely consult with the OIG regarding the investigative findings. The department attorney did not properly assess the deadline for taking disciplinary action.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 19, 2015, but the associate director did not refer the matter to the Office of Internal Affairs until February 11, 2016, 115 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney made an entry into the case management system. However, she merely stated that she assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the associate director on June 29, 2016. However, the associate director did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 18, 2016, 50 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs or timely meet with the department attorney and the OIG regarding the investigative findings.

Disposition

The hiring authority sustained the allegations and imposed a ten-working-day suspension. The hiring authority also ordered the warden to repay the foreign government official for the gifts provided to the warden and also ordered the warden to attend and complete ethics training. The OIG did not concur with the penalty determination and recommended that the warden be removed from the position without cause and returned to an associate warden position.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-14	15-2450-IR	<ol style="list-style-type: none"> Dishonesty Failure to Report Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On September 14, 2015, a sergeant and an officer allegedly failed to report that an inmate assaulted a cook, and failed to sound their alarms. On October 6, 2015, the sergeant was allegedly dishonest in a report regarding the incident.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation and the hiring authority did not conduct the investigative findings conference in a timely manner. The department attorney did not document the deadline to take disciplinary action and made an error in documenting the date of discovery. Also, the special agent did not make required entries in the case management system.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?

The Office of Internal Affairs received the request for investigation on October 16, 2015, but did not take action until November 18, 2015, 33 days after receipt of the request.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

Although the department attorney made an entry into the case management system, the entry did not include the deadline for taking disciplinary action and contained an incorrect date of discovery.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the sergeant and officer supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 14, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 7, 2016, 23 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The Office of Internal Affairs did not make a timely determination regarding the hiring authority's request for investigation and the hiring authority did not conduct the investigative findings conference in a timely manner.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-01	16-1872-IR	1. Discourteous Treatment	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On October 1, 2015, an officer allegedly made offensive comments to an inmate.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not enter critical information in the case management system.

Assessment Questions

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

The department learned of the alleged misconduct on October 14, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 29, 2016, more than nine months after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegation.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

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

NORTH REGION

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-20	15-2772-IR	<ol style="list-style-type: none"> Dishonesty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: Direct Action with Subject Only Interview

Incident Summary

On October 20, 2015, an officer allegedly engaged in a physical altercation with his wife and was dishonest to outside law enforcement officers regarding the incident. On October 22, 2015, the officer was allegedly dishonest to the hiring authority.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-30	16-0122-IR	<ol style="list-style-type: none"> Dishonesty Insubordination/Willful Disobedience Neglect of Duty Dishonesty Insubordination/Willful Disobedience Discourteous Treatment 	<ol style="list-style-type: none"> Sustained Sustained Sustained Not Sustained Not Sustained Not Sustained 	Salary Reduction	Modified Salary Reduction

Case Type: Direct Action with Subject Only Interview

Incident Summary

On October 30, 2015, an officer allegedly falsified his timesheet, disobeyed a sergeant's orders to correct the timesheet and to write a memorandum, falsely claimed to the sergeant that he had a medical justification for growing facial hair, left his assigned work area early, and made an offensive comment to the sergeant.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Also, the special agent neglected to enter critical information in the case management system.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 30, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 17, 2015, 48 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegations that the officer falsified the timesheet, disobeyed an order to correct the timesheet, and left his post early, but not the remaining allegations, and imposed a 10 percent salary reduction for 18 months. The OIG concurred with the hiring authority's determinations. At a *Skelly* hearing, the officer presented new information regarding timekeeping practices and accepted responsibility for the misconduct. Based on the new information, the department entered into a settlement agreement with the officer reducing the penalty to 10 percent salary reduction for 13 months. The OIG concurred based on the new information.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-31	16-0263-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On October 31, 2015, an officer allegedly conducted an inmate count prematurely and failed to timely respond to an inmate's request to assist his cellmate who had committed suicide.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference. The department attorney did not timely make an entry in the case management system confirming relevant dates or timely provide feedback to the special agent. Also, the special agent did not make required entries in the case management system.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 2, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 22, 2015, 50 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned January 27, 2016, but did not make an entry into the case management system regarding the deadline to take disciplinary action until April 2, 2016, over two months after assignment.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on April 28, 2016, but the department attorney did not provide feedback until May 23, 2016, 25 days later.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 24, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 15, 2016, 22 days thereafter.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The department attorney did not timely consult with the special agent regarding the draft investigative report.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-01	16-1116-IR	<ol style="list-style-type: none"> Neglect of Duty Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Letter of Instruction	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary

On November 1, 2015, two lieutenants and a sergeant allegedly failed to ensure that holding cell records were properly completed. The sergeant also allegedly left her assigned work area without being relieved. One of the lieutenants allegedly failed to ensure the sergeant was present and was allegedly dishonest when he wrote in a log book that the sergeant was present when the sergeant was not.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter for investigation and the Office of Internal Affairs did not make an appropriate determination. The special agent did not enter critical information into the case management system.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on December 3, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 15, 2016, 103 days after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs inappropriately decided not to add another sergeant as a subject of the investigation even though there was sufficient evidence to include the sergeant.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant and lieutenants supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegation the sergeant failed to complete a holding cell record, but not the remaining allegation, and issued a letter of instruction. The hiring authority also sustained the allegation against the first lieutenant and issued a letter of instruction. The hiring authority found insufficient evidence to sustain the allegations against the second lieutenant. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-19	16-1633-IR	1. Contraband 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

Between November 19, 2015, and January 1, 2016, an associate warden allegedly failed to disseminate an order prohibiting inmates from working in administrative segregation and failed to identify that inmates were working in administrative segregation contrary to the warden's directive. On January 1, 2016, an officer allegedly failed to report unauthorized food preparation items being stored in a cell.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority delayed conducting the investigative findings conference, inappropriately found the investigation sufficient, and did not request additional investigation or sustain an appropriate allegation. Also, the department attorney delayed assessing the deadline to take disciplinary action.

NORTH REGION

Assessment Questions

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

The department attorney was assigned June 2, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until June 30, 2016, 28 days thereafter.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs returned the case to the hiring authority on May 25, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 2, 2016, 69 days thereafter.
- Did the HA properly deem the Office of Internal Affairs investigation sufficient or insufficient?

The hiring authority improperly deemed the investigation sufficient even though an interview of the associate warden was necessary to establish his knowledge of institutional directives.
- Did the HA properly determine whether additional investigation was necessary?

The hiring authority improperly deemed the investigation sufficient even though an interview of the associate warden was needed to establish his knowledge of institutional directives.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority did not sustain the allegation against the officer even though the officer admitted to the misconduct in a memorandum.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The department delayed conducting the investigative findings conference.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur with the hiring authority's determination to not sustain the allegation against the officer. However, the OIG did not seek a higher level of review because the hiring authority's interpretation of existing evidence was reasonable.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2015-11-22	16-0314-IR	<ol style="list-style-type: none"> Driving Under the Influence Dishonesty Driving Under the Influence Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained Not Sustained 		

Case Type: Direct Action with Subject Only Interview

Incident Summary

On November 22, 2015, outside law enforcement arrested an officer after he allegedly drove while under the influence of alcohol. On November 24, 2015, the officer allegedly failed to report his arrest to the department and was dishonest about his contact with outside law enforcement.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the department attorney incorrectly assessed the deadline for taking disciplinary action and the special agent did not conduct a thorough interview. Also, the special agent did not include relevant evidence in the draft investigative report or enter critical information in the case management system.

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the deadline for taking disciplinary action as November 20, 2016, when the deadline was actually November 24, 2016.
- Were all of the interviews thorough and appropriately conducted?
The special agent neglected to ask appropriate follow-up questions in critical areas relating to the officer's alleged dishonesty.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?
The draft investigative report did not include the video recording from the arrest and neglected to reference or include the arrest report as an exhibit although it was discussed during the officer's investigative interview.

