

Robert A. Barton  
Inspector General

Office of the Inspector General

# SEMI-ANNUAL REPORT

## January–June 2013

### Volume I



October 2013

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

# Office of the Inspector General

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January–June 2013

Volume I



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October 2013

# FOREWORD

This 17<sup>th</sup> Semi-Annual Report covers the time period of January through June 2013. Pursuant to California Penal Code section 6125 et seq., the Office of the Inspector General (OIG) is required to report semi-annually on its oversight of the California Department of Corrections and Rehabilitation's (CDCR or the department) Office of Internal Affairs investigations and the employee discipline process. Traditionally, our semi-annual reports have primarily served this purpose. In addition to its oversight of CDCR's employee discipline process, the Legislature relies on the OIG to use our real-time monitoring model to provide oversight and transparency in several other areas within the state prison system. Therefore, we are now publishing our semi-annual reports in a two-volume format to allow readers to more easily distinguish the various categories of oversight activity.

This is the second report using the two-volume modified format. In the new format, Volume I is a summary of monitored cases in the employee discipline process. Cases are reported at the end of the Investigative "Pre-Disciplinary" Phase and again at the end of the Disciplinary Phase; or, if the matter was resolved entirely within the reporting period, there is a combined assessment. An appendix for each assessment is included in this report. We also include any recommendations made in each phase as we continually strive to add value to the review process. We also assess the sufficiency of each case based on CDCR's overall handling of the case. Our assessment of a case may be based on process, outcome, or both. Since we are assessing the department as a whole, our ratings do not differentiate between entities within the department such as hiring authorities, investigators, or attorneys. However, the reader can determine the cause for a deficiency by reading our assessments in the appendices.

Volume II is a summary of OIG monitoring activities other than employee discipline monitoring. Volume II reports our monitoring and assessment of the department's handling of critical incidents, including its handling of incidents involving deadly force. It also reports our monitoring of CDCR's adherence to its contraband surveillance policy, and our monitoring of use-of-force reviews within the department. Since each of these activities is monitored on an ongoing basis, we have combined them all into one report to be published every six months in this two-volume semi-annual 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](http://www.oig.ca.gov).

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

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# DISCIPLINE MONITORING ACTIVITIES

The Office of the Inspector General's Discipline Monitoring Unit is responsible for monitoring CDCR's employee discipline process. The OIG monitors and assesses the department's internal affairs investigations of alleged employee misconduct as well as the disciplinary decisions related to cases where employee misconduct was sustained and any subsequent appeal. In Volume I, we summarize OIG monitoring activities for both administrative and criminal investigations conducted by the department.

We report cases in two separate phases, the Investigative or "Pre-Disciplinary" Phase and the Disciplinary Phase. If the investigation of a case has concluded, either by submission to the department for disciplinary findings in an administrative case, or to the district attorney's office for review in a criminal case, it is logged into the Investigative Phase table (see appendices). In the Disciplinary Phase, cases are reported once the department has made its decision to impose discipline and after resolution or conclusion of any appeal process. The two phases may be reported in our Combined Phases table if both concluded during the six-month reporting period.

This report provides an assessment of 271 monitored cases the OIG closed during the reporting period of January 1 through June 30, 2013. Most cases monitored by the OIG involve allegations of administrative misconduct. This includes cases for which the department conducted an internal affairs investigation and then determined if disciplinary action was appropriate as well as direct action cases wherein the department determined there was sufficient evidence to impose discipline without an internal affairs investigation or with a subject-only interview.

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

## THE EMPLOYEE DISCIPLINE PROCESS

Whenever the department reasonably believes employee misconduct may have occurred, it is the responsibility of the hiring authority to request an investigation in a timely manner.

The matter is referred to the department's Central Intake Panel, which then determines if an internal affairs investigation is warranted, whether enough information exists for the department to proceed with a disciplinary action without an investigation, if a subject-only interview is needed, or if no further action is warranted. The OIG participates in the Central Intake Panel meetings to monitor the process, provide recommendations on Central Intake Panel determinations, and determine which cases the OIG will accept for monitoring. The following table is the OIG guide for determining which cases we accept for monitoring.

<b>Madrid-Related Criteria</b>	<b>OIG Monitoring Threshold</b>
Use of Force	Use of force resulting in, or which could have resulted in, serious injury or death or discharge of a deadly weapon when the discharge does not constitute a warning shot.
Dishonesty	Perjury; material misrepresentation in an official law enforcement report; failure to report a use of force resulting in, or which could have resulted in, serious injury or death; or material misrepresentation during an internal affairs investigation.
Obstruction	Intimidating, dissuading, or threatening witnesses; retaliation against an inmate or against another person for reporting misconduct; or the destruction or fabrication of evidence.
Sexual Misconduct	Sexual misconduct prohibited by Penal Code section 289.6.
High Profile	Cases involving alleged misconduct by high-ranking department officials; misconduct by any employee causing significant risk to institutional safety and security, or for which there is heightened public interest, or which results in significant injury or death to an inmate, ward, or parolee (excluding medical negligence).
Abuse of Position or Authority	Unorthodox punishment or discipline of an inmate, ward, or parolee; or purposely or negligently creating an opportunity or motive for an inmate, ward, or parolee to harm another inmate, staff, or self, i.e. suicide.
Criminal Conduct	Trafficking of items prohibited by the Penal Code or criminal activity that would prohibit a peace officer, if convicted, from carrying a firearm (all felonies and certain misdemeanors or wobblers such as those involving domestic violence, brandishing a firearm, and assault with a firearm).

Once a case is accepted for monitoring, it is followed through the entire process. If an internal affairs investigation is conducted, the assigned OIG Special Assistant Inspector General consults with the investigators and the department attorney, if one is designated, throughout the process.

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

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

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

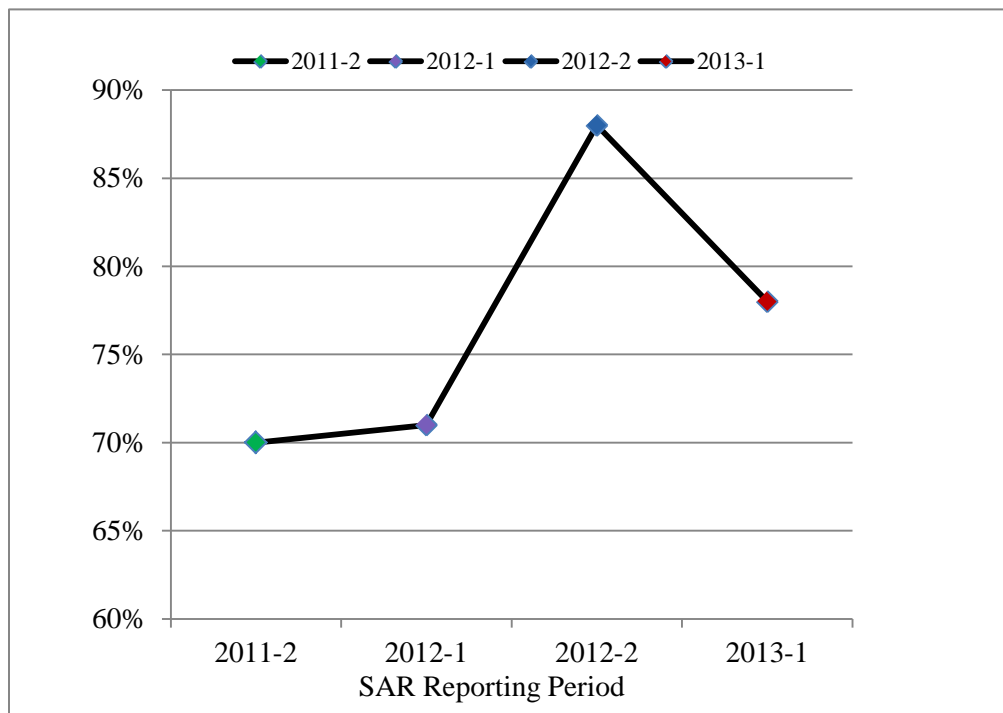


Of the cases being reported this reporting period, the hiring authority timely referred 63 percent to the Central Intake Panel within 45 days. In the second reporting period of 2011, the hiring authority had an 80 percent timely referral rate within 45 days. In the first reporting period of 2012, the hiring authority timely referred 72 percent of reported cases to the Central Intake Panel within 45 days, and in the second reporting period of 2012, timely referred 75 percent of reported cases.

The current reporting period timely referral rate of 63 percent of the cases forwarded to the Central Intake Panel within 45 days represents the lowest rate of the past three reporting periods. Because there is no requisite time frame for submission by hiring authorities, there is no consequence for what appears to be a dilatory trend, other than the negative consequence to the investigative process, which is shortened and then results in potential negative outcomes.

A second area of delay in process with potential for negative impact is within the Office of Internal Affairs. Although departmental policy requires the Central Intake Panel to make a determination on a particular case within 30 days of referral to the Office of Internal Affairs, only 78 percent of the cases closed and reported in this time frame had timely determinations when they went through the Central Intake Panel process. Again, failure to make a timely determination on a case may severely impact the quality of the investigation. In the second reporting period of 2011, 70 percent of cases had timely determinations. In 2012, the Office of Internal Affairs had timely determinations on 71 percent of our reported cases in the first reporting period, and 88 percent in the second reporting period. This reporting period represents a 10 percent decline in timely determinations from the prior reporting period.

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





The OIG has noticed reluctance by the Office of Internal Affairs to include dishonesty allegations in some cases where appropriate despite the OIG's recommendations to include such allegations. Between January 1, 2013, and June 30, 2013, there were eight such cases the OIG recommended should include dishonesty allegations. The Office of Internal Affairs Central Intake Panel was reluctant to add the allegation or, in some cases, removed a dishonesty allegation requested by the hiring authority.

Frequently, the Central Intake Panel argues the hiring authority can add dishonesty subsequent to the investigation when determining the allegations and penalty; however, hiring authorities defer to the central intake process to make those types of determinations pursuant to departmental policy. As a result, hiring authorities do not routinely add allegations, especially dishonesty, if such were not already approved by the Office of Internal Affairs. Additionally, failure by the Central Intake Panel to add dishonesty allegations results in an investigation that does not address the factors needed to sustain or absolve an officer of a charge of dishonesty. In one of the eight cases, an officer signed another officer's name and identification number on the employee attendance record. This was the only one of the eight cases where the hiring authority added a dishonesty allegation during the Disciplinary Phase even though the Office of Internal Affairs refused to allege dishonesty at the Central Intake Panel.

The Office of Internal Affairs Central Intake Panel is reluctant to add dishonesty allegations and instead alleges "neglect of duty." Calling dishonesty "neglect of duty" is sophistry at its worst. Three such cases involved falsification of official documents, including two cases of falsification of time records. In one such case, a certified nurse assistant wrote on her employee attendance record that she had worked when other departmental logs documented that she had left early or did not work at all.

In another case involving falsification of official documents, the Office of Internal Affairs initially refused to add dishonesty when an officer documented in an official report that she never left an inmate during a double-escort when she had in fact left the escort. As a result of the officer leaving the escort, the inmate assaulted the remaining officer. The Office of Internal Affairs ultimately agreed to add a dishonesty allegation after the OIG's insistence arguing the seriousness of events. This was the only case in which the OIG was able to prevail upon the Central Intake Panel to do so.

Five other cases involved conduct even more clearly dishonest. In one case, a sergeant and lieutenant falsified a performance report for an officer to present as mitigating evidence at his *Skelly* hearing. The hiring authority included a dishonesty allegation when submitting the matter to the Office of Internal Affairs; however, the Office of Internal Affairs decided to change the allegation from dishonesty to simple neglect of duty. Another case involved an electrician who copied monthly logbook entries from one month into the next month's logbook. There was no question about the facts, but dishonesty was not alleged. The sixth case involved a materials and stores supervisor who was found in a canteen with the door closed and windows covered. When the materials and stores supervisor opened the door, there was cigarette smoke in the room. A search discovered cigarette ashes in the staff restroom. When submitting the matter to the Office of Internal Affairs, the hiring authority alleged dishonesty for the supervisor denying he had been smoking. The Office of Internal Affairs struck the dishonesty allegation.

A seventh case involved numerous officers falsifying official reports by documenting that confiscated mobile phones were properly processed into evidence lockers when in fact they were not. The OIG urged the Office of Internal Affairs to include dishonesty allegations but the Central Intake Panel refused. In all these cases, the OIG consistently argued that dishonesty should either remain or be added as an allegation, yet the Office of Internal Affairs Central Intake Panel refused, in all but one case.

Finally, an eighth case involving dishonesty was rejected entirely by the Office of Internal Affairs on the grounds that there was no reasonable belief that misconduct occurred. This case involved a parole agent who was allegedly dishonest when she falsely told outside law enforcement that her ex-significant other's dog had bitten their son and their son's school called her to report the bite. The OIG believed there was a reasonable belief that misconduct occurred, and argued the case should be opened to at least interview the parole agent. The Office of Internal Affairs refused to do so.

As the previous eight cases demonstrate, the Office of Internal Affairs has failed to allege potential incidents of dishonesty, refusing to classify them as such, or by striking the dishonesty allegation and replacing it with a "neglect of duty" or other less arrant allegation. The OIG does not presuppose what the outcomes would be, but if there is evidence warranting an investigation, the serious nature of potential dishonesty demands the matter be examined.

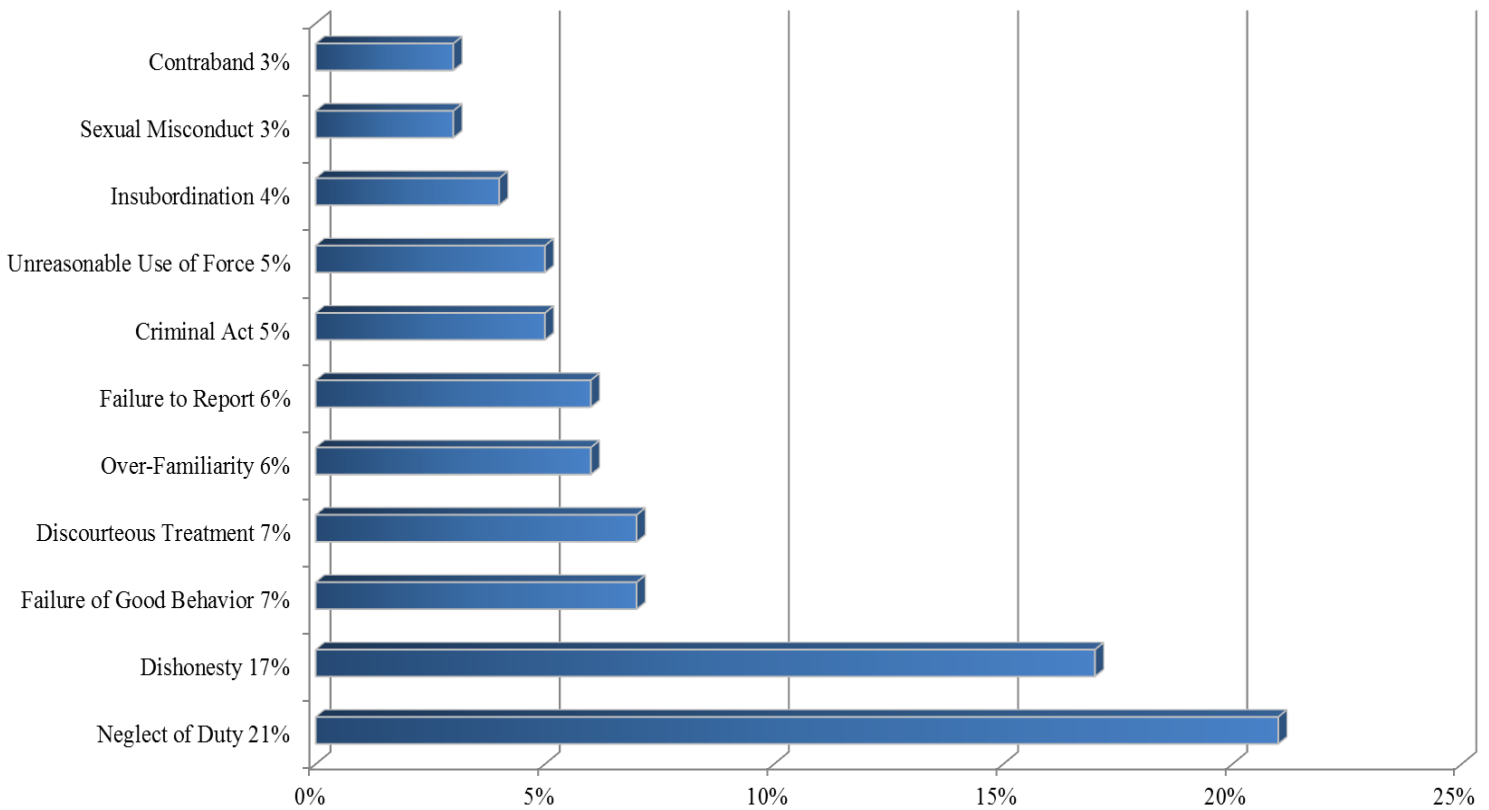
It should also be noted that we are not saying the Office of Internal Affairs never investigates or alleges dishonesty at the Central Intake Panel. As Chart 3 indicates, dishonesty is the second highest allegation type we monitor. However, the department should be properly alleging misconduct, especially dishonesty, 100 percent of the time. Even if these eight cases are a small percentage of total cases reviewed at the Central Intake Panel this reporting period, it is something that needs to be addressed.

## ALLEGATION TYPE DISTRIBUTION

Consistent with prior reporting periods, the OIG focused a large portion of its monitoring activities on cases involving core *Madrid* issues. The core *Madrid* allegations involve unreasonable use of force, officer dishonesty, failure to report misconduct, and code of silence.

Chart 1 provides a summary of the types of allegations in the OIG closed cases this reporting period for the core *Madrid* allegations of misconduct and the most frequent other allegation types monitored. It is important to note that a single case often contains many allegations of misconduct; therefore, the number of allegations may exceed the number of cases reported. This chart does not reflect any trends regarding CDCR discipline issues, but rather is only a reflection of the allegation distribution for the OIG-monitored closed cases during the reporting period.