Disposition

The hiring authority sustained the allegation the officer drove while under the influence of alcohol, but not the other allegations, and imposed a 10 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal but withdrew the appeal before State Personnel Board proceedings began.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-23	16-1475-IR	<ol style="list-style-type: none"> 1. Insubordination/Willful Disobedience 2. Driving Under the Influence 3. Discourteous Treatment 4. Intoxication 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 	Suspension	Suspension

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On November 23, 2015, an officer allegedly drove to work while under the influence of alcohol, assumed his post while under the influence, failed to promptly report for alcohol and drug testing when ordered to do so, and delayed other employees from leaving the institution to go to the testing center.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not timely assess critical dates and the hiring authority did not timely conduct the investigative findings conference.

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned May 19, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 9, 2016, 82 days after assignment.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on February 3, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until 169 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained the allegations and imposed a 60-working-day suspension. The OIG concurred with the hiring authority's decision. The officer filed an appeal with the State Personnel Board but failed to appear for the pre-hearing settlement conference and the State Personnel Board dismissed the appeal.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-24	16-0481-IR	<ol style="list-style-type: none"> Over-Familiarity Neglect of Duty Other Failure of Good Behavior 	<ol style="list-style-type: none"> Not Sustained Not Sustained Not Sustained 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

Between November 24, 2015, and January 4, 2016, an officer allegedly had ties to a gang. On January 4, 2016, the officer allegedly communicated with a parolee on a social networking website and failed to notify the institution of the relationship.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney incorrectly assessed the deadline for taking disciplinary action. The special agent did not enter critical information into the case management system.

NORTH REGION

Assessment Questions

- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the deadline for taking disciplinary action as November 23, 2016, when the deadline was actually January 8, 2017.
- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?
The department attorney initially assessed the deadline for taking disciplinary action as January 3, 2017, and then reassessed the deadline to take disciplinary action as November 23, 2016, when the deadline was actually January 8, 2017.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-25	16-0261-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On November 25, 2015, a sergeant was allegedly dishonest when he told another sergeant that a third sergeant withdrew his request for a shift swap. On November 26, 2015, the first sergeant allegedly deleted information from a timekeeping computer system to prevent the reduction of his accumulated leave and overtime and an officer allegedly entered false information in the timekeeping computer system regarding the type of leave the first sergeant used to explain his absence.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not provide timely feedback regarding the draft investigative report. Also, the special agent did not enter critical information in the case management system.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant and officer supported, refuted, denied, or admitted the allegations.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on July 15, 2016; however, the department attorney did not document in the case management system that she reviewed the report and did not provide appropriate substantive feedback addressing the thoroughness and clarity of the report until August 18, 2016, 34 days after the special agent provided the draft report.

Disposition

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-25	16-1901-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On November 25, 2015, two officers and a nurse allegedly denied an inmate's request for a wheelchair and a third officer allegedly failed to report witnessing the denial of the wheelchair. The nurse also allegedly coerced the officers into denying the wheelchair.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 25, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 15, 2016, more than eight months after the date of discovery.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-28	16-0612-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On November 28, 2015, an officer allegedly punched an inmate, resulting in an incident that required officers to use physical force and a baton.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney was unable to attend a key witness interview because the special agent did not provide adequate notice. The special agent did not make all required entries in the case management system.

NORTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on November 28, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 29, 2016, 62 days after the date of discovery.
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?
The department attorney did not attend a key witness interview.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?
The special agent gave the department attorney less than one hour notice of a critical witness interview.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-04	16-0121-IR	<ol style="list-style-type: none"> Dishonesty Theft - Petty Theft Failure to Report 	<ol style="list-style-type: none"> Sustained Sustained Sustained 	Dismissal	Dismissal

Case Type: Direct Action with Subject Only Interview

Incident Summary

On December 4, 2015, an officer allegedly stole a gear shift knob from a vehicle at a car dealership and failed to report that outside law enforcement issued a citation to him. On December 5, 2015, the officer was allegedly dishonest to outside law enforcement and, on December 7, 2015, was allegedly dishonest to a lieutenant.

Predisciplinary Assessment

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

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

Disposition

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

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-08	16-0476-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: Direct Action with Subject Only Interview

Incident Summary
 On December 8, 2015, a youth counselor allegedly stole hair products from a salon. On December 14, 2015, the youth counselor was allegedly dishonest when she told a lieutenant that she forgot to pay for the products. On April 13, 2016, the youth counselor was allegedly dishonest during her interview with the Office of Internal Affairs. On May 10, 2016, the youth counselor sustained a misdemeanor conviction for petty theft.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority failed to make appropriate investigative findings and the department attorney did not properly advise the hiring authority or consider tolling the deadline for taking disciplinary action. The special agent neglected to enter required information into the case management system.

Assessment Questions

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

The department attorney did not note that the deadline for taking disciplinary action was tolled by a pending criminal case.
- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?

The department attorney neglected to modify the deadline for taking disciplinary action based upon tolling from the criminal investigation outside law enforcement conducted.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

The department attorney recommended against finding the youth counselor was dishonest despite a preponderance of evidence that the youth counselor dishonestly claimed to have forgotten to pay for the items and repeated the claim during her interview with the Office of Internal Affairs. The department attorney also inaccurately advised that the criminal theft conviction was not a crime of moral turpitude.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?

The hiring authority refused to sustain a dishonesty allegation, add and sustain an allegation for dishonesty during the investigative interview, and find the youth counselor's criminal theft conviction to be a crime of moral turpitude.
- If an executive review was invoked in the case, did OIG request the executive review?

The OIG disagreed with the hiring authority's decisions regarding the youth counselor's dishonesty and conviction for a crime of moral turpitude.

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Disposition

The hiring authority sustained the allegation the youth counselor committed theft and identified a 10 percent salary reduction for 20 months as the penalty. The hiring authority found insufficient evidence to sustain the allegation that the youth counselor was dishonest to a supervisor and did not add allegations that the youth counselor was dishonest during her interview with the Office of Internal Affairs or convicted of a crime of moral turpitude. The OIG did not concur with the decision to not sustain the remaining allegations and to not impose dismissal and elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor sustained the allegation the youth counselor was dishonest to a supervisor and added and sustained allegations the youth counselor was dishonest during her investigative interview and was convicted of a crime of moral turpitude. The hiring authority's supervisor dismissed the youth counselor. The OIG concurred. The youth counselor retired before discipline could be imposed. The hiring authority placed a letter in the youth counselor's official personnel file indicating she retired under unfavorable circumstances.

Disciplinary Assessment

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

The department did not comply with the policies and procedures governing the disciplinary process because the department attorney did not properly advise the hiring authority regarding the penalty, the hiring authority neglected to impose the appropriate penalty, and the department did not timely serve the disciplinary action.

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?
The department attorney recommended a salary reduction when the appropriate penalty for a peace officer who was dishonest and convicted of a crime of moral turpitude is dismissal.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?
The hiring authority did not select charges appropriate for dishonesty to a supervisor, dishonesty during an investigative interview, and conviction of a crime of moral turpitude.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?
The hiring authority determined a salary reduction was the appropriate penalty when the appropriate penalty for a peace officer that was dishonest and convicted of a crime of moral turpitude is dismissal.
- If an executive review was invoked in the case, did OIG request the executive review?
The OIG disagreed with the hiring authority's decision to impose a salary reduction instead of dismissal.
- Was the disciplinary phase conducted with due diligence by the department?
The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The higher level of review occurred on September 30, 2016; however, the department did not serve the disciplinary action until November 15, 2016, 46 days later.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-08	16-0479-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On December 8, 2015, an officer was allegedly dishonest in a rules violation report. On December 22, 2015, a sergeant was allegedly dishonest during a use-of-force inquiry.

Predisciplinary Assessment

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

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

Disposition

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-12	16-0201-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On December 12, 2015, an officer allegedly pushed his girlfriend during an argument.

Predisciplinary Assessment

Procedural Rating: **Sufficient**

Substantive Rating: **Sufficient**

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-18	16-0678-IR	1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Threat/Intimidation	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary

On December 18, 2015, four officers allegedly slammed an inmate onto a table and into a wall after the inmate dropped his food tray, and failed to report their use of force. Three of the four officers also allegedly threatened to assault the inmate if he dropped his food tray again. On December 19, 2015, one the officers allegedly punched and kicked the inmate in the face and ribs.

Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Sufficient**

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney did not provide timely feedback to the special agent regarding the draft investigative report and the hiring authority did not adequately cooperate with the OIG.

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Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on December 19, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 5, 2016, 48 days after the date of discovery.
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft investigative report to the department attorney on September 23, 2016. However, the department attorney did not document in the case management system that he reviewed the report and did not provide feedback addressing the thoroughness and clarity of the report until October 18, 2016, 25 days thereafter.
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?
The hiring authority conducted the investigative findings conference on November 11, 2016, but did not complete the form documenting the investigative findings until December 10, 2016. Moreover, the hiring authority did not provide the forms to the OIG until December 19, 2016.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-24	16-0262-IR	1. Failure to Report Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On December 24, 2015, an officer allegedly failed to submit a report documenting his use of force and two other officers allegedly observed the use of force and failed to report it.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-26	16-0475-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	Training	Training

Case Type: **Administrative Investigation**

Incident Summary

On December 26, 2015, two officers allegedly ordered inmates to return to their cells early, causing an inmate disturbance that resulted in the use of force, and failed to timely activate their personal alarms or call for assistance. One of the officers also allegedly repeatedly punched an inmate.

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Predisciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the pre-disciplinary process.	
Disposition The hiring authority found insufficient evidence to sustain the allegations but provided training to the officers regarding how to handle disruptive inmates. The OIG concurred with the hiring authority's determinations.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-30	16-0611-IR	1. Unreasonable Use of Force 2. Failure to Report Use of Force 3. Discourteous Treatment	1. Unfounded 2. Unfounded 3. Unfounded	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation

Incident Summary
On December 30, 2015, an officer allegedly grabbed and kicked an inmate, pulled the inmate's hair, threw the inmate into a wall, and failed to report his use of force. The officer also allegedly directed racial slurs at the inmate.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference. Also, the department attorney did not timely provide feedback regarding the investigative report.	

Assessment Questions

- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?
The Office of Internal Affairs provided the draft report to the department attorney on June 14, 2016, but the department attorney did not provide feedback until July 14, 2016, 30 days thereafter.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 20, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 30, 2016, 41 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not conduct the investigative findings conference in a timely manner.

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-01-07	16-0853-IR	1. Dishonesty 2. Neglect of Duty	1. Unfounded 2. Unfounded	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

Between January 7, 2016, and January 13, 2016, a parole agent allegedly failed to conduct global positioning system track reviews of parolees on his and another parole agent's caseload, and falsely documented that he had conducted the reviews. On January 29, 2016, the parole agent allegedly falsely documented on an overtime sheet completing global positioning system track reviews he did not complete.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-01-10	16-0535-IR	1. Driving Under the Influence	1. Sustained	Suspension	Suspension

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On January 10, 2016, an officer was allegedly involved in an alcohol-related motor vehicle accident and arrested for driving under the influence.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegation and determined the appropriate penalty was a 48-working-day suspension. The OIG concurred. The hiring authority previously dismissed the officer in a separate case. Therefore, the suspension was not imposed. The hiring authority placed a letter in the officer's official personnel file documenting the disciplinary action.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-01-15	16-1203-IR	1. Neglect of Duty 2. Discourteous Treatment 3. Weapons	1. Not Sustained 2. Not Sustained 3. Unfounded	Counseling	Counseling

Case Type: **Administrative Investigation**

Incident Summary

Between January 15, 2016, and April 6, 2016, a control booth officer allegedly inappropriately yelled at inmates and other employees, kicked the windows of the control booth, failed to timely unlock cells and provide inmates access to showers, failed to timely turn on the inmate phones, and inappropriately pointed a Mini-14 rifle at inmates who were using the phones or drinking fountains. On January 15, 2016, the control booth officer allegedly pointed a Mini-14 rifle at an inmate and a second officer allegedly told the inmate to return to his cell or the control booth officer would shoot him.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and made inappropriate findings regarding two of the allegations. The special agent did not make critical entries in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 18, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 25, 2016, 67 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officers supported, refuted, denied, or admitted the allegations.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
While there was insufficient evidence to sustain any of the allegations against the first officer, the OIG disagreed with the hiring authority's determination that the investigation conclusively proved the misconduct alleged in two of the allegations did not occur.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority determined that the investigation conclusively proved that the control booth officer did not point the Mini-14 rifle at inmates and found insufficient evidence to sustain the remaining allegations against him. The OIG did not concur with the finding that the investigation conclusively proved that the control booth officer did not point the Mini-14 rifle at inmates, but did not seek a higher level of review because there was insufficient evidence to sustain the allegations and no penalty would have been imposed. The OIG concurred that there was insufficient evidence to sustain the remaining allegations. The hiring authority did not sustain the allegation against the second officer, but decided to counsel him regarding professional interaction with inmates. The OIG concurred with the hiring authority's determinations as to the second officer.

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-06	16-1043-IR	1. Dishonesty 2. Unreasonable Use of Force	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On February 6, 2016, a sergeant allegedly inappropriately opened a cell door without first placing an inmate in handcuffs and forced the inmate to the ground, and was allegedly dishonest regarding the incident.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.

Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 16, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 12, 2016, 57 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department did not conduct the investigative findings conference in a timely manner.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-17	16-1745-IR	1. Discourteous Treatment 2. Dishonesty 3. Neglect of Duty 4. Discourteous Treatment	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On February 17, 2016, an officer allegedly argued with an inmate and failed to properly document confiscating the inmate's property. The officer also allegedly threw another officer's personal property onto the floor, argued with the officer, and was dishonest with a sergeant about the incident. On April 14, 2016, the officer was allegedly dishonest with a lieutenant about the confiscated property.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not make all required entries in the case management system.

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Assessment Questions

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

The department learned of the alleged misconduct on February 17, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 24, 2016, 97 days after the date of discovery.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.

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

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

Disposition

The hiring authority sustained the allegation that the officer was discourteous to the second officer, but not the other allegations, and issued a letter of instruction. The OIG concurred with the hiring authority's determinations.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-18	16-1474-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On February 18, 2016, an officer allegedly encouraged a suicidal inmate to commit suicide.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not open an investigation. The special agent did not make all entries in the case management system.

Assessment Questions

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

The department learned of the alleged misconduct on February 27, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 18, 2016, 51 days after the date of discovery.

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The Office of Internal Affairs improperly decided not to approve an investigation even though there were other possible witnesses to the alleged misconduct that should have been interviewed.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegation.

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

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

Disposition

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-23	16-1117-IR	<ol style="list-style-type: none"> Confidential Information Neglect of Duty Discourteous Treatment 	<ol style="list-style-type: none"> Unfounded Unfounded Unfounded 	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On February 23, 2016, a parole agent allegedly disclosed confidential information to parolees and advised parolees that an outside law enforcement agency intended to search their homes.

Predisciplinary Assessment

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

The department's handling of the of the pre-disciplinary process was substantively insufficient because the department attorney provided incorrect legal advice to the hiring authority. Also, the special agent did not make a critical entry in the case management system.

Assessment Questions

- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the parole agent supported, refuted, denied, or admitted the allegations.
- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney incorrectly recommended the hiring authority exonerate the parole agent rather than find the allegations to be unfounded.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-03-02	16-1329-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained 	Dismissal	Dismissal

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On March 2, 2016, a sergeant allegedly slept while on duty, failed to conduct all required security checks, and provided false information regarding the number of security checks he conducted.

Predisciplinary Assessment

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

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

Disposition

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

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-03-05	16-1428-IR	<ol style="list-style-type: none"> 1. Dishonesty 2. Battery 3. Assault 4. Disclosure of Confidential Information 5. Insubordination/Willful Disobedience 6. Neglect of Duty 7. Discourteous Treatment 8. Other Failure of Good Behavior 	<ol style="list-style-type: none"> 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Sustained 8. Sustained 	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On March 5, 2016, an officer allegedly yelled insults at his wife, threatened her, and hit her with his baton. On March 6, 2016, during his arrest, the officer was allegedly dishonest to outside law enforcement regarding the incident and disclosed confidential information regarding inmates and institutional operations. The officer also allegedly failed to report his arrest. On March 7, 2016, the officer allegedly failed to surrender his permit to carry a concealed weapon when ordered to do so and was dishonest to the employee relations officer regarding his use of the permit.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs neglected to authorize an interview of the officer and the department attorney did not timely or accurately assess the deadline for taking disciplinary action.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs refused to interview the officer although the officer had not provided a statement to outside law enforcement regarding the incident.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned May 18, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 15, 2016, 89 days after assignment. In addition, the department attorney incorrectly assessed the deadline for taking disciplinary action as March 4, 2017, when the deadline was actually July 15, 2017.
- Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?
The department attorney neglected to adjust the deadline for taking disciplinary action based on tolling in the criminal case that ended July 15, 2016.

Disposition

The hiring authority sustained the allegations and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board but failed to appear for the pre-hearing settlement conference. The State Personnel Board dismissed the appeal.

Disciplinary Assessment

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

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

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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-03-21	16-1754-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Reprimand

Case Type: **Administrative Investigation**

Incident Summary

On March 21, 2016, an officer allegedly failed to timely complete a report documenting his use of force. On March 22, 2016, the officer was allegedly dishonest to a sergeant regarding the incident.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Also, the special agent did not make a critical entry in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 22, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 24, 2016, two months after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained the allegation that the officer failed to timely complete a report, but not the dishonesty allegation, and served a letter of reprimand. The OIG concurred with the hiring authority's determination. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-03-26	16-1429-IR	1. Dishonesty 2. Failure to Report 3. Weapons	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On March 26, 2016, an officer allegedly brandished a handgun while in a bar. Between March 28, 2016, and April 12, 2016, the officer allegedly attempted to conceal the incident. On June 17, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.

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Predisciplinary Assessment

Procedural Rating: **Insufficient**

Substantive Rating: **Insufficient**

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent inappropriately disclosed information during interviews, gave improper advice to a witness, neglected to timely consult with the OIG, failed to conduct a thorough investigation, and did not enter all critical information in the case management system. The department attorney neglected to provide appropriate feedback about the investigative report, failed to adequately consult with the OIG, provided improper advice to the hiring authority, and delayed the investigative findings conference because she was not adequately prepared.

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Assessment Questions

- Were all of the interviews thorough and appropriately conducted?

The special agent provided confidential information to a witness that the officer's permit to carry a concealed weapon had been revoked and provided improper advice to a second witness regarding carrying concealed weapons. At the beginning of the officer's interview, the special agent told the officer there was no visual recording of the incident when other witnesses previously told the officer the bar's visual surveillance system captured the incident.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegation.

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

The department attorney provided inappropriate feedback by recommending against conducting a second interview of the officer to confirm or refute information the officer's attorney provided after the first interview. The department attorney's supervisor intervened and recommended the second interview.

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

Because the special agent failed to interview the officer a second time or attempt to identify an anonymous person who initially reported the incident, the investigative draft report also failed to include this information. The draft report also did not include the special agent's contact with the gun range and determination the officer did not visit the range on March 26, 2016, as he initially claimed during the investigative interview, and key policies governing off-duty conduct.

- Was the final investigative report thorough and appropriately drafted?

Because the special agent failed to interview the officer a second time or attempt to identify an anonymous person who initially reported the incident, the final investigative report also failed to include this information. The report also did not include the special agent's contact with the gun range and determination the officer did not visit the range on March 26, 2016, as he initially claimed during the investigative interview.

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

The special agent did not timely inform the OIG that the officer's attorney informed the special agent that the officer changed his statement after the investigative interview.

- Was the investigation thorough and appropriately conducted?

The special agent failed to conduct a second interview of the officer or attempt to interview a critical witness.

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

The department attorney was not adequately prepared to discuss the investigative findings, delaying the conference nine days, and then improperly advised the hiring authority there was no evidence of misconduct.

- If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?

The hiring authority could not determine the dishonesty allegation until the special agent provided the receipt for the officer's visit to the gun range, which the special agent omitted from the investigative report.

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

The department attorney neglected to inform the OIG that the officer's attorney advised that the officer was changing his statement after the investigative interview and did not timely consult regarding conducting a second interview.

Disposition

The hiring authority sustained the allegations, except that the officer brandished a weapon, and rejected the officer during his probationary period. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

NORTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Insufficient
The department did not comply with policies and procedures governing the disciplinary process because the department attorney failed to properly advise the hiring authority and drafted a legally insufficient rejection during probation. The department attorney also delayed the penalty conference because she was not adequately prepared.	
Assessment Questions	
<ul style="list-style-type: none"> Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations? <i>The department attorney was not adequately prepared to discuss the investigative findings, delaying the conference nine days, and then improperly advised the hiring authority there was no evidence of misconduct and recommended no action be taken.</i> Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM? <i>The department attorney prepared a legally insufficient draft rejection during probation because the draft cited inapplicable law, failed to reference applicable policies, included superfluous statements that minimized the officer's misconduct, and incorrectly narrowed the scope of misconduct.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-03-27	16-1328-IR	1. Neglect of Duty 2. Other Failure of Good Behavior	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Direct Action (No Subject Interview)

Incident Summary

On March 27, 2016, an officer allegedly threw a candle at her son, striking him on the leg, and allegedly failed to cooperate with outside law enforcement.

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-04-02	16-1707-IR	1. Threat/Intimidation 2. Weapons 3. Discourteous Treatment	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary

On April 2, 2016, an officer allegedly pointed a Mini-14 rifle at an inmate and in an unsafe direction, and used profane language towards the inmate.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not conduct the investigative findings conference in a timely manner and the department attorney did not appear at the originally scheduled consultation.	

NORTH REGION

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on June 1, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 15, 2016, 44 days thereafter. The consultation was originally scheduled for July 12, 2016, but the department attorney did not appear, causing it to be rescheduled to July 15, 2016.

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

The department did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority sustained allegations that the officer pointed the Mini-14 rifle in an unsafe direction and threatened the inmate when he pointed the rifle at the inmate, but not the remaining allegation, and dismissed the officer. The OIG concurred. At the *Skelly* hearing, the officer provided information that after the incident and prior to receiving his disciplinary action, he worked in the in-service training unit under the supervision of the training sergeant who provided additional training and administered multiple tests challenging the officer's knowledge of the use-of-force policy. The sergeant represented that the officer's knowledge and application of the use-of-force policy significantly improved and the misconduct was not likely to recur. Based on this information, the department entered into a settlement agreement reducing the penalty to a ten-working-day suspension followed by a salary reduction of 10 percent for 25 months. The OIG concurred based on the new information.

Disciplinary Assessment

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

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not appear at the originally scheduled consultation, neglected to provide written confirmation of penalty discussions, did not include all sustained allegations in the disciplinary action, and failed to adequately cooperate with the OIG.

NORTH REGION

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on June 1, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until July 15, 2016, 44 days thereafter. The consultation was originally scheduled for July 12, 2016, but the department attorney did not appear, causing it to be rescheduled to July 15, 2016.
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

The department attorney did not provide written confirmation of the penalty discussions to the hiring authority or the OIG.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

The department attorney did not provide the OIG with a copy of the draft disciplinary action until after the department served the disciplinary action on the officer.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The draft disciplinary action did not include all of the allegations the hiring authority sustained.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

The first disciplinary action served on the officer did not contain all of the allegations the hiring authority sustained, causing the department attorney to draft and serve an amended disciplinary action.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?

The department attorney failed to provide the OIG with a draft disciplinary action before it was served on the officer and failed to respond to multiple requests for a document.
- Was the disciplinary phase conducted with due diligence by the department?