**Chart 3: Core *Madrid* Allegations for Cases Closed by the OIG January–June 2013**



# MONITORING THE DISCIPLINARY PHASE

The Disciplinary Phase starts with the hiring authority's determination whether or not to sustain the allegations. If the allegations are sustained, the hiring authority must impose a penalty consistent with the provisions of CDCR's policies and procedures.

## FINDINGS AND PENALTIES

A critical step in the administrative disciplinary process is when a hiring authority determines which allegations should be sustained, if any, and the appropriate penalty. Based on the evidence presented, the hiring authority must: 1) determine whether there is enough evidence to make a finding; 2) find that the allegations are either not sustained, unfounded, or exonerated; or 3) find that the allegations are sustained. If the allegations are sustained, the hiring authority must determine the appropriate penalty. The appropriate penalty must be drawn from the "disciplinary matrix,"<sup>3</sup> which sets out penalty ranges for each category of misconduct found in CDCR's policies and procedures. The hiring authority consults with the department attorney (on cases where an attorney is assigned) and the SAIG monitoring the case. The hiring authority considers each case on its own merits to determine penalty, while taking into consideration any aggravating or mitigating factors.

## EXECUTIVE REVIEW

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

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

Overall, for the last four reporting periods, 17 out of 20 executive reviews were ultimately decided consistent with the OIG recommendation. We continue to believe executive review is a valuable tool, and will invoke it whenever necessary. Chart 4 provides a comparison of executive review requests between this reporting period and prior reporting periods. In the current reporting period, executive review was requested three times: twice by the OIG and once by the

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

department. In the two instances the OIG requested executive review, the department changed its position prior to an ultimate decision being reached by the Executive Review Committee. The one case that the department requested executive review was decided consistent with the OIG's position.<sup>4</sup>

**Chart 4: Executive Review**

<b>Reporting Period</b>	<b>Department Requested Executive Review</b>	<b>OIG Did Not Concur with Department's Request for Executive Review</b>	<b>OIG Requested Executive Review</b>	<b>Total Number of Requests for Executive Review</b>	<b>Executive Review Decision Consistent with OIG's Position</b>
<b>Jan–June 2013</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>3<sup>3</sup></b>
<b>July–Dec 2012</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>
<b>Jan–June 2012</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>6</b>	<b>5</b>
<b>July–Dec 2011</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>9</b>	<b>9</b>
				<b>20</b>	<b>17</b>

<sup>4</sup> In the two cases the OIG requested executive review, the department modified its position in conformance with OIG's recommendation prior to a final decision being made by the Executive Review Committee.

# CASE SUFFICIENCY RATINGS

The OIG and the department continue to work collaboratively to improve the internal affairs investigation and employee discipline processes. The OIG assesses each case to determine, on the whole, whether the Investigative “Pre-Disciplinary” or Disciplinary Phase sufficiently complied with department policies. Minor deviations will not result in an insufficient rating. The south region still has the highest insufficiency rating of the regions at 46 percent for the Investigative Phase and 41 percent for the Disciplinary Phase. Not all cases were designated to be handled by a department attorney. In addition, the Investigative “Pre-Disciplinary” Phase also includes the hiring authority and Central Intake Panel who may be responsible for the insufficiency. The same is true for the Disciplinary Phase involving the hiring authority, or, when assigned, the department attorney. Either entity may be responsible for an insufficiency. The individual assessments in the appendices give the reader specific reasons for each case rating.

Of the cases assigned a department attorney in the south region, the assistant chief counsel has recently put forth a strong effort to improve the performance of the department attorneys in his region. He has strengthened the training program for the south department attorneys, which has included in-house training as well as training by other well-respected organizations. He has also established guidelines and benchmarks for elevating the performance of south region department attorneys. Moreover, the assistant chief counsel is to be commended for his willingness to work collaboratively with the OIG and to seriously consider the recommendations of the OIG both in individual cases and those regarding the overall workings of the region. It is hoped these measures will result in improvement of the south region’s attorneys’ performance in the Disciplinary Phase of cases.

Chart 5 groups our assessments by region for both the Investigative “Pre-Disciplinary” Phase and Discipline Phase assessments. As depicted in Chart 7 and Chart 8, these insufficiencies resulted in bad outcomes in 41 percent of the disciplinary phase, and these ratings are discussed in detail for each case in Appendix A, B, or C.

**Chart 5: Department Case Sufficiency Ratings by Region**

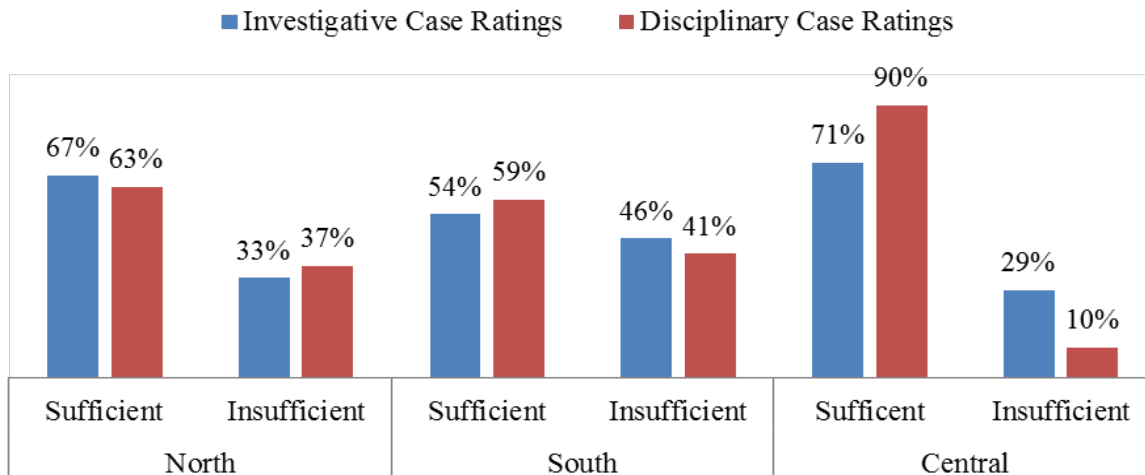


Chart 6 compares investigative and disciplinary overall sufficiency ratings during the previous and current reporting periods. Overall, 64 percent of investigations and 69 percent of the disciplinary cases monitored statewide were assessed as sufficient. In this reporting period, sufficient case ratings for the Investigative “Pre-Disciplinary” Phase dropped by 6 percent, and sufficient case ratings for the Disciplinary Phase dropped by 6 percent. The specific reasons for the 36 percent and 31 percent insufficiencies in each case are detailed in Appendices A, B, and C.

**Chart 6: Department Overall Case Sufficiency Ratings Comparison**

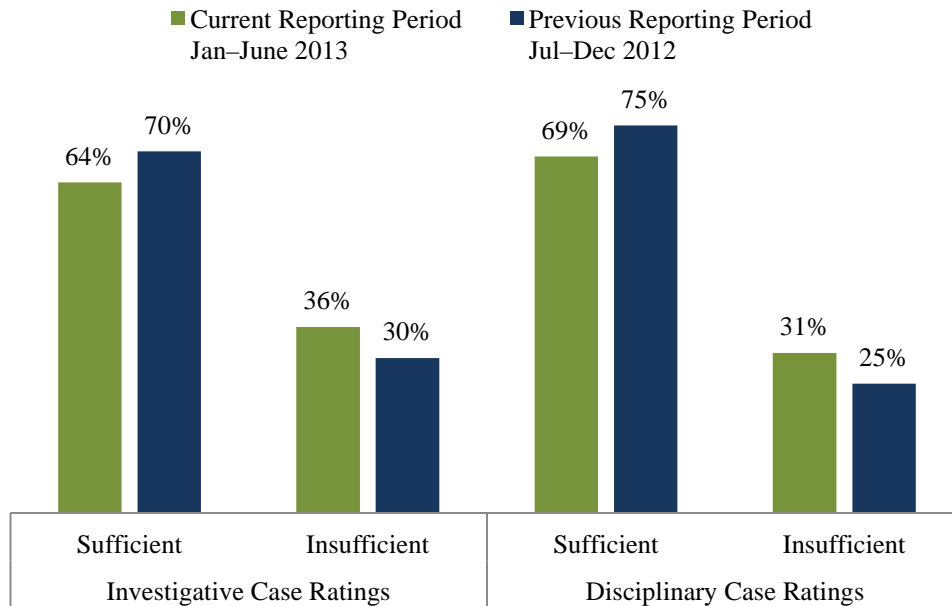


Chart 7 demonstrates that of the 49 insufficient cases in the Disciplinary Phase, 29 deficiencies (59 percent) stemmed from process issues, 16 deficiencies (33 percent) were due to outcome issues, and the remaining four deficiencies (8 percent) were due to a combination of process and outcome issues. While the cases with process issues may still have had satisfactory outcomes, they need to be addressed because of the potential for failed outcomes in the future if processes continue to break down.

**Chart 7: Causes for Deficiencies in the Disciplinary Phase**

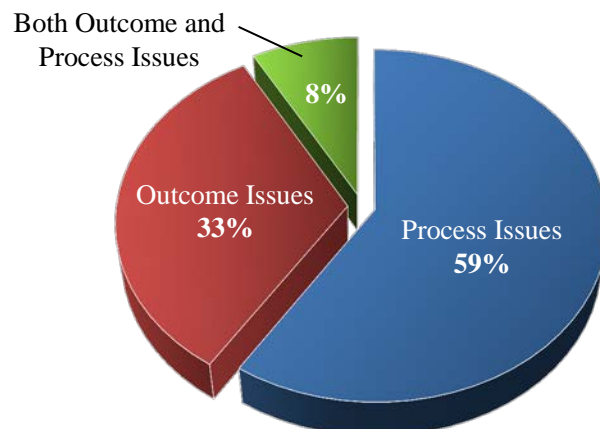
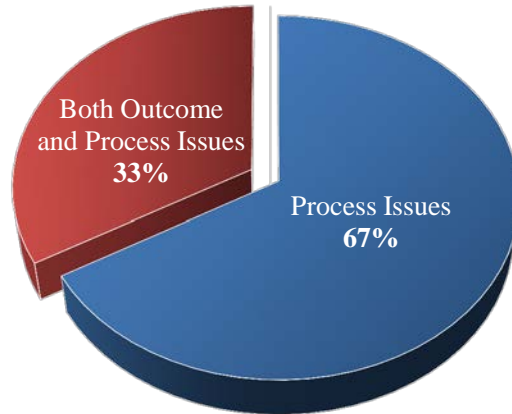


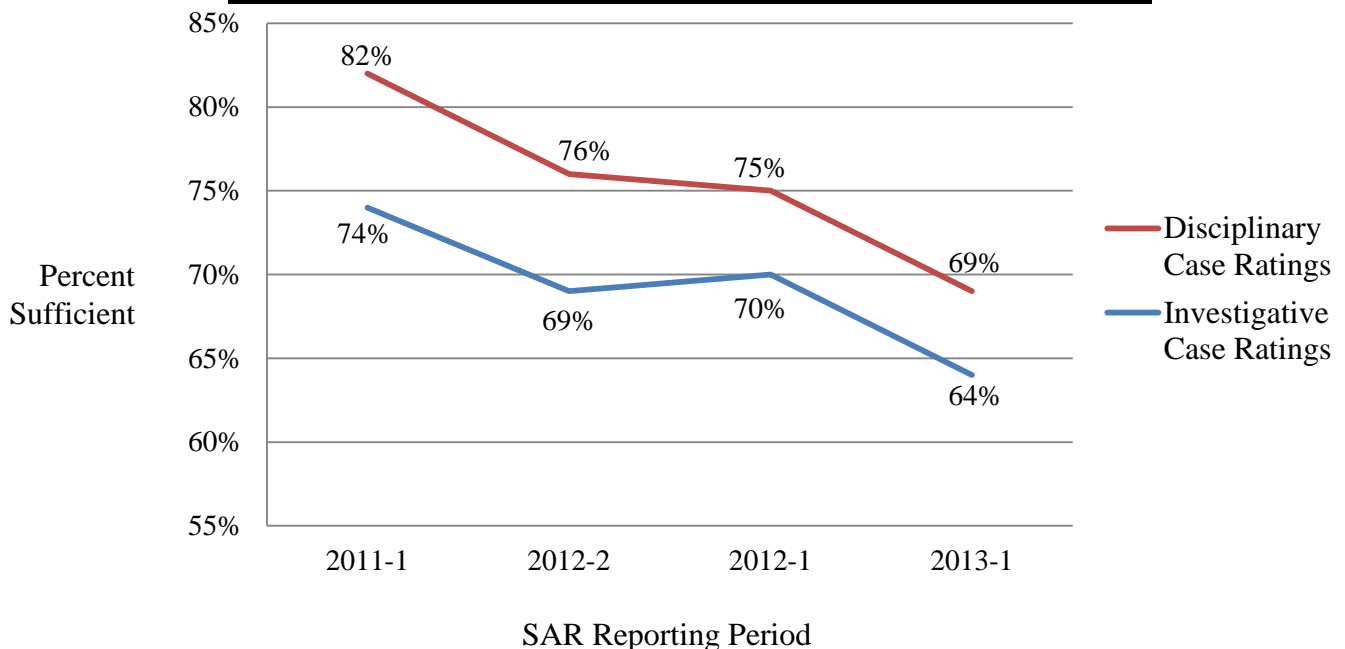
Chart 8 demonstrates that of the 63 insufficient cases in the Investigative “Pre-Disciplinary” Phase, 42 insufficiencies (67 percent) were due to process issues, and 21 deficiencies (33 percent) were a combination of outcome and process issues.

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



Over the past four reporting periods, the sufficiency ratings for both investigative and disciplinary cases have declined. In 2011, 74 percent of investigative cases received sufficient ratings, and 82 percent of disciplinary cases were rated sufficient. In the 2012 reporting period, the sufficiency rating dropped 5 percent in investigative cases and 6 percent in disciplinary cases, for sufficiency ratings of 69 percent and 76 percent, respectively. The current reporting period represents the lowest sufficiency rating of the three prior periods at 64 percent for investigative cases and 69 percent for disciplinary cases. These downward trends may not signal a particular entity is wholly responsible, be it hiring authorities, the Office of Internal Affairs, or department attorneys. As previously noted it also does not necessarily translate into automatic failed outcomes. However, the downward trend for the department as a whole, regardless of these factors, needs to be addressed.

**Chart 9: Department Overall Case Sufficiency Ratings Comparison**





# CONCLUSION

The OIG serves a vital oversight role in CDCR's investigation and employee discipline process. This report signals some disturbing trends. The first is the increase in delayed referrals for investigation submitted by hiring authorities. The OIG is recommending the department set a reasonable required minimum time frame for such referrals. The OIG has previously identified this gap in the internal affairs process and in order to gauge timeliness, has imposed what we believe to be a reasonable time frame of 45 days. However, since the department has no required time frame, failure to submit matters to investigation has no consequence for those who delay. The OIG recommends that the department adopt a requirement that hiring authorities refer cases of misconduct for investigation within 45 days of discovery of potential misconduct.

Unfortunately, one of the consequences of such delays may be a partial factor in the next trend, to wit, the decline in sufficient assessments for the department since the *Madrid* lawsuit ended in 2011. Certainly a shorter time frame to complete such matters because of a delay in referral has a negative impact on sufficiency ratings.

Another cause for concern that directly impacts the insufficient ratings of the department in the Investigative "Pre-Disciplinary" Phase is the 10 percent decrease in cases not being processed by the Office of Internal Affairs Central Intake Panel within the 30-day time frame required by policy. It is recognized that the Office of Internal Affairs has had significant staffing challenges since 2011, which have sometimes resulted in process deficiencies. During this reporting period, 43 percent of line investigator positions, 50 percent of supervisory positions, and 50 percent of support staff positions in the Office of Internal Affairs Central Intake Panel are vacant. The Office of Internal Affairs has an overall agent vacancy rate of 24 percent, and 29 percent supervisor vacancy as of this reporting period. In addition, proper training for investigators has been severely impacted. The Office of Internal Affairs training budget has been cut 80 percent by the department. While some of this may be attributed to staffing issues, regardless of cause, the effect is that cases are sent out with less time to complete investigations. The Central Intake Panel dropped from 88 percent to 78 percent of cases being timely processed since the last reporting period, and hopefully can instaurate the trend going forward. The OIG recommends that the department develop a plan to adequately staff the Office of Internal Affairs and to provide appropriate training for thorough investigations.

These problems with process may not always negatively impact outcomes as demonstrated in this report. Nevertheless, they always have the potential. Of larger concern than these process insufficiencies is the reluctance to label and investigate potential dishonesty. There appears to be a fundamental difference in the definition of that allegation between the Office of Internal Affairs central intake agents and OIG representatives. We have therefore described those cases in this report. It is our position that if dishonesty did not occur, an appropriate investigation will establish that fact. However, if potential dishonesty is not alleged, too often the investigation is not undertaken in a manner to address the issue at all, thus leaving it unresolved. This is a significant concern we are continuing to address with the department. By providing transparent monitoring and consistent reporting, we continually strive to preserve the progress achieved under the *Madrid* lawsuit and maintain the public's trust in the corrections system.

# VOLUME I RECOMMENDATIONS

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

*The hiring authority failed to refer 37 percent of cases within 45 days to the Central Intake Panel, representing a marked decrease in timeliness since the previous reporting period and a general downward trend in timely referrals.*

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

*There were eight cases during this reporting period where the Office of Internal Affairs initially declined to add dishonesty allegations despite clearly dishonest misconduct. The Office of Internal Affairs Central Intake Panel has demonstrated reluctance to add dishonesty allegations and instead alleges “neglect of duty.” The OIG was only successful in persuading the Central Intake Panel to allege dishonesty in one of the eight cases.*

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

*A cause for concern that directly impacts the insufficient ratings of the department in the Investigative “Pre-Disciplinary” Phase is the 10 percent decrease in cases not being processed by the Office of Internal Affairs Central Intake Panel within the 30-day time frame required by policy. As stated, some of this may be attributed to staffing issues, but regardless of cause, the effect is that cases are sent out with less time to complete investigations.*

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

# APPENDICES

**Appendix A** contains the assessments for 99 incidents monitored during this reporting period, listed by geographical region.

**Appendix B** contains the assessments for 95 investigative case summaries monitored during the reporting period, listed by geographical region.

**Appendix C** contains the results and outcomes of 77 combined phase case summaries monitored during the reporting period, listed by geographical region.

# APPENDIX A

## INVESTIGATIVE PHASE CASE SUMMARIES

### CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2010-02-01	11-0740-IR	Criminal Investigation	1. Criminal Act

#### Incident Summary

Between February 1, 2010, and February 14, 2011, a licensed psychiatric technician allegedly engaged in a sexual relationship with an inmate, engaging in sexual intercourse with the inmate on six to twelve separate occasions. The licensed psychiatric technician also allegedly provided the inmate with contraband such as tobacco. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

#### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2010-09-22	11-2606-IR	Criminal Investigation	1. Criminal Act

#### Incident Summary

On September 22, 2010, a supervising cook allegedly brought controlled substances into the institution for personal gain. On October 6, 2010, the supervising cook also allegedly brought mobile phones into the institution for personal gain. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The supervising cook resigned prior to the conclusion of the criminal investigation; therefore, no administrative investigation was opened. The department entered into an agreement with the supervising cook in which the department accepted her resignation and she agreed to never seek future employment with the department. The signed agreement was placed in her official personnel file.

#### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with the department's policies and procedures governing the investigative process. After discovering the potential misconduct, the hiring authority delayed over a year before referring the matter to the Office of Internal Affairs. Additionally, there was a period of inactivity when no substantive investigative work was conducted.

#### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was September 22, 2010; however, the hiring authority did not refer the matter to the Office of Internal Affairs until September 30, 2011, more than one year after the date of discovery.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*No substantive investigative work was conducted from November 14, 2011, to February 8, 2012.*

## CENTRAL REGION

Incident Date	OIG Case Number	Case Type	Allegations
2010-11-01	11-0379-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between November 1, 2010, and January 4, 2011, a licensed psychiatric technician allegedly engaged in a sexual relationship with an inmate. The licensed psychiatric technician also allegedly brought contraband such as mobile phones, tobacco, and narcotics into the institution for inmates in exchange for money. 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 since the licensed psychiatric technician resigned before the investigation concluded. However, a letter indicating the licensed psychiatric technician resigned under adverse circumstances was placed in her official personnel file.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. There was a nearly two-year period of investigative inactivity from May 11, 2011, to March 14, 2013.

### Assessment Questions

- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*Between May 11, 2011, and March 14, 2013, a nearly two-year period, there was no investigative work.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-03-28	11-3028-IR	Administrative Investigation	1. Contraband 2. Other Failure of Good Behavior 3. Possession of Controlled Substances

### Incident Summary

On March 28, 2011, an officer allegedly provided contraband to inmates including narcotics, mobile phones, and food. On March 15, 2012, while off-duty, the same officer was arrested by outside law enforcement for alleged transportation and sales of narcotics.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority failed to comply with the department's policies and procedures governing the investigative process. After discovering possible misconduct, the hiring authority delayed over six months before referring the matter to the Office of Internal Affairs.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on May 09, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 16, 2011, 191 days after the date of discovery.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-12-01	12-0921-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On December 1, 2011, an officer allegedly engaged in a sexual relationship with at least one inmate. The officer also allegedly provided contraband such as mobile phones and tobacco to inmates for personal financial gain. 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 department did not open an administrative investigation due to lack of evidence.

## CENTRAL REGION

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-12-04	12-0740-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>

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

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. After discovering possible misconduct, the hiring authority delayed almost three months before referring the matter to the Office of Internal Affairs. Additionally, the investigation was completed with less than 35 days left before the deadline to take disciplinary action.	

**Assessment Questions**

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was December 4, 2011. However, the hiring authority did not refer the matter to the Office of Internal Affairs until February 27, 2012, 85 days after the date of discovery.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline to take disciplinary action was December 3, 2012. The investigation was completed on November 7, 2012, only 26 days before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-15	12-2487-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Discourteous Treatment</li> </ol>

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

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-20	12-2954-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> </ol>

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

## CENTRAL REGION

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-19	12-2631-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> <li>3. Falsification of an Official Document</li> </ol>

### Incident Summary

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

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The special agent failed to discover critical documents which confirmed that the officer had been dishonest during his interview with the special agent. These documents were not included in the investigative report. However, the institution later obtained these documents. Additionally, OIA Central Intake took 60 days to decide that an investigation was appropriate for this case. This delay may have impacted the investigation as key witnesses could no longer recall certain details.	

### Assessment Questions

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

*OIA Central Intake received the request for investigation on September 7, 2012, but did not take action until November 7, 2012, two months after the receipt of the request.*

- Was the investigation thorough and appropriately conducted?

*The institution produced documents that the special agent did not obtain during the investigation which confirmed that the officer had been dishonest during his investigative interview. Although the special agent noted that shift sign-in sheets indicated that a particular sergeant was not assigned to the officer's unit on the day of the incident, the special agent failed to discover routine documentation which confirmed that sergeant was not even working that day. This critical information confirmed that the officer could not have consulted with the sergeant as claimed by the officer. The special agent also failed to discover triage treatment area logs which confirmed the inmate had been transported off-grounds earlier than the officer had claimed, making the officer's second observation of the inmate at the triage treatment area impossible.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-09-17	12-2484-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Other Failure of Good Behavior</li> </ol>

### Incident Summary

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

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
The department's investigative process sufficiently complied with policies and procedures. The special agent's report was thorough and provided the hiring authority sufficient information to properly assess the allegations.	

### OIG Recommendation

The department does not have a consistent statewide policy to revoke a concealed weapons permit. The OIG recommends the department implement a uniform policy.

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2009-03-01	12-0871-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between March 2009 and March 2012, a sergeant allegedly falsified his timesheets resulting in receipt of over \$190,000 of overtime pay for time that he did not work. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2010-11-20	11-1939-IR	Administrative Investigation	1. Other Failure of Good Behavior

### Incident Summary

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

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The hiring authority failed to refer the matter to the Office of Internal Affairs until almost six months after the date of discovery. The department attorney failed to assess the deadline for taking disciplinary action and failed to respond to the special agent's requests for legal advice concerning the investigation. Finally, the investigation was not conducted with due diligence as it took over two years and three months to complete.



# NORTH REGION

## Assessment Questions

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

*The department learned of the misconduct on January 19, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 12, 2011, almost six months 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 confer with the OIG upon case initiation or prior to finalizing the investigative plan.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney did not make an entry into CMS within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action.*
- Did the 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 modify the deadline for taking disciplinary action once the prosecuting agency notified the department that the case could proceed administratively.*
- Did the special agent appropriately enter case activity in CMS?

*The special agent did not enter case activity in CMS until after the investigation was completed.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?

*The special agent began the investigation on January 19, 2011, when the officer was interviewed and evidence was seized; however, the investigation was not completed until May 3, 2013, over two years and three months later.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent did not provide the OIG with consistent updates on case status.*
- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the investigative phase?

*The special agent did not provide the department attorney with consistent updates on case status.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-01-01	13-0305-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

It was alleged that since January 2011, a native American spiritual leader had been smuggling tobacco and drugs into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

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

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-01-01	13-0502-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Contraband</li> <li>3. Misuse of Authority</li> <li>4. Over-Familiarity</li> </ol>

### Incident Summary

It was alleged that beginning in January 2011, a Native American spiritual leader smuggled tobacco, mobile phones, and drugs into the institution. It was further alleged that the spiritual leader was overly familiar with the inmates and their families. In addition, it was alleged that the spiritual leader misused his authority when he used his position with the department to gain outside employment performing Native American spiritual services for inmates' families. It was also alleged that he failed to report his outside employment.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-04-04	13-0029-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> </ol>

### Incident Summary

Between April 4, 2011, and December 16, 2011, an officer allegedly engaged in an overly familiar relationship with an inmate by making arrangements for the inmate to contact her upon the inmate's release. It was further alleged that after the inmate's release, the officer provided false or misleading statements to a supervisor regarding the nature of her relationship with the former inmate. The officer also allegedly provided false or misleading statements during an investigative interview.

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures. The hiring authority delayed over nine months before submitting the matter to the Office of Internal Affairs for investigation. OIA Central Intake delayed making a determination regarding the request. Consequently, the investigative report was completed only eight days prior to the deadline for taking disciplinary action. Further, due to time constraints and scheduling conflicts the department attorney was unable to attend key witness interviews to assess witness demeanor and credibility.

# NORTH REGION

## Assessment Questions

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

*The department learned of the misconduct on February 11, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 13, 2012, nine months after the date of discovery.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

*OIA Central Intake received the request for investigation on November 19, 2012, but did not take action until January 2, 2013, 45 days after receipt of the request.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?

*Due to time constraints and scheduling conflicts, the department attorney did not attend key witness interviews to assess witness demeanor and credibility. However, the department attorney telephonically attended the witness interviews and personally attended the officer's interview.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?

*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

*The deadline to take disciplinary action was February 11, 2013. The investigation was not completed until February 4, 2013, only eight days before the deadline to take action.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-06-01	12-0145-IR	Administrative Investigation	1. Neglect of Duty

### Incident Summary

Between June 1, 2011 and November 21, 2011, a department attorney was allegedly less-than-alert or asleep on multiple occasions while attending interviews conducted by the Office of Internal Affairs and during a meeting with a hiring authority and other departmental personnel.

### Investigative Assessment

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

**Rating: Sufficient**

Incident Date	OIG Case Number	Case Type	Allegations
2011-06-29	11-1937-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On June 29, 2011, an officer allegedly kneed and kicked a restrained inmate who was on the ground, and pulled a large piece of hair from the inmate's head. The officer also allegedly failed to report the use of force. Four other officers and a sergeant allegedly witnessed the use of force, but also failed to report it. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the federal and district attorney's offices. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

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

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-08-12	12-2627-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between August 12, 2011, and December 15, 2011, a correctional supervising cook was allegedly involved in the sale of illegal drugs while off duty, and introducing mobile phones and drugs into the institution for personal gain. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-09-01	13-0509-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Sexual Misconduct</li> <li>2. Other Failure of Good Behavior</li> <li>3. Misuse of State Equipment or Property</li> </ol>

### Incident Summary

From September 1, 2011, through February 28, 2013, an associate information systems analyst allegedly used his work computer to view child pornography and to transmit pornographic movies to his personal mobile phone. During the same time period, the associate information systems analyst also viewed pornography and masturbated in a workplace restroom on multiple occasions.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-09-24	11-2892-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On September 24, 2011, three officers and a sergeant allegedly conspired to retaliate against an inmate for writing a complaint against custody staff. Two of the officers allegedly made inappropriate comments over the public address system in the housing unit regarding the complaint. The same two officers also allegedly coerced other inmates to assault the complaining inmate. When the assault occurred, the officers allegedly failed to intervene, investigate, or document the assault. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs failed to timely make a determination regarding the request for investigation. The department attorney failed to properly confirm the relevant deadlines, failed to contact the special agent and OIG to discuss the investigative plan, and failed to attend any interviews.

# NORTH REGION

## Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on October 25, 2011, but did not take action until November 30, 2011, 36 calendar days after receipt of the request.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make any entry into CMS confirming relevant dates.*
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney did not contact the assigned special agent or monitor to discuss the elements of a thorough investigation.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*The Office of Internal Affairs interviewed 32 witnesses, the three officers, and the sergeant. The department attorney did not attend any interviews.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-09-28	12-0397-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Neglect of Duty</li> </ol>

## Incident Summary

On September 28, 2011, an officer allegedly escorted an inmate to a holding cell rather than a medical evaluation where the inmate was to be evaluated for suicidal ideations. The officer also allegedly failed to search the holding cell prior to securing the inmate in the cell and failed to complete the holding cell log. A second officer allegedly failed to conduct a proper search of the holding cell, failed to follow departmental policy when he opened the holding cell door without notifying other custody staff, and failed to report his own use of physical force. A third officer allegedly failed to report his use of force and the use of physical force he witnessed. A fourth officer allegedly provided false or misleading information on the holding cell log, submitted a false or misleading report, forged the signatures of two officers, and provided false or misleading statements during his investigatory interview. A sergeant allegedly ordered the inmate to be placed in a holding cell rather than escorted for a medical evaluation for suicidal ideations. A lieutenant allegedly failed to ensure the use of physical force by two officers was reported and failed to follow up with medical staff to determine whether the inmate had in fact attempted suicide.

## Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to make a timely determination regarding the request for investigation and failed to complete the investigation in a timely manner.

## Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on December 19, 2011, but did not take action until February 1, 2012, 44 days after receipt of the request.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline to take disciplinary action was October 28, 2012. The investigative report was not completed until October 3, 2012, 25 days before the deadline to take disciplinary action.*

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-10-01	12-2598-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Sexual Misconduct</li> <li>3. Contraband</li> <li>4. Over-Familiarity</li> <li>5. Neglect of Duty</li> </ol>

### Incident Summary

Between October 2011 and February 2012, an officer was allegedly overly familiar with two inmates by sending writings, conspiring to provide the inmates mobile phones, and engaging in inappropriate touching. The officer also allegedly neglected her duties by engaging in conversations of a personal nature where inmates could overhear, and was dishonest in her investigative interview.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-10-03	13-0501-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Sexual Misconduct</li> <li>2. Over-Familiarity</li> <li>3. Insubordination</li> </ol>

### Incident Summary

Between October 3, 2011, and October 15, 2012, an officer was allegedly engaged in an overly familiar and sexual relationship with an inmate, including mobile phone communications with the inmate. The officer was also allegedly insubordinate when she failed to appear for her scheduled investigative interviews on May 9, 2013, and May 29, 2013.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-11-01	12-1437-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Sexual Misconduct</li> <li>3. Failure to Report</li> <li>4. Contraband</li> <li>5. Over-Familiarity</li> <li>6. Neglect of Duty</li> <li>7. Nepotism</li> </ol>

### Incident Summary

Between November 2011 and April 2012, an officer allegedly engaged in an overly familiar relationship with an inmate, which included kissing and clothed touching. It was further alleged that the officer brought the inmate contraband food items and failed to report that the inmate had access to a mobile phone. The officer also allegedly authored a false memorandum and was dishonest during the investigation. Also, the officer reported a threat to her safety to a sergeant, but the sergeant allegedly failed to take action. The sergeant was also allegedly romantically involved with the officer in violation of departmental policy. Another officer allegedly neglected his duty by revealing personal information about the first officer to inmates.

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The department attorney failed to provide and document appropriate feedback regarding the investigative report. The Office of Internal Affairs failed to timely complete the investigation and only 15 days remained until the deadline to take disciplinary action.

# NORTH REGION

## 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 draft report was sent to the department attorney on March 20, 2013; however, the department attorney did not document in CMS that the report was reviewed and did not provide appropriate substantive feedback addressing the thoroughness and clarity of the report.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline to take disciplinary action was May 2, 2013. The investigation was completed on April 17, 2013, only 15 days before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-11-07	12-2880-IR	Administrative Investigation	1. Neglect of Duty

### Incident Summary

Between November 7, 2011, and December 28, 2011, a warden, a population management chief, two classification services representatives, and two correctional counselors participated in a classification process resulting in two inmates being transferred from a general population yard to a sensitive needs yard. It was alleged the two inmates did not meet eligibility criteria for the reclassification and transfer. After the inmates were transferred to the sensitive needs yard, one of the inmates was stabbed twice, sustaining life-threatening injuries. During the investigation it was learned that the population management chief allegedly inappropriately used his position to initiate a transfer of another inmate at the request of the chief's girlfriend. The inmate was the son of the girlfriend's co-worker.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-12-01	13-0403-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Sexual Misconduct</li> <li>2. Over-Familiarity</li> <li>3. Insubordination</li> <li>4. Neglect of Duty</li> </ol>

### Incident Summary

Between December 1, 2011, and October 17, 2012, a case records technician allegedly engaged in a sexual relationship with an inmate. The case records technician also allegedly shared personal information, exchanged letters, cards, and jewelry, and reportedly kissed the inmate. It was further alleged that the case records technician was insubordinate during an ongoing internal affairs investigation when she discussed the case with a potential staff witness.

### Investigative Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-12-02	12-0732-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

It was alleged that on December 2, 2011, an analyst was discovered viewing child pornography on his state computer. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-01	12-2593-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

It was alleged that between January 1, 2012, and January 23, 2012, an officer introduced mobile phones into the secure perimeter of the institution for an inmate. It was further alleged that between January 1, 2012, and October 15, 2012, the officer engaged in sexual relations with an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-01	12-2646-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between January 1, 2012, and December 31, 2012, a case records technician was allegedly engaged in a sexual relationship with an inmate. The case records technician also allegedly provided the inmate letters, compact discs, and downloaded confidential parole hearing information. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Sufficient**

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



## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-01	13-0567-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Contraband</li> <li>2. Over-Familiarity</li> <li>3. Insubordination</li> </ol>

### Incident Summary

Between January 1, 2012, and February 25, 2013, an officer allegedly brought mobile phones into the institution for financial gain. Further, between the same dates, the officer was allegedly overly familiar with an inmate's wife by calling her on his personal mobile phone. The officer was also allegedly insubordinate on May 3, 2013, when he refused to participate in an administrative interview with the Office of Internal Affairs.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-04	12-2944-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

Between January 4, 2012, and September 7, 2012, an officer allegedly neglected his duties by agreeing to switch shifts with five other officers and then failed to work those shifts, instead paying the officers cash or store credit. It was further alleged that the five officers neglected their duties when they agreed to switch shifts with the first officer, failed to have the first officer work the shifts, and accepted cash or store credit from the first officer after he failed to work the shifts. On October 1, 2012, the first officer was allegedly dishonest when he told his supervisor his absences were covered under the Family Medical Leave Act when they were not. That officer also allegedly neglected his duties by failing to turn in his time cards as was required for nine out of ten months in 2012.