The department did not conduct the disciplinary findings conference in a timely manner.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-04-30	16-1742-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Letter of Reprimand	Letter of Reprimand

Case Type: Direct Action with Subject Only Interview

Incident Summary

On April 30, 2016, an officer allegedly deployed pepper spray at an inmate's face from a distance of three feet even though the inmate posed no threat. On May 5, 2016, the officer was allegedly dishonest in his report regarding the incident.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations, except for dishonesty, and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-05-28	16-1755-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On May 28, 2016, an officer allegedly assaulted a taxi driver with a knife.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs made an inappropriate initial determination regarding the case and the department attorney incorrectly assessed the deadline for taking disciplinary action. The form documenting the investigative findings contained incorrect information.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs inappropriately decided not to interview the officer despite the seriousness of the allegation and even though the officer had not given a statement or prepared a report regarding the incident.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney incorrectly assessed the deadline for taking disciplinary action as May 27, 2017, when the deadline was actually May 31, 2017.
- Was the CDCR Form 402 documenting the findings properly completed?
The form identified an incorrect deadline for taking disciplinary action.

Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-06-22	16-1846-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 22, 2016, an officer was arrested by outside law enforcement after he allegedly engaged in a verbal and physical altercation with his daughter.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs made an inappropriate determination regarding the hiring authority's request and the department attorney did not enter critical dates in the case management system.

NORTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The Office of Internal Affairs refused to open an administrative investigation even though the statements the officer and his son gave outside law enforcement differed dramatically from the statements the officer's wife and daughter gave.

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

The department attorney did not make an entry into the case management system confirming the relevant dates.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-07-08	16-1855-IR	1. Driving Under the Influence 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On July 8, 2016, an officer allegedly drove while under the influence alcohol, collided with another vehicle, fled the scene at a high rate of speed, and then collided with multiple vehicles, causing one death.

Predisciplinary Assessment

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

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

Disposition

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

Disciplinary Assessment

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

The department did not comply with procedures governing the disciplinary process because the department did not timely serve the disciplinary action.

Assessment Questions

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

The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The disciplinary findings conference was held on September 8, 2016; however, the department did not serve the disciplinary action until October 11, 2016, 33 days later.

NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-08-04	16-1897-IR	1. Controlled Substance	1. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 4, 2016, an officer allegedly tested positive for marijuana.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the department attorney did not enter critical dates in the case management system.

Assessment Questions

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

The department attorney did not make any entry into the case management system confirming relevant dates.

Disposition

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

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-08-20	16-1997-IR	1. Neglect of Duty 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On August 20, 2016, a sergeant was arrested after he allegedly assaulted his wife. The sergeant also allegedly failed to report his arrest to the hiring authority.

Predisciplinary Assessment

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

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

Disposition

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

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-08-31	15-2184-IR	<ol style="list-style-type: none"> Dishonesty Neglect of Duty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Sustained Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On August 31, 2013, a parole agent allegedly failed to submit a travel pass for a lifer parolee traveling to another state. Between September 10, 2014, and July 31, 2015, the parole agent allegedly falsely documented drug tests and home and work visits which had not been conducted and failed to make required unannounced visits to a parolee's home.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations, except the allegation relating to the travel pass, and served the parole agent with a notice of dismissal. The OIG concurred. However, the parole agent resigned prior to the effective date of the disciplinary action. The hiring authority placed a letter in the parole agent's official personnel file indicating she resigned pending disciplinary action.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-12-01	16-1221-IR	<ol style="list-style-type: none"> Dishonesty Sexual Misconduct Over-Familiarity Failure to Report Sexual Misconduct Over-Familiarity Insubordination/Willful Disobedience 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained Not Sustained Not Sustained Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between December 1, 2013, and April 10, 2014, an officer allegedly engaged in a sexual relationship with an inmate. Between April 1, 2014, and July 30, 2014, the officer allegedly engaged in a sexual relationship with a second inmate. Between January 1, 2015, and March 30, 2015, the officer allegedly engaged in a sexual relationship with a third inmate. On August 11, 2014, the officer allegedly instructed a fourth inmate to dispose of two mobile phones and clothing purportedly soiled with evidence of sexual conduct and failed to report that the inmate had disclosed being in possession of the items. On June 24, 2016, the officer allegedly failed to appear for his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations, except as related to the third inmate and failing to appear for his interview, and dismissed the officer. The OIG concurred. The officer resigned prior to the effective date of the disciplinary action. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2014-11-12	16-1048-IR	<ol style="list-style-type: none"> Dishonesty Over-Familiarity Controlled Substance Misuse of Authority 	<ol style="list-style-type: none"> Sustained Sustained Sustained Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

Between November 12, 2014, and November 23, 2015, a parole agent allegedly used his position to obtain for his personal use some of a parolee's prescribed hydrocodone and morphine tablets, possessed the hydrocodone and morphine without a valid prescription, gave the parolee bus and travel passes, money, and gift cards in exchange for the parolee's prescribed medication, and falsified financial aid forms for another parolee to obtain items also used to purchase the prescribed medication. On December 2, 2015, the parole agent was allegedly dishonest during his interview with the Office of Internal Affairs.

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

Disposition

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-03-27	16-0124-IR	<ol style="list-style-type: none"> Dishonesty Dishonesty Failure to Report Use of Force 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 	Dismissal	Dismissal

Case Type: **Administrative Investigation**

Incident Summary

On March 27, 2015, a sergeant allegedly failed to report force he used on an inmate. On November 9, 2015, and March 18, 2016, the sergeant allegedly submitted memoranda falsely claiming to have been injured while using the force. On April 26, 2016, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

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

Disposition

The hiring authority sustained all allegations, except for failing to report a use of force and a duplicate dishonesty allegation, and dismissed the sergeant. The OIG concurred. However, the sergeant retired before the disciplinary action took effect. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action.

SOUTH REGION

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-06-03	16-0772-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On June 3, 2015, a superintendent allegedly made an agreement with a ward that criminal charges against the ward for assaulting another ward would not be referred to the district attorney's office if the ward cooperated in an unrelated criminal investigation of a youth counselor.

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-20	16-1748-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On July 20, 2015, a senior youth counselor allegedly failed to obtain supervisor approval before issuing an officer a written work improvement discussion. On July 23, 2015, the senior youth counselor allegedly failed to inform the supervisor he already issued the written work improvement discussion after the supervisor instructed him not to do so. On February 25, 2016, the senior youth counselor allegedly told the supervisor he did not provide the written work improvement discussion when he actually had.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The department attorney delayed assessing the deadline for taking disciplinary action and the special agent did not enter complete information in the case management system.	

SOUTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on March 1, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 17, 2016, 77 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney was assigned June 22, 2016, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until July 18, 2016, 26 days after assignment.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system regarding whether the senior youth counselor supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority found insufficient evidence to sustain the allegations but issued a letter of instruction to address the proper procedure for issuing written work improvement discussions. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-07-29	15-2395-IR	1. Discrimination/Harassment 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On July 29, 2015, a sergeant allegedly told an officer that a federal law enforcement agency would arrest him and his family. On August 3, 2015, the sergeant allegedly told three other officers that they were violating the law by their actions without specifying the actions and without providing guidance to correct the behavior, and was discourteous to the officers. From August 3, 2015, through August 11, 2015, the sergeant allegedly retaliated against the first officer and two of the other three officers after they reported the sergeant's actions.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority delayed referring the matter to the Office of Internal Affairs. The special agent neglected to enter complete information in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on July 31, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 14, 2015, 75 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs.

SOUTH REGION

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur with the hiring authority's determination regarding the allegation of discourteous treatment toward one of the officers but did not seek a higher level of review because the hiring authority relied upon a reasonable alternative interpretation of the sergeant's actions.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-08-05	15-1826-IR	<ol style="list-style-type: none"> 1. Discourteous Treatment 2. Dishonesty 3. Battery 4. Weapons 	<ol style="list-style-type: none"> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 	Letter of Reprimand	Letter of Reprimand

Case Type: **Administrative Investigation**

Incident Summary

On August 5, 2015, a parole agent with a loaded firearm allegedly angrily confronted three repossession agents who were lawfully repossessing the parole agent's personal vehicle, pointed the firearm at the head of one of the agents, pushed the same individual against the vehicle, and was dishonest to outside law enforcement.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the special agent did not adequately prepare for and interview the parole agent, did not enter complete information in the case management system, did not properly prepare the draft and final investigative reports, and did not obtain all relevant evidence. The department attorney inappropriately advised the hiring authority regarding the sufficiency of the evidence and the hiring authority did not make proper findings regarding the case.