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with the department's policies and procedures governing the investigative process. The hiring authority delayed over four months before referring the matter to the Office of Internal Affairs. In addition, the first department attorney assigned to the case failed to accurately assess the deadline for taking disciplinary action. Further, the investigation was completed only 13 days before the deadline for taking disciplinary action.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on July 4, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 15, 2012, over four months after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney made an entry into CMS. However, he did not list the date of the incident nor the discovery date, and the deadline for taking disciplinary action was not accurate.*
- 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 OIG was not provided with a draft copy of the investigative report.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline to take disciplinary action was July 3, 2013. The investigation was completed on June 20, 2013, only 13 days before the deadline to take disciplinary action.*

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-25	12-1474-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Unreasonable Use of Force</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

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

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The hiring authority delayed referring the matter to the Office of Internal Affairs. Despite the OIG's insistence, the department attorney failed to determine the appropriate deadline for taking disciplinary action. The Office of Internal Affairs and the department attorney failed to timely identify and interview a key witness. As a result, the investigation was not completed until after the deadline to take disciplinary action expired.

### Assessment Questions

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

*The department learned of the misconduct on March 14, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 24, 2012, 71 days after 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 deadline for taking disciplinary action calculated by OIA Central Intake was January 26, 2013. The department attorney's initial assessment was consistent with that date; however, the department attorney later calculated the deadline for taking disciplinary action as February 6, 2013. The OIG recommended changing the deadline date back to January 26, 2013, but the department attorney declined to do so.*
- Did the special agent adequately prepare for all aspects of the investigation?

*The special agent failed to identify and interview a key witness.*
- 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 feedback but failed to identify that a key witness had not been identified and interviewed.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?

*The Office of Internal Affairs opened the investigation on June 20, 2012, and completed interviews by November 14, 2012. However, the investigative report was not completed until January 17, 2013, only eight days before the deadline to take disciplinary action.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

*The initial investigative report was completed and submitted to the hiring authority only eight days before the deadline to take disciplinary action. The hiring authority deemed the investigation insufficient and the final investigative report was not completed until February 4, 2013, nine days after the deadline to take disciplinary action expired.*
- Did the deadline for taking disciplinary action expire before the investigation was completed?

*The deadline for taking disciplinary action was January 26, 2013. The initial investigative report delivered to the hiring authority on January 17, 2013, was deemed insufficient. The final investigative report was delivered to the hiring authority on February 4, 2013, nine days after the deadline to take disciplinary action.*
- Was the investigation thorough and appropriately conducted?

*The investigation was not thorough because a key witness was not timely identified and interviewed.*

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-02-22	12-0570-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

On February 22, 2012, an officer allegedly neglected his duties when he failed to protect an inmate after he was informed the inmate was the target of a planned assault. The inmate subsequently was the victim of homicide. It was further alleged the officer was dishonest during the investigatory process.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-02-28	12-0870-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Unreasonable Use of Force</li> <li>3. Discourteous Treatment</li> </ol>

### Incident Summary

On February 28, 2012, an officer allegedly used unreasonable force when he slapped an inmate on the head, pushed him downward into a chair, and failed to document his use of force. The officer also allegedly made racially derogatory statements directed at the inmate. A sergeant and another officer allegedly observed the incident but failed to follow departmental policies by not properly documenting the officer's use of force.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs opened the investigation on April 10, 2012; however, the report was not completed and submitted to the hiring authority until January 29, 2013, 294 days after the initiation of the case. The delay left the hiring authority with only 29 days before the deadline to take disciplinary action. Further, the department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.

### Assessment Questions

- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*OIA Central Intake opened the investigation on April 10, 2012; however, the report was not completed and submitted to the hiring authority until January 29, 2013, 294 days after the initiation of the case.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The report was completed and submitted to the hiring authority with only 29 days left before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-03	12-2543-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Insubordination</li> </ol>

### Incident Summary

Between March 3, 2012, and September 19, 2012, a special agent was allegedly insubordinate when he continued to be involved in an investigation conducted by outside law enforcement after his supervisor issued written direction to cease further involvement.

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-07	12-1440-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

On March 7, 2012, a registered nurse allegedly neglected her duties when she failed to timely begin life-saving measures on an unresponsive inmate. The nurse was also allegedly dishonest when she falsified records relating to the incident.

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
The department's investigative process sufficiently complied with policies and procedures. The special agent's report was thorough and provided the hiring authority with sufficient information to properly assess the allegations.	

Incident Date	OIG Case Number	Case Type	Allegations
2012-04-01	12-2031-IR	Criminal Investigation	<ol style="list-style-type: none"> <li>1. Criminal Act</li> </ol>

### Incident Summary

It was alleged that between April 2012 and July 2012, an officer brought contraband, including mobile phones, narcotics, and tobacco, into the institution for personal gain. 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.

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-09	12-1697-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Unreasonable Use of Force</li> <li>4. Neglect of Duty</li> </ol>

### Incident Summary

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

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The special agent did not provide real-time consultation and failed to cooperate with the OIG. The special agent did not properly prepare for all aspects of the investigation because he failed to identify appropriate witnesses and failed to obtain all relevant evidence prior to the interview of a key witness. Some interviews were not thorough and failed to address all of the allegations. The special agent did not begin substantive work on the investigation until approximately six months after assignment; therefore, did not complete the investigative report until six days before the deadline to take disciplinary action. The department attorney improperly calculated the deadline to take disciplinary action and failed to attend key witness interviews.	

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## Assessment Questions

- Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?  
*The special agent did not adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan.*
- 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 deadline for taking disciplinary action originally calculated by the department attorney was May 9, 2013, and the OIG agreed with that determination. The OIG reminded the department attorney of the approaching deadline several times prior to May 9, 2013, but the department attorney advised that she had performed a new calculation and that the new deadline for taking disciplinary action was May 13, 2013. On May 13, 2013, the department attorney made an entry in CMS inappropriately modifying the deadline for taking disciplinary action.*
- Did the special agent adequately prepare for all aspects of the investigation?  
*The special agent did not adequately prepare for all aspects of the investigation. The special agent failed to obtain a copy of a prior videotaped interview of the inmate against whom the force at issue had been used prior to the interview of the inmate, and the videotape was only obtained later at the OIG's suggestion. The special agent also failed to arrange an interview of an inmate who had witnessed the use of force until after the OIG suggested the interview.*
- Were all of the interviews thorough and appropriately conducted?  
*The interviews were not thorough or appropriately conducted. The special agent failed to establish foundational facts during some interviews, asked primarily leading questions, and failed to address all relevant issues with all witnesses.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*The department attorney did not attend the investigative interview of the complaining witness to assess witness demeanor and credibility. She did attend all of the officers' interviews.*
- 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 provided a document regarding the investigative reports, but the department attorney did not summarize any discussions regarding the investigative reports.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The investigation was not conducted with due diligence. The Office of Internal Affairs opened the investigation on July 20, 2012, but the special agent only performed minimal tasks. However, the special agent did not begin substantive work on the investigation until January 28, 2013. The special agent did not complete the investigation until May 3, 2013, six days before the deadline to take disciplinary action.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The report was completed and submitted to the hiring authority only six days before the deadline to take disciplinary action.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?  
*The special agent did not cooperate with and provide continual real-time consultation with the OIG. The special agent failed to coordinate the initial case conference with the OIG. The special agent also discouraged OIG participation in some critical interviews.*

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Incident Date	OIG Case Number	Case Type	Allegations
2012-05-24	12-1797-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> <li>3. Insubordination</li> </ol>

### Incident Summary

On May 24, 2012, it was discovered that a sergeant allegedly engaged in an overly familiar relationship with an inmate's visitor and that the visitor was residing with the sergeant. The sergeant was allegedly dishonest with two lieutenants regarding the nature of the relationship with the visitor and dishonest during the investigation. A second sergeant was allegedly insubordinate during the investigation when he discussed the substance of his Office of Internal Affairs interview with the first sergeant's ex-wife after being admonished not to do so.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-26	12-2030-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>

### Incident Summary

On May 26, 2012, a locksmith allegedly failed to repair a chapel door lock which resulted in a chaplain being confined in a restroom overnight. It was further alleged that five officers and three sergeants failed to audit log books and equipment to make sure that all visitors had left the institution. In addition, they failed to conduct searches, return keys, and ensure the repair of a restroom door in the chapel.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority referred the matter for investigation nearly two months after the incident occurred. The special agent did not complete the investigation until nearly eight months after being assigned to the case. The delay resulted in the hiring authority having only 19 days to review the investigation and make factual and disciplinary determinations in the case.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was May 27, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until July 24, 2012, almost two months after the date of discovery.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The special agent was assigned to the case on September 11, 2012; however, the investigation was not completed and delivered to the hiring authority until May 7, 2013 nearly eight months after assignment.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The report was completed and submitted to the hiring authority with only 19 days left before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-12	12-1996-IR	Direct Action with Subject Only Interview (SOI)	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>

### Incident Summary

On June 12, 2012, an officer allegedly failed to report a use-of-force incident she observed. When ordered to write the report, the officer allegedly failed to accurately document the use of force she witnessed.

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-26	12-2017-IR	Administrative Investigation	1. Failure to Report

## Incident Summary

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

Investigative Assessment	Rating: <b>Insufficient</b>
The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. OIA Central Intake failed to make an appropriate initial determination and an appropriate determination upon a request for reconsideration. The department attorney failed to properly confirm the relevant dates, and failed to provide and document feedback regarding the investigative report.	

## Assessment Questions

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

*The hiring authority requested that OIA Central Intake approve an investigation or at the very least interview the officer. However, OIA Central Intake returned the matter to the hiring authority to take action without an investigation or an interview.*
- If the case was submitted to OIA Central Intake or to the Chief of OIA for reconsideration, was an appropriate decision made regarding the request?

*The hiring authority requested that OIA Central Intake grant an investigation. However, OIA Central Intake returned the matter to the hiring authority to take action without an investigation or interview of the officer. The hiring authority requested OIA Central Intake reconsider the request and at least interview the officer. OIA Central Intake again rejected the hiring authority's request. However, subsequently, through the persistent efforts of the chief deputy warden, OIA Central Intake granted an interview of the officer. The OIG and department attorney agreed with the hiring authority's requests.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney made an entry into CMS documenting the deadline to take disciplinary action. However, he did not document the date of discovery or the date of the reported incident.*
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?

*The draft report was sent to the department attorney on February 7, 2013; however, the department attorney did not document in CMS that the report was reviewed and did not provide appropriate substantive feedback addressing the thoroughness and clarity of the report.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?

*The department attorney did not provide written confirmation to the OIG summarizing critical discussions about the investigative report. Also, the department attorney did not make any entries in the case management system indicating any discussions with the special agent regarding the investigative report.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-11	13-0164-IR	Administrative Investigation	1. Other Failure of Good Behavior

## Incident Summary

On July 11, 2012, an officer allegedly pointed a firearm at her ex-husband during a child custody exchange.

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-19	12-2182-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

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

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
The department's investigative process sufficiently complied with policies and procedures. The special agent's report was thorough and provided the hiring authority with sufficient information to properly assess the allegations.	

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-23	13-0030-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>

### Incident Summary

On July 23, 2012, three officers allegedly neglected their duties by failing to conduct appropriate institutional counts and security checks for their assigned unit. Later, an inmate was found dead in a sitting position in his cell. The coroner's report indicated the inmate was dead during the time the counts and checks were conducted.

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-28	12-2458-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On July 28, 2012, an inmate that was housed in administrative segregation was found in his cell hanging from a light fixture by a sheet. The inmate was later pronounced dead. It was alleged that an officer fell asleep on duty, failed to perform security checks and complete logs as required, entered false information into a database, opened a cell door without adequate staff being present, failed to activate his personal alarm device in an emergency, failed to sign his post orders, and made false statements in an official report. It was alleged that a second officer failed to intervene and wake up the officer who was asleep, violated policy when she gave equipment to another officer without supervisor approval, violated policy when she opened a cell door without sufficient custody staff being present, failed to activate a personal alarm during an emergency, failed to report the misconduct of the other officer, discouraged the officer from speaking about his misconduct, and made false statements in an investigative interview. It was alleged that a lieutenant and a sergeant failed to ensure that the inmate was initially placed in an intake cell upon arriving in administrative segregation. It was also alleged that a second sergeant failed to ensure that officers completed all mandatory logs and documentation, that he improperly handled photographs, and that he failed to report the misconduct of another officer. It was alleged that a second lieutenant failed to properly document the incident.

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



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Incident Date	OIG Case Number	Case Type	Allegations
2012-08-01	13-0318-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

It was alleged that between August 2012 and February 2013, an officer brought mobile phones and tobacco into the institution for personal gain. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-13	12-2428-IR	Administrative Investigation	1. Discourteous Treatment 2. Weapons

### Incident Summary

On August 13, 2012, a parole agent allegedly drew his weapon, pointed it at a parolee's wife and her dog, and threatened to shoot the dog in the head. The parole agent was also allegedly discourteous to the parolee's wife when he made her sit in the dirt outside her residence in 100 degree heat after she had major surgery, and that he used vulgar and profane language when speaking to her.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-08-15	12-2434-IR	Administrative Investigation	1. Sexual Misconduct 2. Misuse of State Equipment or Property

### Incident Summary

Between August 15, 2012, and October 5, 2012, a parole agent II was allegedly overly familiar and engaged in sexual misconduct with a parolee. The agent also allegedly misused his state computer to store sexually explicit images and his phone to send text messages soliciting sexual activity.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-09-19	12-2429-IR	Direct Action with Subject Only Interview (SOI)	1. Dishonesty

### Incident Summary

On September 19, 2012, an officer was allegedly dishonest to personnel staff in order to obtain his pay check and avoid a deduction for an account receivable he owed to the State of California. As a result, he received his full pay check without deduction or satisfaction of the account receivable.

### Investigative Assessment

**Rating: Sufficient**

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

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Incident Date	OIG Case Number	Case Type	Allegations
2012-10-22	13-0031-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Other Failure of Good Behavior</li> </ol>

### Incident Summary

On October 22, 2012, an officer was allegedly involved in an off-duty motor vehicle accident and fled the scene. She was also allegedly dishonest to outside law enforcement when she denied being the driver of the vehicle. She also allegedly failed to cooperate with outside law enforcement by failing to produce her vehicle for photographing and failing to provide contact information for the people named in her alibi.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-01	13-0359-IR	Criminal Investigation	<ol style="list-style-type: none"> <li>1. Criminal Act</li> </ol>

### Incident Summary

Between November 2012 and February 21, 2013, a parole agent allegedly engaged in sexual activity with a parolee he was supervising. 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. The parole agent resigned while the investigation was pending.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-02	12-2715-IR	Criminal Investigation	<ol style="list-style-type: none"> <li>1. Criminal Act</li> </ol>

### Incident Summary

On November 2, 2012, an officer allegedly carried a loaded handgun into the institution in his lunch bag. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney declined prosecution. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The investigation was not thorough or appropriately conducted. The special agent was unprepared at times. Several witness interviews were inadequate, the investigative report was incomplete, and the special agent failed to cooperate with and provide continual real-time consultation with the OIG.

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## Assessment Questions

- Did the special agent adequately prepare for all aspects of the investigation?

*The special agent did not adequately prepare for all aspects of the investigation. The original investigative plan included interviews of only two witnesses, and additional witnesses were only added at the suggestion of the OIG. The special agent appeared unprepared for some of the witness interviews conducted.*

- Were all of the interviews thorough and appropriately conducted?

*Several of the interviews were not thorough or appropriately conducted. The special agent failed to read the standard admonishments and fully advise several witnesses of their rights prior to interview, and failed to note who was present for some interviews. The special agent also failed to question a witness about items missing from an evidence log until the OIG suggested it. The special agent also failed to ask clarifying questions of one witness whose statements were unclear.*

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

*The report incorrectly indicated that all witnesses were read advisements of rights. The report was incomplete and did not address the source of certain information or the circumstances under which that information was obtained. The special agent declined to locate and interview the source of that information.*

- Was the final investigative report thorough and appropriately drafted?

*The report incorrectly indicated that all witnesses were read advisements of rights. The report was incomplete and did not address the source of certain information or the circumstances under which that information was obtained. The special agent declined to locate and interview the source of that information.*

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

*The special agent did not cooperate with and provide continual real-time consultation with the OIG. The special agent failed to coordinate critical witness interviews with the OIG.*

- Was the investigation thorough and appropriately conducted?

*The special agent was unprepared at times. Several witness interviews were inadequate, the investigative report was incomplete, and the special agent failed to cooperate with and provide continual real-time consultation with the OIG.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-02	13-0160-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Contraband</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

It was alleged that on November 2, 2012, an officer carried a loaded handgun, a mobile phone charger, and two metal spoons into the secure perimeter of the institution in his lunch bag. It was further alleged that the officer had a mobile phone on his person within the secure perimeter, and that he had live ammunition in his vehicle on institution grounds. In addition, the officer allegedly had left his personal handgun in his vehicle on institution grounds previously, rather than securing the handgun in the tower. The officer also allegedly was not range qualified with his personal handgun and was dishonest during the investigative interview. It was also alleged that two entrance gate officers failed to adequately search the lunch bag and that they had a custom and practice of failing to adequately search employees' personal items.

### Investigative Assessment

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

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-08	13-0196-IR	Administrative Investigation	1. Neglect of Duty

### Incident Summary

It was alleged that on November 8, 2012, three officers released an inmate from his cell without properly restraining the inmate and without the required number of escort officers thereby providing the inmate the opportunity to attack another inmate.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-11-30	13-0165-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

### Incident Summary

On November 30, 2012, an officer allegedly neglected his duties by failing to have the ammunition for the Mini-14 rifle he took with him on a medical transport. The officer also allegedly failed to conduct a proper equipment inventory prior to leaving the institution, had two revolvers in his possession, one of which he improperly locked in the vehicle glove box, and was allegedly dishonest in his memorandum to the captain regarding the events.

### Investigative Assessment

**Rating: Sufficient**

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

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2009-02-01	12-0456-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between February 1, 2009, and October 31, 2011, an officer allegedly introduced heroin, mobile phones, and tobacco into the institution, and also allegedly engaged in sexual intercourse 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 department did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs, hiring authority, and department attorney failed to comply with the department's policies and procedures governing the investigative process. The hiring authority delayed referring the case to the Office of Internal Affairs. The department attorney failed to timely contact the special agent and the OIG to discuss the elements of a thorough investigation, and failed to timely document her assessment of the deadline to take action on the case. The special agent did not exercise due diligence as he failed to conduct any interviews until 98 days after being assigned.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was August 23, 2011; however, the hiring authority did not refer the matter to the Office of Internal Affairs until January 18, 2012, nearly five months after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline within 21 calendar days of assignment.*
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney did not contact the special agent and the OIG to discuss the elements of a thorough investigation within 21 calendar days following assignment.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The case was assigned to a special agent on March 26, 2012; however, the agent did not conduct any interviews until July 3, 2012, 98 days after being assigned.*

Incident Date	OIG Case Number	Case Type	Allegations
2009-04-01	11-2594-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between April 1, 2009, and December 31, 2010, a supervising cook allegedly had a sexual relationship with an inmate that produced a child born in September 2011. Between April 2012 and May 2012, the supervising cook also allegedly introduced mobile phones and tobacco into the institution for inmates. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs failed to timely conduct and complete the investigation. The Office of Internal Affairs also failed to make timely entries in the case management system, preventing the OIG from monitoring activity during the investigation, and prepared a deficient draft investigative report.

## SOUTH REGION

### Assessment Questions

- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney was assigned on October 31, 2011, and an initial case conference with the special agent was not held until December 14, 2011, 45 days after the department attorney was assigned.*
- Did the special agent appropriately enter case activity in CMS?  
*The special agent did not make timely entries in CMS. Entries for activity in August, October, November, and December 2012 were made on January 24, 2013. No entries were made for activity in June, July, or September 2012.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?  
*The draft report was not thorough and failed to include available facts and information establishing a legal basis to support some of the charges. In addition, the report contained detailed statements and information about purported confidential reliable informants that would cause them to be identified upon a motion by defense counsel.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*A special agent was assigned on November 17, 2011. On February 15, 2012, the special agent obtained a copy of a birth certificate which corroborated the sexual misconduct allegation. The special agent did not execute a search warrant of the supervising cook's home and obtain DNA samples until May 4, 2012. On the same date, the special agent interviewed the supervising cook, who admitted all allegations. The DNA tests results confirming the sexual misconduct were completed on September 27, 2012. However, the investigative report was not completed and submitted to the district attorney until February 14, 2013, more than one year after the agent was assigned.*
- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the investigative phase?  
*The department attorney was not informed about the supervising cook's interview either before or after the interview.*

Incident Date	OIG Case Number	Case Type	Allegations
2010-03-20	11-3196-IR	Criminal Investigation	1. Criminal Act

#### Incident Summary

Between March 20, 2010, and December 31, 2011, an officer allegedly introduced marijuana and mobile phones into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The department did not open an administrative investigation due to lack of evidence.

#### Investigative Assessment

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

**Rating: Sufficient**

Incident Date	OIG Case Number	Case Type	Allegations
2010-05-01	12-1538-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

#### Incident Summary

From May 1, 2010, until April 25, 2012, a parole agent allegedly failed to properly supervise a parolee, failed to prepare record of supervision notes documenting his supervision of the parolee, and failed to submit monthly caseload rosters to his supervisors. From June 1, 2011, until April 21, 2012, the parole agent allegedly falsified his monthly caseload roster when he noted that the parolee was in custody when he was not. On April 24, 2011, the parole agent allegedly failed to take action and complete forms required upon learning of a parolee's arrest and later absconding from parole. When contacted by his supervisor, the parole agent claimed not to have known about the parolee's arrest until months after it took place. However, a supervisor found a note written by the parole agent indicating the parole agent's awareness of the arrest months earlier. On December 10, 2012, the parole agent was allegedly dishonest to the Office of Internal Affairs about the note found in the file.

## SOUTH REGION

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
<p>The Office of Internal Affairs and the department attorney failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs failed to exercise due diligence in conducting the investigation, and the special agent's report was not thorough and appropriately drafted. The department attorney failed to make an entry into the case management system confirming relevant dates.</p>	

### Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry into CMS confirming relevant dates.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?  
*The draft investigative report failed to contain an allegation of dishonesty which was supported by the evidence obtained during the investigation.*
- Was the final investigative report thorough and appropriately drafted?  
*The final report failed to contain an allegation of dishonesty which was supported by the evidence collected during the investigation. The OIG recommended that the allegation be added to the investigative report. The Office of Internal Affairs failed to add the allegation; however, the hiring authority agreed with the OIG and added the dishonesty allegation.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The special agent was assigned to the case on July 9, 2012, but no interviews occurred until November 9, 2012, four months after the special agent was assigned.*

Incident Date	OIG Case Number	Case Type	Allegations
2010-06-01	12-1030-IR	Direct Action with Subject Only Interview (SOI)	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Over-Familiarity</li> <li>4. Misuse of State Equipment or Property</li> </ol>

### Incident Summary

Between June 1, 2010, and December 8, 2011, a parole agent allegedly engaged in an overly familiar relationship with the half-sister of a parolee. The parole agent also allegedly failed to immediately report the relationship and was allegedly dishonest when he finally did report the relationship. It was also alleged the parole agent used a state-issued mobile phone to make approximately 151 personal phone calls to the parolee's half-sister within a six-month period. During the investigative interview on May 22, 2012, the parole agent was also allegedly dishonest to the Office of Internal Affairs regarding his relationship with the half-sister.

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
<p>The hiring authority failed to comply with the department's policies and procedures governing the investigative process by failing to request an investigation for nearly nine months after the parole agent authored a memorandum disclosing an overly familiar relationship with the half-sister of a parolee the parole agent was supervising. The delay in reporting caused a rushed investigation. The Office of Internal Affairs completed the investigation only 23 days prior to the deadline for taking disciplinary action.</p>	

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was June 22, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 2, 2012, over nine months after the date of discovery.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The report was completed and submitted to the hiring authority with only 23 days remaining before the deadline to take disciplinary action.*

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2010-07-01	12-0372-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

From July 1, 2010, through February 28, 2011, an officer allegedly confiscated marijuana from an inmate and did not turn it in or report the incident. In addition, the officer allegedly allowed inmates and their visitors to enter a closet in the visiting room to engage in sexual activity and assessed \$250 per incident. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred. The department did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2010-07-01	12-2506-IR	Administrative Investigation	1. Dishonesty 2. Insubordination 3. Neglect of Duty

### Incident Summary

Between July 1, 2010, and August 31, 2012, a parole services associate allegedly failed to properly supervise a parolee, failed to document her supervision of the parolee, and destroyed confidential law enforcement documents pertaining to the parolee. Between June 1, 2011, and August 31, 2012, the parole services associate also allegedly failed to properly supervise another parolee and was allegedly dishonest in documenting her supervision of the parolee, reporting the parolee was in custody between August 17, 2011, and June 29, 2012, when he was not. Between July 10, 2012, and August 12, 2012, the same parole services associate allegedly failed to prepare proper documentation as instructed by a supervisor and failed to properly document contacts with another parolee. On August 6, 2012, the parole services associate was allegedly insubordinate when she failed to prepare a discharge review report regarding one of the parolees as instructed by a supervising parole agent. Between June 9, 2012, and August 17, 2012, a parole agent allegedly failed to properly document his contacts with the same parolee. Between June 1, 2011, and August 31, 2011, the parole agent allegedly failed to properly supervise a parolee. On August 17, 2011, the parole agent allegedly improperly transferred supervision of the parolee to a federal immigration agency. Between July 1, 2011, and August 31, 2011, the parole agent also allegedly failed to properly document his supervision of the parolee. The whereabouts of both parolees, who are illegal immigrants, is unknown.

### Investigative Assessment

**Rating: Insufficient**

The department's investigative process failed to comply with policies and procedures. The hiring authority delayed submitting the request for investigation to OIA Central Intake, the Office of Internal Affairs failed to exercise due diligence in conducting the investigation, and the department attorney failed to document the deadline for taking disciplinary action against the parole agent.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on August 6, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 15, 2012, 70 days after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry into CMS regarding the deadline for taking disciplinary action against the parole agent.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The special agent was assigned on November 13, 2012, but did not conduct the first interview until March 13, 2013, four months after assignment. Although only four witnesses were interviewed, the investigation was not completed until June 21, 2013, over seven months after assignment. The delay in conducting the investigation resulted from the department attorney's unavailability, incomplete documents supplied by the parole region, and the special agent's failure to diligently advance the investigation.*



## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2010-12-29	11-0575-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On December 29, 2010, an inmate alleged that an officer was introducing heroin, alcohol, tobacco, and mobile phones into the institution. On August 21, 2012, the officer attempted to enter the institution with four sealed packages of tobacco concealed within his protective vest and a mobile phone in his lunch bag. From December 29, 2010, until August 21, 2012, the officer allegedly conspired with inmates to introduce alcohol, tobacco, and mobile phones for inmates on multiple occasions. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The special agent failed to make timely CMS entries. In addition, the draft and final investigative reports contained numerous critical deficiencies.

### Assessment Questions

- Did the special agent appropriately enter case activity in CMS?  
*The special agent failed to make timely CMS entries. The special agent made entries regarding significant events from one to several months after the events occurred, making real-time monitoring difficult.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?  
*The report submitted contained numerous deficiencies, evidence that could cause confidential informants to be revealed, superfluous information, and omitted an interview of an important witness.*
- Was the final investigative report thorough and appropriately drafted?  
*The final investigative report had many of the same deficiencies and reliance on statements made by those without personal knowledge.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-01-01	11-3197-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

From January 1, 2011, through March 31, 2013, an officer allegedly introduced marijuana, mobile phones, and tobacco into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The department did not open an administrative investigation due to lack of evidence and because the time for opening an administrative case had expired.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the case to the Office of Internal Affairs. The Office of Internal Affairs did not consult with the OIG or the appropriate prosecuting agency to determine if an administrative investigation should be conducted concurrently with the criminal investigation. The special agent did not conduct a timely investigation and consequently, the deadlines for filing misdemeanor charges and taking administrative action expired.

# SOUTH REGION

## Assessment Questions

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

*The department learned of the misconduct on June 10, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 2, 2011, 54 days after the date of discovery.*
- 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 did not consult with the OIG, the department attorney, or the appropriate prosecuting agency to determine if an administrative investigation should be conducted concurrently with the criminal investigation. The deadline for taking administrative action expired before any significant investigation was conducted.*
- Did the special agent adequately prepare for all aspects of the investigation?

*The special agent did not timely investigate the case and consequently, the deadline for taking administrative action expired as well as the deadline for filing misdemeanor charges.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?

*The special agent conducted no interviews until more than a year elapsed after discovery of the possible criminal activity. The delay in investigation caused the deadlines for taking administrative action and filing misdemeanor criminal charges to expire. On August 15, 2012, over a year after the deadline for taking administrative action passed, the special agent indicated to the OIG that he would begin conducting interviews; however, another seven months elapsed before the first interview was conducted on March 18, 2013.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

*The special agent did not timely investigate the case and consequently, the deadline for filing misdemeanor criminal charges and for taking administrative disciplinary action expired.*
- Did the deadline for taking disciplinary action expire before the investigation was completed?

*The special agent did not timely investigate this case and consequently, the deadline for filing misdemeanor charges and for taking administrative disciplinary action expired.*
- Was the investigation thorough and appropriately conducted?

*The investigation was not appropriately conducted because the time frame elapsed for filing misdemeanor criminal charges and taking administrative disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-01-27	12-1417-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Insubordination</li> <li>Neglect of Duty</li> </ol>

## Incident Summary

Between January 27, 2011, and December 14, 2011, a parole agent allegedly failed to adequately supervise parolees on her caseload and falsified numerous caseload documents, including forms indicating that she had completed her required parolee contacts and visits when, in fact, she had not done so. Additionally, the agent failed to transfer several files from her caseload after being instructed to do so numerous times by her supervisor.

## Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs, department attorney, and the hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not submit the request for investigation until 138 days after discovering the misconduct. The department attorney did not attend the parole agent's interview and the special agent did not complete the investigation until 13 days before the deadline to take disciplinary action.

## SOUTH REGION

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on January 6, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 23, 2012, 138 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 the interview of the parole agent.*
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?  
*The deadline for taking disciplinary action was January 6, 2013. The OIG did not receive the draft report until December 21, 2012.*
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the department attorney to allow for feedback before it was forwarded to the HA or prosecuting agency?  
*The deadline for taking disciplinary action was January 6, 2013. The department attorney did not receive the draft report until December 21, 2012.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The special agent was assigned on June 28, 2012; however, the investigation was not completed until December 24, 2012, 13 days before the deadline to take disciplinary action.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline for taking disciplinary action was January 6, 2013; however, the investigation was not completed until December 24, 2012, 13 days before the deadline to take disciplinary action.*

<b>Incident Date</b> 2011-03-01	<b>OIG Case Number</b> 12-2120-IR	<b>Case Type</b> Criminal Investigation	<b>Allegations</b> 1. Criminal Act
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### Incident Summary

From March 1, 2011, until September 30, 2012, an officer allegedly introduced marijuana, mobile phones, and pornography into the institution, and also allegedly engaged in sexual intercourse 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 department did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

**Rating: Sufficient**

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

<b>Incident Date</b> 2011-04-01	<b>OIG Case Number</b> 12-1582-IR	<b>Case Type</b> Administrative Investigation	<b>Allegations</b> 1. Over-Familiarity 2. Disclosure of Confidential Information 3. Misuse of State Equipment or Property
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### Incident Summary

From April 1, 2011, until April 30, 2012, a parole agent allegedly engaged in an overly familiar relationship with the wife of an inmate. The parole agent allegedly used his state vehicle to transport the wife of the inmate for personal purposes, provided money and gifts to the inmate's wife and child, and accessed and provided confidential state information to assist the inmate's wife in locating a relative.

## SOUTH REGION

### Investigative Assessment

Rating: **Insufficient**

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The department attorney failed to make any entry into the case management system confirming relevant dates. The special agent conducted investigative activities without notifying the OIG or the department attorney, and failed to respond to requests for status updates from the OIG and the department attorney. The special agent failed to provide the department attorney and the OIG sufficient time to review the investigative report and provide recommendations, and did not complete the investigation until March 20, 2013, only 27 days before the deadline to take disciplinary action.

### Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make any entry into CMS confirming relevant dates.*
- Did the special agent appropriately enter case activity in CMS?  
*The special agent failed to make entries in CMS from October 9, 2012, to February 12, 2013, despite investigative efforts occurring during that time. The special agent did not make entries until February 12, 2013, regarding investigative efforts performed during October, November, and December 2012.*
- 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 forwarded a draft investigative report to the OIG on February 27, 2013. However, on March 1, 2013, only two days later, the special agent notified the department attorney and the OIG stating that the final investigative report had been sent to the hiring authority without review by either the OIG or the department attorney.*
- 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 forwarded a draft investigative report to the department attorney on February 27, 2013. However, on March 1, 2013, only two days later, the special agent notified the department attorney and the OIG stating that the final investigative report had been sent to the hiring authority without review by either the OIG or the department attorney.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline to take disciplinary action was April 16, 2013. The investigation was completed on March 20, 2013, only 27 days before the deadline to take disciplinary action.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?  
*The special agent conducted some field work and interviews without notifying the OIG. On February 13, 2013, the special agent interviewed the inmate's wife without notifying the OIG. The special agent did not respond to requests for status updates during this time frame, preventing the OIG from performing monitoring responsibilities. On February 14, 2013, after all witness interviews were completed, the special agent provided a status of the investigation to the department attorney and the OIG. The special agent failed to timely provide the draft investigative report to the OIG before sending it to the hiring authority.*
- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the investigative phase?  
*The special agent conducted some field work and interviews without notifying the department attorney. On February 13, 2013, the special agent interviewed the inmate's wife without notifying the department attorney. On February 14, 2013, after all witness interviews were completed, the special agent provided a status of the investigation to the department attorney and the OIG. The special agent also failed to timely provide the draft investigative report to the department attorney before sending the report to the hiring authority.*

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-08-01	12-0823-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>

### Incident Summary

Between August 1, 2011, and January 31, 2012, a parole agent allegedly failed to properly supervise and properly document his supervision of a parolee. The parole agent allegedly failed to update the parolee's known address changes, falsely documented home visits of the parolee, and falsely documented information regarding the collection of samples for anti-narcotic testing.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process by failing to timely conduct and complete the investigation. The deadline to take disciplinary action was February 22, 2013, but the investigation was not completed until January 31, 2013, only 22 days before the deadline for taking disciplinary action.

### Assessment Questions

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

*The special agent was assigned to investigate this matter on April 24, 2012, but no interviews were conducted until October 25, 2012, six months after case assignment. On October 25, 2012, the OIG expressed concern to the supervising agent regarding the pace of the investigation and was assured that the investigation would be completed no later than 35 days before the deadline for taking disciplinary action on February 22, 2013.*

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

*The deadline to take disciplinary action was February 22, 2013. The investigation was completed on January 31, 2013, 22 days before the deadline for taking disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2011-08-01	12-2675-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>

### Incident Summary

Between August 1, 2011, and January 9, 2012, a parole agent allegedly failed to properly supervise a high-control parolee by failing to make a single home visit and other required contacts. The parole agent also allegedly made false entries in the parolee's file indicating the parole agent made contact with the parolee when he had not.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2011-08-12	11-2651-IR	Criminal Investigation	<ol style="list-style-type: none"> <li>Criminal Act</li> </ol>

### Incident Summary

On August 12, 2011, a painter allegedly introduced methamphetamine, a hacksaw blade, and reciprocating saw blades into the institution for 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 did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

**Rating: Sufficient**

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

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2011-09-11	12-0277-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Unreasonable Use of Force</li> <li>4. Neglect of Duty</li> <li>5. Code of Silence</li> </ol>

### Incident Summary

On September 11, 2011, a sergeant and two officers approached an inmate in a housing unit to confront the inmate about being disruptive during a prior watch. The sergeant allegedly used unreasonable force on the inmate when the inmate was taken to the ground without justification. The sergeant, the two accompanying officers, and a third officer allegedly engaged in a code of silence by falsely reporting in writing and in their interviews that the inmate physically assaulted the sergeant, justifying the use of force. The control booth officer reported that the sergeant took the inmate to the ground without provocation.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-01-01	12-2424-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Discourteous Treatment</li> </ol>

### Incident Summary

From January 1, 2012, through December 31, 2012, a senior youth counselor was allegedly overly familiar and discourteous towards wards when he referred to them as "baby boy" and told the wards that he "loved" them. The senior youth counselor also allegedly leered at the wards while they were showering and told the wards that he liked their hair.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. OIA Central Intake initially incorrectly rejected the request for an investigation. Furthermore, the investigation was not conducted with due diligence and was not completed timely. Additionally, the department attorney failed to attend any witness interviews, including the interview of the complainant.