SOUTH REGION

Assessment Questions

- Were all of the interviews thorough and appropriately conducted?

The special agent did not adequately interview the parole agent to determine his justification for the level of force used, necessitating a second interview. The special agent did not inform witnesses of perceived conflicts between statements documented in outside law enforcement reports and statements provided to the Office of Internal Affairs so that the witnesses could address the perceived conflicts. Also, the special agent did not review and was not familiar with the department's parole agent weapons policy prior to conducting the first interview of the parole agent.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system regarding whether the parole agent supported, refuted, denied, or admitted the allegations.

- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?

The draft investigative report highlighted inconsistent statements by the repossession agents but did not do so regarding the conflicting statements of the parole agent's spouse and the report contained investigator notes used to present persuasive arguments and opinions.

- Was the final investigative report thorough and appropriately drafted?

The final investigative report highlighted inconsistent statements by the repossession agents but did not do so regarding the conflicting statements of the parole agent's spouse and the report contained investigator notes used to present persuasive arguments and opinions.

- Was the investigation thorough and appropriately conducted?

The special agent did not adequately interview the parole agent regarding his justification for brandishing a firearm, did not interview neighbors despite a repossession agent stating that she observed a neighbor watching the incident, failed to timely attempt to obtain a potential video recording of the incident, and did not obtain an available emergency services telephone recording until prompted by the OIG. The special agent did not review and familiarize himself with the department's parole agent weapons policy until prompted by the OIG.

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

The department attorney inappropriately advised the hiring authority there was insufficient evidence to sustain any allegations, that the parole agent's brandishing of the firearm at the repossession agents did not violate the department's weapons policy for parole agents or state law, incorrectly advised the hiring authority that the repossession agents were not credible, and advised against seeking potential evidence the repossession agents identified as corroborative of their statements.

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

The hiring authority inappropriately failed to sustain allegations that the parole agent pointed a handgun at a repossession agent and pushed the repossession agent against a vehicle.

Disposition

The hiring authority sustained an allegation of discourteous treatment, but not the remaining allegations, and imposed a letter of reprimand. The OIG concurred except as to the decision to not sustain the allegations for assault with a firearm and battery, but did not seek a higher level of review because the penalty for the sustained allegation was within the department's guidelines. The parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent agreeing to remove the letter of reprimand from the parole agent's official personnel file after two years. The OIG did not concur because the department did not identify any new evidence, flaws, or risks justifying the modification, but did not seek a higher level of review because the modification did not significantly change the overall penalty.

Disciplinary Assessment

Procedural Rating: Insufficient
Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not provide appropriate legal advice or prepare sufficient draft and final disciplinary actions. Also, the hiring authority did not appropriately determine the causes for discipline or impose an appropriate penalty, and inappropriately modified the penalty.

SOUTH REGION

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

At the first consultation, the department attorney wrongly advised the hiring authority the parole agent's actions did not constitute misconduct and recommended no penalty. At a second consultation, the department attorney wrongly recommended a letter of reprimand instead of a salary reduction or suspension.
- Did the HA who participated in the disciplinary conference select the appropriate Employee Disciplinary Matrix charges and causes for discipline?

The hiring authority inappropriately failed to sustain allegations for brandishing a firearm and battery.
- Did the HA who participated in the disciplinary conference select the appropriate penalty?

The hiring authority imposed a letter of reprimand because she did not sustain allegations for brandishing a firearm and battery, which would have warranted a salary reduction or suspension.
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

The department attorney failed to include pertinent eyewitness statements that supported the allegation for inappropriate display of a firearm.
- Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?

Despite the OIG's recommendation, the department attorney failed to include pertinent eyewitness statements that supported the allegation for inappropriate display of a firearm.
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

The department did not identify any new evidence, flaws, or risks justifying the modification.
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?

The OIG did not concur with the decision to reduce the parole agent's penalty because the department did not identify any new evidence, flaws, or risks justifying the modification.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-03	15-2582-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On September 3, 2015, a sergeant and an officer allegedly falsely claimed overtime for transporting an inmate to an outside hospital when, in fact, they returned to the institution prior to the end of their shifts. On April 8, 2016, the officer was allegedly dishonest during his interview with the Office of Internal Affairs. On April 25, 2016, the sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner, the department attorney did not make a required entry into the case management system, the hiring authority and the hiring authority's supervisor failed to sustain any allegations despite sufficient evidence, and the department delayed conducting the investigation. The delay prevented the OIG and the department attorney from seeking a higher level of review. The special agent did not make a critical entry in the case management system. Also, the underlying incident took place on September 3, 2015. On December 8, 2015, the Office of Internal Affairs assigned a special agent to conduct the investigation, but he did not conduct the first interview until April 8, 2016.

SOUTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on September 3, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 16, 2015, 74 days after the date of discovery.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The department attorney did not make any entry into the case management system confirming relevant dates.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the sergeant and officer supported, refuted, denied, or admitted the allegations.
- Did the HA who participated in the findings conference appropriately determine the investigative findings for each allegation?
The hiring authority incorrectly evaluated the sufficiency of the evidence and did not sustain any allegations.
- If an executive review was invoked, was the appropriate decision made?
The hiring authority's supervisor also failed to sustain any allegations despite sufficient evidence to do so.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs delayed conducting the investigation, preventing the OIG and the department attorney from seeking a higher level of review.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the decision to not sustain that the officer was dishonest during his interview with the Office of Internal Affairs. However, neither the department attorney nor the OIG concurred with the other determinations. The department attorney elevated the matter to the hiring authority's supervisor. At the higher level of review, the hiring authority's supervisor also determined there was insufficient evidence to sustain any of the allegations. The OIG did not concur but the deadline for taking disciplinary action prevented the OIG from seeking a higher level of review.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-09-11	16-0196-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Suspension	Suspension

Case Type: **Administrative Investigation**

Incident Summary

On September 11, 2015, a sergeant allegedly failed to keep an accurate armory inventory resulting in 500 rounds of ammunition being misplaced and was allegedly dishonest to another sergeant when he said the rounds had been used for firearms training.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegation that the sergeant failed to keep an accurate armory inventory, but not that he was dishonest, and imposed a 24-working-day suspension. The OIG concurred with the hiring authority's determinations. However, the sergeant retired before the disciplinary action took effect. The hiring authority placed a letter in the sergeant's official personnel file indicating the sergeant retired pending disciplinary action.

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-10-12	16-0774-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On October 12, 2015, four officers allegedly failed to decontaminate two inmates from the effects of pepper spray, falsely advised a lieutenant the inmates refused to be decontaminated, and falsely documented in their reports they had decontaminated the inmates.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not enter all case activity in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on October 12, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 10, 2016, 121 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officers supported, refuted, admitted, or denied the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-13	16-0274-IR	1. Discourteous Treatment 2. Dishonesty 3. Insubordination/Willful Disobedience	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Instruction	Letter of Instruction

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

Between November 13, 2015, and November 14, 2015, an officer who received a threat allegedly returned to the facility from which the threat emanated in violation of a captain's order and falsely told a lieutenant he was authorized to return to the facility. On November 15, 2015, the officer was allegedly discourteous to a sergeant when discussing the matter and concluded the conversation by hanging up the telephone.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegation the officer was discourteous, but not the remaining allegations, and issued a letter of instruction. The OIG concurred.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department did not comply with procedures governing the disciplinary process because the employee relations officer did not provide the OIG with a draft of the letter of instruction prior to serving the officer.</p>	
Assessment Questions <ul style="list-style-type: none"> Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase? <i>The employee relations officer failed to provide the letter of instruction to the OIG for review prior to serving the officer.</i> 	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-11-16	16-0688-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation
Incident Summary <p>On November 16, 2015, a sergeant allegedly failed to document that he used scissors to cut a shirt off an inmate and dishonestly documented that the inmate did not resist when the shirt was cut.</p>

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
<p>The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. Also, the special agent did not enter complete information in the case management system.</p>	
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on November 19, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 4, 2016, 77 days after the date of discovery.</i> Did the special agent appropriately enter case activity in the case management system? <i>The special agent did not enter a summary in the case management system indicating whether the sergeant supported, refuted, denied, or admitted the allegations.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner.</i> 	

Disposition <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>
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Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-01	16-0773-IR	1. Dishonesty 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: Administrative Investigation
Incident Summary <p>On December 1, 2015, three officers were allegedly dishonest when they each signed a holding cell log book with inaccurate information. A sergeant was allegedly dishonest when he approved the inaccurate entries. On December 1, 2015, and December 6, 2015, a lieutenant allegedly made false entries in a holding cell log book. On December 8, 2015, the lieutenant allegedly improperly told an officer to rewrite a report rather than ask the officer to prepare a clarification report.</p>

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and did not conduct the investigative findings conference in a timely manner. Also, the special agent did not enter critical interview information into the case management system.

Assessment Questions

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

The department learned of the alleged misconduct on December 5, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 10, 2016, 67 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the lieutenant, sergeant, and officers supported, refuted, denied, or admitted the allegations.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

The Office of Internal Affairs returned the case to the hiring authority on August 16, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 18, 2016, 63 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?

The hiring authority delayed referring the matter to the Office of Internal Affairs and did not conduct the investigative findings conference in a timely manner.

Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred. However, the hiring authority identified a systemic problem of lieutenants improperly requesting new incident reports in lieu of clarification reports to address ambiguities or discrepancies. Therefore, the hiring authority provided training to all lieutenants regarding their role as incident commanders, which included the duty to adhere to proper incident report writing procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2015-12-09	16-0997-IR	1. Neglect of Duty 2. Misuse of Authority 3. Insubordination/Willful Disobedience 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Letter of Reprimand	Letter of Instruction

Case Type: Administrative Investigation

Incident Summary

On December 9, 2015, a lieutenant allegedly failed to respond to an alarm and properly house inmates in a timely manner. On December 20, 2015, the lieutenant allegedly changed an officer's report without the officer's knowledge and ordered the officer to sign the report. On December 26, 2015, the lieutenant allegedly failed to follow a captain's order to provide a memorandum.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent did not provide the draft investigative report to the OIG. Also, the special agent neglected to enter critical information in the case management system.

SOUTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on December 20, 2015, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 4, 2016, 75 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the lieutenant supported, refuted, denied, or admitted the allegations.
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?
The special agent did not provide a draft copy of the investigative report to the OIG.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

Disposition

The hiring authority sustained allegations for failing to properly house inmates and correcting an officer's report without the officer's input, but not the remaining allegations, and imposed a letter of reprimand. The OIG concurred. At the *Skelly* hearing, the lieutenant produced evidence showing he properly followed his superior's order regarding housing inmates and that he corrected the report based upon information the officer provided. Based on the new evidence, the hiring authority withdrew the disciplinary action and issued a letter of instruction. The OIG concurred based on the factors learned at the *Skelly* hearing.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-01-22	16-0771-IR	1. Disclosure of Confidential Information 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On January 22, 2016, an investigative services unit officer allegedly disclosed confidential information to an inmate regarding a criminal investigation of the inmate, potentially jeopardizing another inmate's safety.

Predisciplinary Assessment

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

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

Disposition

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-01-26	16-0923-IR	1. Discrimination/Harassment 2. Misuse of Authority	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On January 26, 2016, a supervising parole agent allegedly issued inappropriate corrective action to a parole agent in retaliation for the parole agent's misconduct allegations against the supervising parole agent. A district administrator allegedly allowed the inappropriate corrective action to be issued in retaliation for the parole agent also filing a complaint against the district administrator.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-01-27	16-1173-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Reprimand	Letter of Instruction

Case Type: **Administrative Investigation**

Incident Summary

On January 27, 2016, a lieutenant was allegedly dishonest when he denied being informed that an inmate had made threats against an officer, failed to place the inmate in administrative segregation, and failed to review and sign holding cell logs. On January 30, 2016, a sergeant allegedly wrote a memorandum falsely stating he had informed the lieutenant of the threat against the officer. On February 1, 2016, a captain allegedly forwarded the sergeant's memorandum, which contradicted the lieutenant's statements, to the lieutenant.

Predisciplinary Assessment

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

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not enter all appropriate activity in the case management system.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on January 27, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 23, 2016, 56 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the captain, lieutenant, and sergeant supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority did not timely refer the matter to the Office of Internal Affairs.

SOUTH REGION

Disposition The hiring authority sustained the allegation against the lieutenant for failing to sign the holding cell logs, but not the other allegations, and imposed a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the captain and the sergeant. The OIG concurred with the hiring authority's determinations. At the <i>Skelly</i> hearing, the lieutenant presented a local policy that did not require signing the holding cell logs under certain circumstances. Based on the new information, the hiring authority modified the penalty to a letter of instruction. The OIG concurred based on the factors learned at the <i>Skelly</i> hearing.	
Disciplinary Assessment	Procedural Rating: Sufficient Substantive Rating: Sufficient
The department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-03	16-0999-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary
 On February 3, 2016, an officer allegedly sexually assaulted and physically abused his wife.

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-18	16-1659-IR	1. Dishonesty 2. Unreasonable Use of Force 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary
 On February 18, 2016, an officer allegedly grabbed an inmate's neck, pushed the inmate, and submitted a false report regarding the incident.

Predisciplinary Assessment	Procedural Rating: Insufficient Substantive Rating: Sufficient
The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not enter all activity in the case management system.	

SOUTH REGION

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on February 18, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 3, 2016, 75 days after the date of discovery.
- Did the special agent appropriately enter case activity in the case management system?
The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The hiring authority failed to timely refer the matter to the Office of Internal Affairs.

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-02-24	16-1702-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	Suspension

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On February 24, 2016, an officer was arrested after he allegedly peeked into the window of a female neighbor's home.

Predisciplinary Assessment

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

The department did not comply with policies and procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult with the OIG and the Office of Internal Affairs refused to open a full investigation.

Assessment Questions

- Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery?
The department learned of the alleged misconduct on February 25, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 11, 2016, 76 days after the date of discovery.
- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The OIG disagreed with the Office of Internal Affairs' decision to not open a full investigation because a witness indicated the officer had committed additional inappropriate acts. The OIG elevated the matter to an Office of Internal Affairs manager who also decided that an investigation was not warranted.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on June 1, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 29, 2016, 28 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department failed to timely refer the matter to the Office of Internal Affairs and timely consult with the OIG.

Disposition

The hiring authority sustained the allegation and imposed a ten-working-day suspension. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

SOUTH REGION

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient
Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2016-02-26	16-1281-IR	<ol style="list-style-type: none"> Dishonesty Dishonesty Neglect of Duty 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained 		

Case Type: **Direct Action with Subject Only Interview**

Incident Summary

On February 26, 2016, a parole agent allegedly instructed a parolee to urinate behind a dumpster in order to provide a urine sample for mandated testing. On March 8, 2016, the parole agent was allegedly dishonest to a supervising parole agent and to another parole agent regarding the incident.

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Insufficient
The department's handling of the pre-disciplinary process was substantively insufficient because the department attorney provided inappropriate legal advice to the hiring authority.	

Assessment Questions

- Did the department attorney provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?
The department attorney inappropriately advised the hiring authority that insufficient evidence existed to sustain any allegations.

Disposition

The hiring authority sustained allegations the parole agent was dishonest to a supervising parole agent, but not the remaining allegations, and selected a 10 percent salary reduction for 24 months as the penalty. Given inconsistencies in the evidence, the OIG concurred with the hiring authority's determinations. However, the parole agent retired before disciplinary action could be imposed. The hiring authority placed a letter in the parole agent's personnel file indicating she retired pending disciplinary action.