# SOUTH REGION

## Assessment Questions

- Did OIA Central Intake make an appropriate initial determination regarding the case?  
*OIA Central Intake initially rejected the hiring authority's request for investigation, stating there was insufficient evidence to open an investigation.*
- Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention?  
*The OIG provided OIA Central Intake with additional information it did not initially have which, upon reconsideration, resulted in their decision to open an investigation.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney was assigned to the case on October 30, 2012, but did not make an entry into CMS regarding the deadline for taking disciplinary action until December 3, 2012, 34 calendar days after assignment.*
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney did not contact the special agent within 21 days. The special agent initiated contact and the initial meeting did not occur until 34 days after the department attorney was assigned to the case.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*The department attorney only attended the senior youth counselor's interview, but did not attend any of the 12 witness interviews.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The initial special agent was assigned to the case on November 13, 2012. No significant investigative work was completed in November, December, or January. The case was reassigned to a second special agent on January 23, 2013. No significant investigative work was completed until May 2013.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The investigative report was completed and submitted to the hiring authority with only 20 days left before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-02-17	12-2611-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> <li>3. Neglect of Duty</li> </ol>

## Incident Summary

On February 17, 2012, a sergeant and an officer allegedly left a fire camp unattended for approximately one hour while they went on a hike with an inmate. Additionally, the officer, with the sergeant's permission, allegedly placed handcuffs on the inmate as a practical joke. The inmate was not injured. The officer also allegedly falsified the camp register when he noted that he conducted a count of all inmates during the time he was away from the camp. The officer was allegedly insubordinate when he did not write a memorandum concerning the incident as ordered by his lieutenant. The sergeant's report allegedly did not include the fact that the inmate was handcuffed.

## Investigative Assessment

**Rating: Insufficient**

The hiring authority and department attorney failed to comply with the department's policies and procedures governing the investigative process. The hiring authority waited almost eight months after the date of discovery to refer the matter to the Office of Internal Affairs for an investigation. The department attorney did not attend any interviews, did not timely provide the special agent with feedback regarding the sufficiency of the investigative report, did not provide written confirmation of discussions with the special agent, and failed to consult with the OIG for the duration of the investigation.

## SOUTH REGION

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on February 19, 2012; however, the matter was not referred to the Office of Internal Affairs until October 16, 2012, nearly eight months later.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*The department attorney did not attend any investigative 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 did not timely review the report and provide appropriate substantive feedback to the special agent.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?  
*Aside from the initial case conference, the department attorney had no contact with the OIG throughout the investigative phase.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-02-22	12-1216-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>

### Incident Summary

On February 22, 2012, a sergeant allegedly utilized pepper spray on an inmate while not in compliance with mandatory use-of-force training. On April 10, 2012, the sergeant was allegedly dishonest to the warden when he claimed to have attended the mandatory use-of-force training and presented the warden with falsified evidence of the completed training which he claimed had been misfiled. On January 4, 2013, the sergeant was allegedly dishonest to the Office of Internal Affairs about the matter.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-02-23	12-2231-IR	Criminal Investigation	<ol style="list-style-type: none"> <li>Criminal Act</li> </ol>

### Incident Summary

From February 23, 2012, until June 29, 2012, an officer allegedly introduced methamphetamine, marijuana, mobile phones, and DVDs into the institution for various inmates in exchange for money. 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 department did not open an administrative investigation due to a lack of evidence.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs and hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not refer the case to the Office of Internal Affairs until five months after the date of discovery of the alleged misconduct. Additionally, the Office of Internal Affairs did not complete the investigation in a timely manner and as a result, the deadline for filing charges expired for the allegation that the officer was bringing mobile phones into the institution.



## SOUTH REGION

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on March 2, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 27, 2012, over five months after the date of discovery.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*One of the allegations was that the officer introduced mobile phones into the institution. The deadline for filing charges for that allegation was March 2, 2013. However, the investigation was not completed until March 22, 2013.*
- Did the deadline for taking disciplinary action expire before the investigation was completed?  
*The deadline for filing charges for the allegation of introducing mobile phones into the institution expired on March 2, 2013. The investigation was not completed until March 22, 2013.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-01	13-0118-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

Between March 1, 2012, and January 10, 2013, an officer allegedly smuggled methamphetamine, marijuana, heroin, and mobile phones into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-01	13-0597-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Contraband</li> <li>Misuse of Authority</li> <li>Over-Familiarity</li> <li>Dissuade a Witness</li> </ol>

### Incident Summary

From March 2012 to April 2013, an officer was allegedly overly familiar with inmates when he brought mobile phones into an institution, selling them to certain inmates for personal gain. During that time, the officer also allegedly confiscated mobile phones, money, and scheduled appointment passes during cell searches and either kept the items for himself or redistributed them to other inmates. From October 2, 2012, to March 13, 2013, the officer allegedly tried to dissuade witnesses from reporting incriminating information about the officer. On October 8, 2012, the officer allegedly submitted a false report about his conversation with an inmate, omitting several key details. On April 18, 2013, the officer was allegedly dishonest when interviewed by the Office of Internal Affairs.

### Investigative Assessment

**Rating: Sufficient**

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

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-20	12-1806-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On March 20, 2012, an inmate alleged that an officer introduced heroin and mobile phones into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The department did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-03-23	12-2000-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Other Failure of Good Behavior</li> <li>4. Code of Silence</li> </ol>

### Incident Summary

On March 23, 2012, a sergeant allegedly attempted to watch his 15-year old stepdaughter, who was nude and bathing, by lying on the floor outside her bathroom door. That same day, the sergeant's brother, also a sergeant, allegedly failed to report the incident and also tried to dissuade the mother of the alleged victim, an officer, from reporting the incident to outside law enforcement. The first sergeant was arrested on March 25, 2012. On October 24, 2012, the officer was allegedly dishonest to the Office of Internal Affairs when she denied that the second sergeant attempted to dissuade her from reporting the incident to outside law enforcement. On January 16, 2013, and January 30, 2013, the first sergeant was allegedly dishonest during his interview with the Office of Internal Affairs.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-04-04	12-1933-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Over-Familiarity</li> <li>2. Neglect of Duty</li> <li>3. Other Failure of Good Behavior</li> <li>4. Disclosure of Confidential Information</li> <li>5. Solicitation for Murder</li> </ol>

### Incident Summary

Between April 4, 2012, and June 6, 2012, a parole agent allegedly solicited a parolee, who was a registered sex offender, to kill or seriously hurt another parolee supervised by the same parole agent, and provided confidential information to the parolee about the targeted parolee. The parole agent also allegedly permitted the parolee to violate the terms of his parole by allowing him to possess a mobile phone and to travel away from his residence without his required GPS tracking device. During this same time period, the parole agent allegedly failed to properly review the GPS tracking data for the targeted parolee, allowing that parolee to violate his parole terms by living at a location other than his registered address and allowing him to commit another felony offense.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The department attorney failed to adequately document relevant dates and provide written feedback regarding the investigative report to the special agent and the OIG. The Office of Internal Affairs failed to exercise due diligence in conducting the investigation.

## SOUTH REGION

### Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney made an entry in CMS confirming the deadline for taking disciplinary action but did not confirm any other relevant dates.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The parole agent was placed on administrative leave on June 7, 2012, during the criminal investigation related to this case. An administrative investigation was not approved until August 20, 2012, 74 days after the parole agent was placed on administrative leave. The investigative report was completed and forwarded to the hiring authority on October 30, 2012, 145 days after the parole agent was placed on administrative leave.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-04-07	12-1863-IR	Administrative Investigation	1. Neglect of Duty

### Incident Summary

On April 7, 2012, a lieutenant and sergeant allegedly violated policy when they handled a calculated cell extraction as an emergency cell extraction. The lieutenant also allegedly failed to obtain and review staff reports within 24 hours of the incident. The sergeant allegedly failed to provide a lieutenant with complete information regarding the inmate's condition before the lieutenant authorized the emergency cell extraction. Both the lieutenant and the sergeant allegedly failed to ensure that officers who participated in the cell extraction wore proper safety gear. As a result of the lieutenant's and sergeant's alleged misconduct, the officers sustained injuries.

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to timely make a determination regarding the case. The department attorney did not make any entry into CMS confirming relevant dates. The Office of Internal Affairs completed its investigation only 23 days before the deadline for taking disciplinary action.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on May 11, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 2, 2012, 52 days after the date of discovery.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on July 6, 2012, but did not take action until August 8, 2012, 33 days after the receipt of the request.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make any entry into CMS confirming relevant dates.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The Office of Internal Affairs completed its investigation only 23 days before the deadline for taking disciplinary action.*

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-01	12-1679-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

From May 1, 2012, until February 7, 2013, a materials and stores supervisor allegedly smuggled heroin, marijuana, tobacco, and mobile phones into the institution. The investigation failed to establish sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The department did not open an administrative investigation due to lack of evidence.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-15	12-1540-IR	Administrative Investigation	1. Dishonesty 2. Neglect of Duty

### Incident Summary

On May 15, 2012, a youth counselor allegedly attempted to minimize the misconduct of two wards and was dishonest when he described their interaction in an incident report as "horseplay" rather than fighting.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-05-22	12-1399-IR	Administrative Investigation	1. Failure to Report 2. Unreasonable Use of Force 3. Neglect of Duty

### Incident Summary

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

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-01	13-0362-IR	Administrative Investigation	1. Dishonesty 2. Contraband 3. Over-Familiarity

### Incident Summary

Between June 1, 2012, and September 28, 2012, a supervising cook was allegedly involved in a romantic and overly familiar relationship with an inmate who worked in the kitchen. The supervising cook also allegedly provided tobacco, mobile phones, and jewelry to the inmate. Additionally, the supervising cook was allegedly dishonest when she filed a false complaint against an officer and was dishonest during her interview with the Office of Internal Affairs.

## SOUTH REGION

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-08	13-0563-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Neglect of Duty</li> </ol>

### Incident Summary

On June 8, 2012, a fire broke out on a housing unit. A ward failed to comply with orders to leave the unit, resulting in the use of a pepper-ball launcher. A sergeant and four officers allegedly failed to report the force that they witnessed. A lieutenant also allegedly failed to list in official reports the identities of the staff who witnessed or participated in the use of force.

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
The department failed to comply with policies and procedures governing the investigative process. The hiring authority waited over nine months to refer the matter to the Office of Internal Affairs for an investigation. The Office of Internal Affairs completed its report only eight days before the deadline to take disciplinary action.	

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The hiring authority was directed by his immediate supervisor to refer the matter to the Office of Internal Affairs on October 4, 2012; however, the matter was not referred until March 25, 2013, more than five months later, and more than nine months after the date of discovery.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The investigative report was completed and submitted to the hiring authority with only eight days left before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-11	12-2234-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On June 11, 2012, a captain allegedly falsified the date on a rules violation report against an inmate to avoid missing a deadline. Between June 11, 2012, and July 14, 2012, the captain allegedly failed to disclose the false date, allowing an improper hearing to occur. An officer was allegedly dishonest and negligent in the preparation and handling of the same rules violation documents, delivered the false documentation for signature, served the inmate with the false documentation, and failed to report the misconduct of the captain in altering the rules violation documents. On August 22, 2012, the captain allegedly failed to report a suspected alteration to another official document related to the rules violation report documents. On January 30, 2013, the officer was allegedly dishonest during his interview with the Office of Internal Affairs. On April 23, 2013, the captain was also allegedly dishonest during her interview with the Office of Internal Affairs.

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

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-12	12-1431-IR	Criminal Investigation	1. Criminal Act

### Incident Summary

On June 12, 2012, a library technical assistant was found in possession of three plastic water bottles containing vodka as she entered the institution. Officers searched her vehicle and found seven mobile phones, three wireless ear pieces, and 79 ounces of tobacco. A search of her home yielded additional bottles of alcohol, another mobile phone wrapped in a vacuum-sealed bag, and several disposable lighters. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation which the OIG accepted for monitoring.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process because the special agent failed to exercise due diligence in completing the investigation and the final investigative report was not submitted to the appropriate prosecuting agency until March 2013, more than six months after completion of the investigation.

### Assessment Questions

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

*The special agent failed to exercise due diligence in conducting the investigation. All interviews were completed on the date of the incident, June 12, 2012, and all further investigative efforts concluded on August 10, 2012. However, despite numerous reminders from the OIG, the special agent did not produce a draft of the investigative report until February 11, 2013, and the final investigative report was not submitted to the appropriate prosecuting agency until March 2013, more than six months after completion of all investigative efforts.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-14	12-2033-IR	Administrative Investigation	1. Neglect of Duty

### Incident Summary

On June 14, 2012, an officer allegedly left an inmate who was on contraband watch alone in his cell in order to use the restroom. A control booth officer allegedly opened a secure door to allow the other officer to use the restroom and also allegedly left the inmate's cell door open.

### Investigative Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-15	13-0593-IR	Administrative Investigation	1. Neglect of Duty

### Incident Summary

On June 15, 2012, a lieutenant and a sergeant allegedly left an inmate in his cell unattended with an inmate-manufactured weapon, failed to make proper notifications to supervisors of the situation, and failed to act to remove the inmate from his cell and confiscate the inmate-manufactured weapon. Instead, both the lieutenant and sergeant left the situation to the next shift of officers. Also, an officer allegedly incorrectly documented the time when the inmate-manufactured weapon was first observed.

## SOUTH REGION

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
<p>The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make a timely decision regarding the request. The special agent failed to complete all necessary interviews prior to completing the draft investigative report and the investigation was completed only two days prior to the deadline for taking disciplinary action.</p>	

### Assessment Questions

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

*The department learned of the misconduct on June 15, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 18, 2013, nine months and three days after the date of discovery.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

*OIA Central Intake received the request for investigation on March 21, 2013, but did not take action until April 24, 2013, 34 days after receipt of the request.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

*The initial report was completed and submitted to the hiring authority with only 16 days left before the deadline for taking disciplinary action. The supplemental report was completed and submitted to the hiring authority with only two days left before the deadline for taking disciplinary action.*
- Was the investigation thorough and appropriately conducted?

*During the course of the investigation, the special agent determined that the officer might have committed misconduct potentially relevant to the disciplinary action against the lieutenant and the sergeant. The special agent indicated that he would re-interview the officer, but failed to do so prior to completing the draft investigative report. After consultation with the OIG, the special agent did re-interview the officer and provided a supplemental report.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-06-26	12-1932-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> </ol>

### Incident Summary

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

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
<p>The department's investigative process sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-01	12-2233-IR	Criminal Investigation	<ol style="list-style-type: none"> <li>Criminal Act</li> </ol>

### Incident Summary

From July 1, 2012, until July 31, 2012, a supervising cook was allegedly involved in a sexual relationship 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.

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
<p>The department's investigative process sufficiently complied with policies and procedures.</p>	

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-02	12-2122-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> <li>3. Neglect of Duty</li> </ol>

### Incident Summary

On July 2, 2012, an officer allegedly failed to report to his job assignment after being directed to do so by a supervisor and failed to review the personnel movement sheet reflecting a new assignment. On July 3, 2012, the officer was allegedly dishonest to a sergeant about a job change. On May 1, 2013, the officer was allegedly dishonest to the Office of Internal Affairs about the incident.

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs did not complete its investigation until 27 days before the deadline to take disciplinary action. Additionally, the department attorney attended only two of six interviews and, during the officer's interview, the department attorney was less than alert as he fell asleep at various times during the interview.

### Assessment Questions

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?

*The department attorney attended the officer's interview and one witness interview, but failed to attend four additional witness interviews. Additionally, during the officer's interview, the department attorney was less than alert as he fell asleep at various times during the interview.*

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

*The deadline to take disciplinary action was July 1, 2013. The investigation was not completed until June 4, 2013, only 27 days before the deadline.*

Incident Date	OIG Case Number	Case Type	Allegations
2012-07-10	12-2426-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Discourteous Treatment</li> <li>3. Carrying Unauthorized Weapon</li> </ol>

### Incident Summary

On July 10, 2012, an officer was allegedly in possession of a concealed firearm he was not qualified or authorized to carry when contacted by outside law enforcement for driving over the speed limit, failing to yield to law enforcement, and failing to have a front license plate. The officer allegedly made demeaning comments to the outside law enforcement officers, and cursed and yelled at them. On August 10, 2012, the officer was allegedly dishonest when he told the investigative services unit that he was not in possession of a weapon during the July 10, 2012, incident.

### Investigative Assessment

**Rating: Sufficient**

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



## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2012-09-06	13-0553-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Contraband</li> <li>4. Over-Familiarity</li> <li>5. Neglect of Duty</li> </ol>

### Incident Summary

Between September 6, 2012, and March 27, 2013, an officer allegedly introduced a mobile phone into the institution, took photographs of himself and another officer holding weaponry while on duty, photographed secure areas within the institution, posted those photographs while on duty on his public social networking site, engaged in overly familiar relationships with inmates when he accepted personalized artwork from them, and was dishonest during his interview with the Office of Internal Affairs. During that same period, three other officers allegedly introduced mobile phones into the institution for their personal use, posed for photographs, and took photographs of one another within the institution's secure perimeter. The officers allegedly failed to report the misconduct of the other officers.

### Investigative Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Case Type	Allegations
2012-09-25	13-0298-IR	Direct Action with Subject Only Interview (SOI)	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> </ol>

### Incident Summary

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

### Investigative Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Case Type	Allegations
2012-12-28	12-2955-IR	Criminal Investigation	<ol style="list-style-type: none"> <li>1. Criminal Act</li> </ol>

### Incident Summary

On December 28, 2012, a television specialist allegedly smuggled heroin and methamphetamine into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The television specialist resigned prior to the conclusion of the criminal investigation; therefore, the Office of Internal Affairs did not open an administrative investigation.