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL No Penalty Imposed	FINAL No Penalty Imposed
2016-02-29	16-1731-IR	<ol style="list-style-type: none"> Unreasonable Use of Force Neglect of Duty 	<ol style="list-style-type: none"> Not Sustained Not Sustained 		

Case Type: **Administrative Investigation**

Incident Summary

On February 29, 2016, an officer allegedly unnecessarily deployed pepper spray to an inmate's face and punched a second inmate in the face when the second inmate questioned the officer regarding his use of pepper spray. On March 1, 2016, the officer allegedly submitted an incomplete report regarding the incident.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient
The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The special agent did not make complete entries in the case management system.	

SOUTH REGION

Assessment Questions

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

The department learned of the alleged misconduct on February 29, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 9, 2016, 70 days after the date of discovery.

- Did the special agent appropriately enter case activity in the case management system?

The special agent did not enter a summary in the case management system indicating whether the officer supported, refuted, denied, or admitted the allegations.

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Salary Reduction
2016-03-13	16-1402-IR	<ol style="list-style-type: none"> Other Failure of Good Behavior Dishonesty Battery Assault Failure to Report 	<ol style="list-style-type: none"> Sustained Not Sustained Not Sustained Not Sustained Not Sustained 		

Case Type: **Administrative Investigation**

Incident Summary

On March 13, 2016, a parole agent allegedly trespassed into a private home, assaulted and battered the occupant, and was dishonest to outside law enforcement. On March 14, 2016, the parole agent was allegedly dishonest to a supervising parole agent regarding the incident and on March 15, 2016, was allegedly dishonest in a memorandum to a supervising parole agent regarding the incident.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the trespassing allegation, but not the remaining allegations, and determined that a 5 percent salary reduction for six months was the appropriate penalty. The OIG concurred. However, the parole agent resigned before disciplinary action could be imposed. The hiring authority placed a letter in the parole agent's official personnel file indicating he resigned pending disciplinary action.

Disciplinary Assessment

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

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

SOUTH REGION

Incident Date 2016-03-30	OIG Case Number 16-1730-IR	Allegations 1. Driving Under the Influence 2. Other Failure of Good Behavior	Findings 1. Sustained 2. Sustained	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction

Case Type: Direct Action (No Subject Interview)

Incident Summary
 On March 30, 2016, an officer was arrested for allegedly driving her vehicle while under the influence of alcohol with her four-year-old son in the vehicle.

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Insufficient

The department did not comply with policies and procedures governing the pre-disciplinary process because the Office of Internal Affairs made an inappropriate initial determination and the hiring authority did not timely consult with the OIG. The employee relations officer did not make any entry into the case management system confirming relevant dates.

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?
The Office of Internal Affairs inappropriately refused to interview the officer despite the seriousness of the allegations and the fact she had not given a statement or prepared a report.
- Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?
The employee relations officer did not make any entry into the case management system confirming relevant dates.
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?
The Office of Internal Affairs returned the case to the hiring authority on June 8, 2016. However, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and the investigative findings until September 9, 2016, 93 days thereafter.
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?
The department delayed conducting the investigative findings conference.

Disposition
 The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. At the *Skelly* hearing, the officer displayed remorse for her actions, elected to participate in additional alcohol awareness classes beyond what the court ordered, and agreed to use alternative transportation after drinking any alcoholic beverages. Based on the factors learned at the *Skelly* hearing, the hiring authority reached a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 18 months. The OIG concurred based on the factors learned at the *Skelly* hearing and the officer's efforts to prevent recurrence.

Disciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the employee relations officer did not adequately cooperate with the OIG.

SOUTH REGION

Assessment Questions

- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?
The Office of Internal Affairs returned the case to the hiring authority on June 8, 2016. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until September 9, 2016, 93 days thereafter.
- Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?
The employee relations officer did not provide the OIG with a draft of the disciplinary action.
- Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?
The employee relations officer did not provide the draft of the disciplinary action to the OIG.
- Was the disciplinary phase conducted with due diligence by the department?
The hiring authority did not timely consult with the OIG regarding the disciplinary determinations.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-04-04	16-1740-IR	1. Assault	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

Case Type: **Administrative Investigation**

Incident Summary

On April 4, 2016, an associate warden allegedly physically assaulted his girlfriend, an office technician.

Predisciplinary Assessment

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

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

Disposition

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-04-06	16-1529-IR	1. Driving Under the Influence	1. Sustained	Salary Reduction	Modified Salary Reduction

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On April 6, 2016, an officer allegedly drove a vehicle while under the influence of alcohol, struck a light pole, and fled the scene.

Predisciplinary Assessment

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

The department's handling of the pre-disciplinary process was substantively insufficient because the Office of Internal Affairs made an inappropriate initial determination. The employee relations officer did not make any entry into the case management system confirming relevant dates.

SOUTH REGION

Assessment Questions

- Did the Office of Internal Affairs make an appropriate initial determination regarding the case?

The Office of Internal Affairs refused to add an allegation that the officer fled the scene despite evidence supporting the allegation and did not approve an investigation even though additional witnesses and evidence were available to prove or disprove the allegations.

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

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

Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 36 months. The OIG did not concur. At the *Skelly* hearing, the officer expressed remorse and the hiring authority learned that the officer did not attempt to leave the scene of the collision. The hiring authority entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 24 months. The OIG concurred based on the new information.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-04-08	16-1862-IR	1. Other Failure of Good Behavior	1. Sustained	Suspension	Suspension

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On April 8, 2016, a parole agent suffered a conviction for violating a restraining order against another parole agent and allegedly failed to timely notify the department of the conviction.

Predisciplinary Assessment

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

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

Disposition

The hiring authority sustained the allegations and imposed a one-working-day suspension. The OIG concurred. The parole agent did not file an appeal with the State Personnel Board.

Disciplinary Assessment

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

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-06-27	16-1816-IR	1. Controlled Substance	1. Sustained	Dismissal	Dismissal

Case Type: **Direct Action (No Subject Interview)**

Incident Summary

On June 27, 2016, an officer allegedly tested positive for marijuana.

SOUTH REGION

Predisciplinary Assessment	Procedural Rating: Insufficient
	Substantive Rating: Sufficient

The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely conduct the investigative findings conference.

Assessment Questions

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

The Office of Internal Affairs returned the case to the hiring authority on July 27, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 31, 2016, 35 days thereafter.

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

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

Disposition

The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. However, the officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he retired under unfavorable circumstances.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2016-07-10	16-1836-IR	1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal

Case Type: Administrative Investigation

Incident Summary

On July 10, 2016, an officer was allegedly overly familiar with an inmate and endangered herself and others by allowing the inmate into a control booth. The officer also allegedly falsely documented that she did not release the inmate from his cell.

Predisciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

Disposition

The hiring authority sustained the allegations and decided to dismiss the officer. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's personnel file indicating she resigned pending disciplinary action.

Disciplinary Assessment	Procedural Rating: Sufficient
	Substantive Rating: Sufficient

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

SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL No Penalty Imposed	FINAL No Penalty Imposed
2016-07-21	16-2009-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
Case Type: Direct Action (No Subject Interview)					
Incident Summary On July 21, 2016, outside law enforcement arrested a youth counselor after he allegedly pushed and cursed at his wife.					
Predisciplinary Assessment The department did not comply with procedures governing the pre-disciplinary process because the hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conference and the department attorney did not make a required entry into the case management system.				Procedural Rating: Insufficient Substantive Rating: Sufficient	
Assessment Questions <ul style="list-style-type: none"> Was the matter referred to the Office of Internal Affairs within 45 calendar days of the date of discovery? <i>The department learned of the alleged misconduct on July 25, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 10, 2016, 77 days after the date of discovery.</i> Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i> Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings? <i>The Office of Internal Affairs returned the case to the hiring authority on October 26, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the investigative findings until December 13, 2016, 48 days thereafter.</i> Did the department conduct the pre-disciplinary/investigative phase with due diligence? <i>The hiring authority failed to timely refer the matter to the Office of Internal Affairs and did not conduct the investigative findings conference in a timely manner.</i> 					
Disposition The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					



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STATE OF CALIFORNIA
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