### Investigative Assessment

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

Rating: Sufficient

## SOUTH REGION

Incident Date	OIG Case Number	Case Type	Allegations
2013-01-02	13-0419-IR	Administrative Investigation	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Contraband</li> <li>4. Over-Familiarity</li> <li>5. Neglect of Duty</li> <li>6. Other Failure of Good Behavior</li> </ol>

### Incident Summary

On January 2, 2013, an officer allegedly abandoned his post, went to another area of the prison, and provided tobacco to an inmate. Another officer reportedly saw the transaction, located the tobacco, and reported the incident to a lieutenant and captain. The lieutenant allegedly failed to properly secure the tobacco as evidence. The first officer also allegedly told a sergeant that if the first officer lost his job, the reporting officer would need to "watch his back." The sergeant allegedly failed to report the first officer's threat. On March 21, 2013, during his interview with the Office of Internal Affairs, the first officer was allegedly dishonest on multiple occasions. Additionally, the first officer allegedly failed to report secondary employment to his hiring authority and helped a friend avoid making child support payments by putting his friend's business in the first officer's name. The first officer was also allegedly aware that a parolee was engaged in business transactions at the business that was in the first officer's name and did not report it.

### Investigative Assessment

**Rating: Sufficient**

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

# APPENDIX B

## DISCIPLINARY PHASE CASE SUMMARIES

### CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-04-28	11-1653-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Other Failure of Good Behavior</li> <li>4. Over-Familiarity</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>	Dismissal	No Change

#### Incident Summary

On April 28, 2011, it was alleged a correctional counselor discovered photographs on a social networking website depicting an officer and a case records technician allegedly associating with a parolee and an outlaw motorcycle gang. The officer and case records technician also allegedly lied to the Office of Internal Affairs when questioned regarding the allegations.

#### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officer and the case records technician, dismissing both of them. The OIG concurred with these determinations. Both the officer and the case records technician filed appeals with the State Personnel Board. At the pre-hearing settlement conference, settlements were negotiated with both the officer and case records technician. Ultimately, though, the officer withdrew her acceptance of her settlement. The officer's appeal hearing proceeded and the State Personnel Board sustained the officer's dismissal. The department entered into a settlement agreement with the case records technician, whereby the disciplinary action would be withdrawn and the case records technician would receive four months of back-pay; in exchange, the case records technician would resign and never seek employment with the department again. The department agreed to the settlement because evidentiary issues were raised regarding difficulty in holding an off-duty non-sworn employee accountable for associating with outlaw motorcycle gang members. The OIG concurred due to the evidentiary issues and the case records technician leaving the department.

#### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-01	12-0188-IR	<ol style="list-style-type: none"> <li>1. Over-Familiarity</li> <li>2. Neglect of Duty</li> <li>3. Sexual Misconduct</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>	Salary Reduction	No Change

#### Incident Summary

During August 2011, an officer was allegedly engaged in a sexually overly familiar relationship with a parolee. On November 11, 2011, outside law enforcement stopped the officer for allegedly having an expired vehicle registration. As outside law enforcement spoke to the officer, they suspected the officer of driving while under the influence of a controlled substance. The officer also failed to provide any identification. The officer's front-seat passenger was then identified as the same parolee.

#### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of overfamiliarity with a parolee and neglect of duty, and imposed a 10 percent salary reduction for 24 months. The hiring authority found insufficient evidence to sustain the allegation of sexual misconduct with a parolee. The OIG concurred with the hiring authority's determinations. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in her official personnel file.

#### Disciplinary Assessment

**Rating: Sufficient**

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

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-23	12-2266-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

### Incident Summary

On November 23, 2011, a sergeant allegedly filed a fraudulent claim with his insurance company when he reported his motorcycle stolen. It was further alleged that the motorcycle was never stolen and that the sergeant did not actually own the motorcycle since there was a lien on it and a finance company held the title.

### Disposition

The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. At a *Skelly* hearing, the sergeant expressed great remorse about disgracing the department and his family. He candidly spoke about family and financial hardships that had overwhelmed him. He was also forthcoming and cooperative with the district attorney's office. In light of this mitigation, the department entered into a settlement agreement with the sergeant, agreeing to accept the sergeant's resignation in lieu of dismissing him. In exchange, the sergeant agreed to withdraw his appeal and agreed to never seek future employment with the department. The OIG concurred due to the mitigating factors presented and because the ultimate goal of terminating the sergeant's employment was achieved.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-19	12-1300-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Misuse of Authority</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On April 19, 2012, two officers allegedly conspired with an inmate to have the inmate attack his cellmate. In return, one of those officers allegedly instructed a property officer to release a package to the inmate attacker even though that inmate was not yet eligible to receive packages in the administrative segregation unit where he was housed. Additionally, a sergeant allegedly failed to notify his supervisor about the in-cell attack and properly document the incident.

### Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation for neglect of duty against the sergeant and one of the officers, imposing a 5 percent salary reduction for six months against each. The OIG concurred. After the officer's *Skelly* hearing, it was confirmed that certain package restrictions did not apply to the involved inmate. Consequently, the hiring authority withdrew the disciplinary action against that officer. The OIG concurred. After the sergeant's *Skelly* hearing, the hiring authority reduced the penalty to a 5 percent salary reduction for three months because of the sergeant's satisfactory work record and assurance that misconduct would not recur, and new information presented about the involved inmates. The hiring authority and department attorney failed to consult with the OIG regarding the penalty modification. However, the OIG would have concurred due to the factors presented at the *Skelly* hearing. The OIG recommended that the modification be offered as a settlement to avoid the possibility of the sergeant filing an appeal with the State Personnel Board on the modified penalty. However, the hiring authority had already served the amended disciplinary action. The sergeant did file an appeal, following which the State Personnel Board sustained the modified penalty. The hiring authority determined there was insufficient evidence to sustain the misuse of authority allegation against either officer. The OIG concurred.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority and department attorney failed to consult the OIG before modifying the sergeant's penalty and failed to secure a settlement agreement in exchange for the modification.

# CENTRAL REGION

## Assessment Questions

- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*The OIG was not consulted before the sergeant's penalty was modified and the modification was not obtained through a settlement agreement.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The OIG was not consulted prior to modifying the sergeant's penalty.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The OIG was not consulted prior to modifying the sergeant's penalty.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-23	12-1810-IR	1. Failure to Report	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On April 23, 2012, four officers used batons and other physical force on an inmate because he was resisting their orders to submit to a search. The officers allegedly failed to report their use of force.

### Disposition

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

### Disciplinary Assessment

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

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-26	12-1654-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

### Incident Summary

On April 26, 2012, an off-duty officer and his girlfriend began arguing. To prevent his girlfriend from leaving her apartment, the officer allegedly took his girlfriend's computer, purse, and car keys, refusing to return them. The officer then allegedly struck his girlfriend's hand with the bedroom door as he shut the door behind him. The officer also allegedly pushed his girlfriend's son backward out of the door into a door jamb. The next morning, the officer returned his girlfriend's property. The officer was arrested and charged with misdemeanor domestic violence. The criminal charges were later dismissed.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board. The officer failed to appear at the pre-hearing settlement conference and the appeal was dismissed.

### Disciplinary Assessment

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

**Rating: Insufficient**

# CENTRAL REGION

## Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on July 20, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until October 23, 2012, more than three months after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on July 20, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until October 23, 2012, more than three months after receipt of the case.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the findings and penalty conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-02	12-1651-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Failure to Report</li> <li>Driving Under the Influence</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

On May 2, 2012, an off-duty officer was arrested for allegedly driving while intoxicated when he was contacted by outside law enforcement while parked in an alley notorious for narcotics activity. The officer also allegedly had a suspended driver's license at the time of his arrest. It was further alleged that the officer was dishonest when talking to outside law enforcement and the institution about his suspended driver's license. Additionally, the officer failed to report to the institution when his driver's license was previously suspended and also failed to report that his driver's license was again suspended as a result of the current arrest.

### Disposition

The hiring authority determined there was sufficient evidence to sustain allegations that the officer was intoxicated while driving, failed to report his suspended driver's license, and was dishonest when asked to provide proof of a valid driver's license. The allegation that the officer was dishonest about knowing at the time of his arrest that he had a suspended driver's license was not sustained. The hiring authority decided to dismiss the officer. However, the hiring authority non-punitively terminated the officer since the officer did not have a valid driver's license, which is a job requirement. The OIG concurred with the hiring authority's determinations. A letter indicating the officer was pending disciplinary action was also placed in his official personnel file. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-17	13-0168-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On June 17, 2012, a sergeant allegedly failed to follow mandatory procedures to ensure evidence collection and crime scene preservation after an inmate was allegedly sexually assaulted.

## CENTRAL REGION

### Disposition

The OIG urged the hiring authority to submit the matter to the Office of Internal Affairs which subsequently resulted in disciplinary action. The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for one month. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

The department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-28	12-2265-IR	1. Discourteous Treatment	1. Sustained	Salary Reduction	Letter of Instruction

### Incident Summary

On July 28, 2012, an off-duty correctional counselor allegedly yelled profanities at a neighbor after the neighbor yelled at the correctional counselor's daughters. On July 29, 2012, the correctional counselor allegedly handed a baseball bat to her husband who allegedly used it to strike the neighbor when the neighbor came to the correctional counselor's home to apologize for the previous incident. Outside law enforcement responded to the second incident. The correctional counselor's husband and the neighbor were both allegedly intoxicated during the two incidents.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. At the *Skelly* hearing, the correctional counselor explained that the neighbor was intoxicated when he yelled and used profanity at her daughters. The correctional counselor also expressed remorse, had no prior disciplinary actions, and was recently promoted. Due to these factors the hiring authority elected to withdraw the disciplinary action and instead issued a letter of instruction. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

The department failed to comply with policies and procedures governing the disciplinary process. The disciplinary officer failed to document assessing the relevant deadlines and failed to provide the draft letter of instruction to the OIG for review. In addition, the findings and penalty conference was not held timely and the department failed to timely serve the disciplinary action.

**Rating: Insufficient**

# CENTRAL REGION

## Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*There are no CMS entries from the disciplinary officer confirming relevant dates prior to the findings conference.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on September 26, 2012; however, the consultation with the OIG and disciplinary officer regarding the sufficiency of the investigation and the investigative findings did not occur until November 21, 2012, 56 calendar days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on September 26, 2012; however, the consultation with the OIG and disciplinary officer regarding the disciplinary determinations did not occur until November 21, 2012, 56 calendar days after receipt of the case.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The disciplinary officer did not provide a draft copy of the letter of instruction to the OIG until after it was already served on the correctional counselor.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to timely conduct the investigative findings and disciplinary determinations. Additionally, the department failed to timely serve the disciplinary action. The findings and penalty conference was held on November 21, 2012; however, the disciplinary action was not served until January 17, 2013, 57 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-06	13-0155-IR	1. Unreasonable Use of Force	1. Sustained	Letter of Instruction	No Change

### Incident Summary

On September 6, 2012, a sergeant allegedly used unreasonable force when he discharged pepper spray at an inmate through a food port when the inmate refused orders to submit to handcuffs, choosing instead to crouch under the hospital bed inside the cell.

### Disposition

The hiring authority determined that there was sufficient evidence to sustain the allegation, but decided to issue the sergeant a letter of instruction instead of taking disciplinary action against him. The OIG concurred.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-10	12-2638-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On September 10, 2012, an officer was allegedly involved in an off-duty domestic disturbance in which he allegedly threatened to kill his wife. Outside law enforcement responded to the incident and arrested the officer for the alleged threats and arrested the officer's wife for allegedly brandishing a firearm at the officer. It was later confirmed that the officer was the reporting party who contacted outside law enforcement. The officer's wife also admitted to pointing a firearm at the officer.



# CENTRAL REGION

<b>Disposition</b> The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.	
<b>Disciplinary Assessment</b> The department failed to comply with policies and procedures governing the disciplinary process. The Office of Internal Affairs failed to make a timely determination regarding the request for investigation, the department attorney failed to provide continual real-time consultation with the OIG, and the hiring authority failed to conduct the investigative findings conference in a timely manner.	<b>Rating: Insufficient</b>
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the request for investigation on October 1, 2012, but did not take action until November 7, 2012, 37 days after receipt of the request.</i></li> <li>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 case was returned to the hiring authority on November 15, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 4, 2013, more than four months after receipt of the case.</i></li> <li>Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ? <i>The officer's criminal court case which arose from this incident was dismissed on November 26, 2012. This information was not shared with the OIG until March 15, 2013, despite several OIG inquiries to the department attorney about the status of the criminal court case.</i></li> <li>Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the investigative findings in a timely manner.</i></li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-30	12-2841-IR	1. Dishonesty 2. Other Failure of Good Behavior 3. Attendance	1. Sustained 2. Sustained 3. Sustained	Dismissal	No Change

**Incident Summary**  
 On September 30, 2012, an officer was allegedly dishonest when she called in before her work shift, claiming sick family leave to excuse her absence. However, instead of caring for a sick family member that night, the officer allegedly went out drinking and was subsequently contacted by outside law enforcement. The officer attempted to hide an open alcoholic beverage container in her possession and admitted to being intoxicated. On October 9, 2012, the same officer was again allegedly dishonest when she claimed sick leave for the day, but actually surrendered to a local county jail to serve a pre-scheduled court ordered sentence.

<b>Disposition</b> The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.	
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures.	<b>Rating: Sufficient</b>

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-16	12-2842-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

### Incident Summary

On October 16, 2012, an officer allegedly jeopardized the safety and security of the institution by leaving his department issued green jacket in the bathroom of a dormitory. On October 19, 2012, upon returning from his days off, the officer allegedly failed to immediately notify his supervisor that the jacket was missing from the dormitory bathroom. The officer did not report the missing jacket until October 22, 2012.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

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

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-29	12-2844-IR	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Carrying a Weapon While Intoxicated</li> <li>Carrying an Unauthorized Weapon Off Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On October 29, 2012, an off-duty officer was arrested by outside law enforcement for allegedly being drunk in public and carrying a concealed firearm. It was further alleged that the officer was not authorized to carry the off-duty firearm because he had not previously qualified with it.

### Disposition

The hiring authority determined that there was sufficient evidence to sustain the allegations that the officer was publicly intoxicated and carried a firearm while under the influence of alcohol, and imposed a 5 percent salary reduction for one month. The allegation that the officer carried an unauthorized weapon was not sustained. The OIG concurred in the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

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

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-01	12-2953-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	No Change

### Incident Summary

In November 2012, an officer allegedly used marijuana. On November 9, 2012, the officer submitted to a random drug urinalysis test. On November 14, 2012, the officer's drug test was verified as positive for marijuana.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation 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.

# CENTRAL REGION

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
The department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-15	13-0222-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Misuse of Authority</li> <li>3. Other Failure of Good Behavior</li> <li>4. Discourteous Treatment</li> <li>5. Battery</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Sustained</li> </ol>	Dismissal	No Change

**Incident Summary**  
 On November 15, 2012, an off-duty officer allegedly assaulted his girlfriend by intentionally throwing a hot cup of coffee at her during an argument at a casino, causing a burn to the girlfriend. During his resulting arrest, the officer allegedly attempted to use his position as an officer to gain leniency. The officer was also allegedly dishonest when questioned by the arresting officer.

**Disposition**  
 The hiring authority sustained the allegations. These allegations were combined with two unrelated cases pending against the officer and the officer already had two prior criminal convictions for driving under the influence. The hiring authority determined dismissal was the appropriate penalty. The OIG concurred. Additionally, the hiring authority served the officer with a non-punitive dismissal because his driver's license was suspended, which was a requirement of employment. However, the officer resigned before the disciplinary action or non-punitive dismissal took effect. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-07	13-0292-IR	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Not Sustained</li> </ol>	No Penalty Imposed	No Change

**Incident Summary**  
 On December 7, 2012, a lieutenant allegedly used unreasonable force when he used pepper spray on a restrained inmate who was inside a holding cell. The lieutenant allegedly used the pepper spray because the inmate continued to spit on staff members and make snorting sounds after the inmate already spit on two people.

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

<b>Disciplinary Assessment</b>	<b>Rating: Insufficient</b>
OIA Central Intake failed to initially identify that an investigation was needed. Despite a request for reconsideration to approve an interview of the lieutenant, OIA Central Intake still determined that an interview was unnecessary even though available reports did not provide sufficient information. As a result, no allegations were sustained.	

# CENTRAL REGION

## Assessment Questions

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

*OIA Central Intake did not make an appropriate initial determination as an investigation should have been conducted to clarify inconsistencies in the reporting of the incident.*

- If the case was submitted to OIA Central Intake or to the Chief of OIA for reconsideration, was an appropriate decision made regarding the request?

*OIA Central Intake did not make an appropriate decision following a request for reconsideration. The OIG recommended that the lieutenant be interviewed to clarify inconsistencies in the reporting of the incident. OIA Central Intake denied the request and returned the matter to the hiring authority to take action without an interview.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-14	13-0276-IR	1. Other Failure of Good Behavior	1. Sustained	Letter of Reprimand	No Change

### Incident Summary

On December 14, 2012, an officer was arrested by outside law enforcement for allegedly pushing his wife during an argument.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and issued a letter of reprimand to the officer. The OIG concurred with the hiring authority's decision. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-22	13-0275-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

### Incident Summary

On December 22, 2012, an officer assigned to an outside hospital allegedly left his state-issued firearm and ammunition unsecured in a hospital restroom. Hospital staff discovered the firearm and ammunition, prompting an alarm to which outside law enforcement responded.

### Disposition

The hiring authority sustained the allegation against the officer and imposed a 10 percent salary reduction for nine months. The OIG concurred with the hiring authority's determinations. Pursuant to a settlement agreement, the department agreed to remove the disciplinary action from the officer's official personnel file at 24 months instead of the customary 36 months. In return, the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred as the settlement did not reduce the actual penalty. Additionally, the officer was remorseful and had no prior disciplinary action.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-01-29	13-0496-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On January 29, 2013, a water and sewage treatment supervisor allegedly failed to properly supervise and account for two inmates, resulting in the inmates being left, unsupervised, outside of the water treatment plant's secure perimeter.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the water and sewage treatment supervisor and imposed a 5 percent salary reduction for six months. The OIG concurred. At his *Skelly* hearing, the water and sewage treatment supervisor explained that he had been distracted because of a gas leak. He also advised that new protocols were implemented, requiring identification cards of inmate-workers to be displayed on a board in the work area so that inmates still working in the field could be accounted for and not be left behind. Due to this mitigating information, the hiring authority decided to enter into a settlement agreement with the water and sewage treatment supervisor, modifying the penalty to a 5 percent salary reduction for one month. In exchange, the water and sewage treatment supervisor agreed not to file an appeal with the State Personnel Board. The OIG concurred based on the information presented at the *Skelly* hearing.

### Disciplinary Assessment

Overall, the hiring authority sufficiently complied with the department's policies and procedures.

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-01	13-0482-IR	1. Other Failure of Good Behavior 2. Driving under the influence	1. Sustained 2. Sustained	Dismissal	No Change

### Incident Summary

On February 1, 2013, an off-duty officer was arrested for allegedly driving while under the influence of alcohol.

### Disposition

The hiring authority sustained the allegation. This allegation was combined with two unrelated cases pending against the officer and the officer already had two prior criminal convictions for driving under the influence. The hiring authority determined dismissal was the appropriate penalty. The OIG concurred. Additionally, the hiring authority served the officer with a non-punitive dismissal because his driver's license was suspended, which was a requirement of employment. However, the officer resigned before the disciplinary action or the non-punitive dismissal took effect. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

### Disciplinary Assessment

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

Rating: Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-02-23	13-0606-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On February 23, 2013, an officer allegedly used unreasonable force by kicking an inmate twice in the torso area after the inmate punched the officer in the face, pushed the officer to the ground, and repeatedly punched the officer in the face while the officer was on the ground.

# CENTRAL REGION

<b>Disposition</b> The hiring authority determined there was insufficient evidence to sustain the allegation against the officer. The OIG concurred with the hiring authority's determination.	
<b>Disciplinary Assessment</b> Overall, the department complied with policies and procedures.	<b>Rating: Sufficient</b>

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-01-01	12-1277-IR	1. <b>Discrimination</b>	1. <b>Not Sustained</b>	<b>No Penalty Imposed</b>	<b>No Change</b>

### Incident Summary

Between January 2009 and August 2011, a staff services analyst allegedly subjected a co-worker to discrimination based on sexual orientation. The staff services analyst allegedly wore provocative clothing, used offensive and derogatory language, and displayed inappropriate pictures on her work computer.

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations because the conduct did not constitute discrimination. The OIG concurred. However, this case was combined with another case in which the hiring authority determined there was sufficient evidence to sustain allegations that the staff services analyst was discourteous, misused state issued equipment, and threatened coworkers. The staff services analyst resigned from the department before disciplinary action could be imposed.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-03-16	10-2160-IR	1. <b>Dishonesty</b> 2. <b>Misuse of State Equipment or Property</b> 3. <b>Discourteous Treatment</b> 4. <b>Overfamiliarity</b>	1. <b>Sustained</b> 2. <b>Sustained</b> 3. <b>Sustained</b> 4. <b>Sustained</b>	<b>Dismissal</b>	<b>No Change</b>

### Incident Summary

On March 16, 2009, a supervising correctional cook allegedly engaged in discourteous treatment toward an officer by hugging the officer in the presence of other staff. On April 30, 2009, the supervising correctional cook also allegedly engaged in an overly familiar relationship with an inmate when the cook received a wrapped gift from an inmate. Between April 11, 2009 and April 30, 2009, the cook also allegedly misused state property by furnishing bleach and extra food to inmate kitchen workers, engaged in a pattern of discourteous and disrespectful conduct towards co-workers and engaged in an overly familiar relationship with an inmate by giving preferential treatment to the inmate. The cook also allegedly referred to inmates by inappropriate names. The cook was also allegedly dishonest during his investigatory interview.

### Disposition

The hiring authority determined there was sufficient evidence to sustain allegations of over-familiarity, discourteous treatment, misuse of state property, and dishonesty. Based on the dishonesty allegations the hiring authority dismissed the supervising correctional cook. The hiring authority determined there was insufficient evidence to sustain the remaining allegations of discourteous treatment and over-familiarity. The OIG concurred with the hiring authority's determinations. The supervising correctional cook filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board upheld the department's findings and the dismissal.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-03-01	12-1682-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> <li>3. Unauthorized absences</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

### Incident Summary

Between March 2010 and October 2010, an officer allegedly falsified employee attendance records and a supervisor's signature. The officer also allegedly failed to provide required medical verification for sick leave on Christmas Eve, Christmas Day, and New Year's Eve in 2010. The officer was also allegedly insubordinate for failing to follow a lawful instruction to attend an investigatory interview.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served the officer with a notice of dismissal. This case was combined with the officer's two other disciplinary cases. The OIG concurred with the hiring authority's determination. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with the officer whereby he resigned in lieu of dismissal, agreed to withdraw his appeal, and agreed never to seek employment with the department in the future. The OIG concurred as the ultimate goal of separating the officer was achieved. The department eliminated the risk that the officer would prevail and be eligible to return to work.

### Disciplinary Assessment

**Rating: Insufficient**

The hiring authority failed to timely conduct the findings and penalty conferences, and failed to timely serve the disciplinary action.

### Assessment Questions

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

*The hiring authority conducted two findings and penalty conferences. Initially, the Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 24, 2012. The hiring authority did not consult with the department attorney and the OIG regarding the sufficiency of the investigation and the investigative findings until July 19, 2012, more than five months after receipt of the case. Thereafter, the Office of Internal Affairs gathered additional information and provided the hiring authority a supplemental report on October 10, 2012. The hiring authority did not consult with the department attorney and the OIG regarding the sufficiency of the supplemental investigative report and the investigative findings until October 26, 2012, 16 days after receipt of the supplemental report.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The hiring authority conducted two findings and penalty conferences. Initially, the Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 24, 2012. The hiring authority did not consult with the department attorney and the OIG regarding the disciplinary determinations until July 19, 2012, more than five months after receipt of the case. Thereafter, the Office of Internal Affairs gathered additional information and provided the hiring authority a supplemental report on October 10, 2012. The hiring authority did not consult with the department attorney and the OIG regarding the disciplinary determinations until October 26, 2012, 16 days after receipt of the supplemental report.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to conduct the findings and penalty conferences in a timely manner. In addition, the department failed to timely serve the disciplinary action. The final decision to take disciplinary action was made on October 26, 2012; however, the disciplinary action was not served until December 20, 2012, almost two months after the decision to impose disciplinary action.*



## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-04-01	12-1362-IR	<ol style="list-style-type: none"> <li>Misuse of State Equipment or Property</li> <li>Discourteous Treatment</li> <li>Threat/Intimidation</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

Between April 2010 and April 2011, a staff services analyst was allegedly discourteous to her male coworkers by referring to them in derogatory terms. It was further alleged that the staff services analyst threatened her coworkers by telling them her ex-husband was a special agent with the Office of Internal Affairs, and displayed inappropriate nude photographs of men on her state-issued computer.

### Disposition

The hiring authority sustained the allegations and determined that a 5 percent salary reduction for 12 months was the appropriate penalty. However, the staff services analyst transferred to another state department before the disciplinary action could be imposed. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-04-05	11-2433-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Suspension	No Change

### Incident Summary

It was alleged between April 5, 2010, and April 26, 2010, an acting warden, two chief deputy wardens, a captain, a lieutenant, and a sergeant failed to determine whether circumstances existed to warrant the continued placement of 77 inmates on restricted cell status with loss of all privileges. It was further alleged the acting warden, two chief deputy wardens, the captain, the lieutenant, and sergeant deprived the same inmates of showers, toilet paper, and other items while on restricted cell status.

### Disposition

The hiring authority sustained allegations against the acting warden, two chief deputy wardens, the captain, the lieutenant, and the sergeant. The acting warden was redirected to his prior position and served a 10 percent salary reduction for 24 months. The chief deputy wardens were each served a six working-day suspension. The hiring authority imposed a 10 percent salary reduction for 18 months against the captain. The lieutenant was served a 5 percent salary reduction for six months. The sergeant was issued a counseling memorandum. However, following a *Skelly* hearing, the hiring authority reduced the first chief deputy warden's penalty to a two working-day suspension, the captain's penalty to a 10 percent salary reduction for nine months, and the lieutenant's penalty to a letter of reprimand. The two chief deputy wardens did not file an appeal with the State Personnel Board. The acting warden, captain, and lieutenant filed appeals with the State Personnel Board and subsequently entered into settlement agreements with the department in which they agreed to withdraw their appeals from the State Personnel Board. The department agreed to strike dishonesty from the acting warden's disciplinary action, but did not modify the salary reduction. The department agreed to remove the settlement agreement from the captain's official personnel file nine months after the effective date of the disciplinary action, but did not modify the salary reduction. The department agreed to remove the letter of reprimand from the lieutenant's official personnel file at the time of the settlement agreement. The OIG concurred with the modifications and settlement agreements because the acting warden, chief deputy warden, captain, and lieutenant accepted responsibility.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-05-09	10-2185-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Penalty Imposed

### Incident Summary

On May 9, 2010, an officer was allegedly negligent by failing to respond to inmates' calls for assistance for approximately 90 minutes, which arose due to an in-cell fight between two inmates, resulting in one inmate losing an eye. The officer allowed one of the involved inmates back into the cell so that he could clean the blood, which compromised evidence collection and processing. The inmate who lost an eye died after being admitted to a hospital due to injuries sustained during the fight.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 13 months. The officer filed an appeal with the State Personnel Board. The State Personnel Board revoked the penalty and the department filed a petition for rehearing. The State Personnel Board denied the petition for rehearing.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to timely conduct the findings and penalty conference and timely serve the disciplinary action. Also at the State Personnel Board hearing the department attorney rested his case prior to having all necessary evidence moved into evidence.

### 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 report was sent to the hiring authority on December 7, 2010; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings did not occur until February 3, 2011, 58 days later.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The report was sent to the hiring authority on December 7, 2010; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until February 3, 2011, 58 days later.*
- Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence?

*The department attorney rested his case prior to having all necessary evidence moved into evidence. The judge denied his request to reopen the case for the purpose of admitting the evidence.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to conduct the findings and penalty conference in a timely manner. In addition, the decision to take disciplinary action was made on February 3, 2011; however, the officer was not served the action until May 6, 2011, only two days before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-05-31	10-3776-IR	1. Other Failure of Good Behavior 2. Battery	1. Sustained 2. Not Sustained	Demotion	No Change

### Incident Summary

On May 31, 2010, an off-duty sergeant allegedly choked his wife, held a knife to her throat, and threatened to injure her. The sergeant also allegedly left the residence and initially failed to stop his vehicle when outside law enforcement officers attempted to stop him. The sergeant eventually pulled his vehicle over but allegedly failed to comply with the law enforcement officers' commands to exit the vehicle and display his hands. The sergeant was acquitted of the domestic violence charge but was convicted of resisting arrest.

## NORTH REGION

### Disposition

The hiring authority sustained the allegation the sergeant evaded the police and was uncooperative when stopped. However, the hiring authority did not sustain the allegation that the sergeant battered his wife because a jury acquitted him of this allegation. The sergeant was demoted to correctional officer. The OIG agreed 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 penalty.

### Disciplinary Assessment

**Rating: Insufficient**

The hiring authority waited more than five months before submitting the matter to the Office of Internal Affairs and failed to timely conduct the findings and penalty conference. The Office of Internal Affairs failed to render a timely decision regarding the hiring authority's request for action. The department attorney failed to enter information into the case management system, provide written documentation concerning the findings and penalty conference, and provide a draft pre-hearing settlement conference statement to the OIG.

### Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was May 31, 2010; however, the hiring authority did not refer the matter to the Office of Internal Affairs until November 2, 2010, more than five months after the date of discovery.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on November 4, 2010, but did not take action until December 15, 2010, 41 days after receipt of the request.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney made an entry into CMS. 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 referred the matter to the hiring authority on December 16, 2010. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until February 11, 2011, 58 days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs referred the matter to the hiring authority on December 16, 2010. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until February 11, 2011, 58 calendar days after receipt of the case.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney did not provide written confirmation of the penalty discussions to the OIG or the hiring authority.*
- 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 copy of the pre-hearing settlement conference statement prior to it being filed.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely submit the matter to the Office of Internal Affairs and failed to conduct the findings and penalty conference in a timely manner.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-06-01	12-2448-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Over-Familiarity</li> <li>3. Insubordination</li> <li>4. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

It was alleged that between June 2010 and May 2012, an electrician was overly familiar with inmates when he conspired to smuggle mobile phones and tobacco into the institution. It was further alleged that the electrician was insubordinate when he refused to cooperate during the investigation. A second electrician allegedly knew of the misconduct but failed to report or stop the misconduct.

### Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations and dismissed both electricians. The OIG concurred. However, the first electrician resigned prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the electrician resigned under adverse conditions was placed in his official personnel file. The electrician who allegedly failed to report the first electrician's misconduct filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the electrician allowing him to resign in lieu of dismissal. The OIG concurred with the settlement because the electrician agreed never to seek employment with the department again and documentation of his misconduct was to remain in his official personnel file.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed conducting the findings and penalty conference. The disciplinary officer failed to analyze the deadline for taking disciplinary action, appropriately draft the draft disciplinary action, and complete the CDC Form 3021.

### Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The disciplinary officer failed to make an entry in CMS regarding the relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on August 22, 2012; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until October 26, 2012, 65 calendar days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on August 22, 2012; however, the consultation with the OIG regarding the disciplinary determinations did not occur until October 26, 2012, 65 calendar days after receipt of the case.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

*The draft disciplinary action provided to the OIG for review was not appropriately drafted because the list of supporting documents did not include the recorded witness interviews.*
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

*The disciplinary officer did not complete the CDC Form 3021.*
- Was the disciplinary phase conducted with due diligence by the department?

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

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-08-17	12-0144-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	No Change

### Incident Summary

It was alleged that between August 17, 2010, and September 18, 2010, a department attorney failed to consult with a hiring authority on a discipline case and allowed the time for taking disciplinary action to expire.

### Disposition

The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred. The department attorney did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

**Rating: Insufficient**

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

### Assessment Questions

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

*The department learned of the alleged misconduct on October 20, 2010; however, despite numerous requests by the OIG, the hiring authority did not refer the matter to Office of Internal Affairs until December 16, 2011, more than one year after the discovery date.*
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The disciplinary officer did not make any entries into CMS confirming relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The case was returned to the hiring authority on January 13, 2012; however, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and investigative findings until June 4, 2012, more than four months later.*
- If the HA consulted with the OIG concerning the sufficiency of the investigation and the investigative findings, was the HA adequately prepared?

*The hiring authority did not obtain the necessary information regarding the alleged misconduct prior to the findings and penalty conference.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on January 13, 2012; however, the hiring authority did not consult with the OIG regarding the disciplinary determinations until June 4, 2012, more than four months later.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

*The draft disciplinary action failed to contain all relevant exhibits.*
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?

*The disciplinary action served on the employee failed to contain a relevant exhibit.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely conduct the investigative findings and disciplinary determinations, and failed to timely serve the disciplinary action. The investigative findings and disciplinary determinations took place on June 4, 2012; however, the disciplinary action was not served until January 23, 2013, over seven months later.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-03-13	11-1725-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> </ol>	Salary Reduction	No Penalty Imposed

### Incident Summary

On March 13, 2011, three officers were allegedly dishonest by failing to accurately and completely describe the events regarding an inmate's attempted suicide.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of neglect of duty against the sergeant and one officer. The hiring authority imposed a 5 percent salary reduction for 12 months for the sergeant and a 5 percent salary reduction for six months for the officer. The hiring authority determined there was insufficient evidence to sustain the dishonesty allegations against the sergeant and both officers. The OIG concurred with the hiring authority's determinations. The sergeant and one officer filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board revoked the penalties for the sergeant and officer.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-03-13	11-1859-IR	<ol style="list-style-type: none"> <li>1. Insubordination</li> <li>2. Misuse of Authority</li> <li>3. Discourteous Treatment</li> <li>4. Threat/intimidation toward inmate</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> </ol>	Salary Reduction	Resignation in Lieu of Termination

### Incident Summary

On March 13, 2011, an officer allegedly made threatening, intimidating, and profane statements toward an inmate. Between March 28, 2011, and April 4, 2011, the officer allegedly told other inmates to "handle" the same inmate, meaning to attack her. On April 4, 2011, the officer allegedly used profane language and made intimidating comments toward the same inmate after spraying her with pepper spray. On November 29, 2011, the officer allegedly failed to follow orders to contact a special agent to inform the agent he would not attend an investigatory interview as directed in the interview notice.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of insubordination and imposed a 10 percent salary reduction for 24 months. The hiring authority determined there was insufficient evidence to sustain the other allegations. This case was combined with the officer's two other disciplinary cases wherein the penalty was dismissal. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with the officer whereby he resigned in lieu of dismissal and agreed never to seek employment with department in the future. The OIG concurred with the settlement agreement as the ultimate goal of separating the officer was achieved. The department further eliminated the risk that the officer would prevail and be eligible to return to work.

### Disciplinary Assessment

The department failed to timely conduct the findings and penalty conference. Neither of the two assigned department attorneys made an entry into CMS accurately confirming relevant dates. Furthermore, the department failed to timely serve the disciplinary action.

**Rating: Insufficient**

# NORTH REGION

## Assessment Questions

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

*The first department attorney was assigned on July 27, 2011, and a second department attorney was assigned on December 21, 2011. Neither attorney made an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 5, 2012. The hiring authority did not consult with the department attorney and the OIG regarding the sufficiency of the investigation and the investigative findings until July 19, 2012, 44 days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 5, 2012. The hiring authority did not consult with the department attorney and the OIG regarding disciplinary determinations until July 19, 2012, 44 days after receipt of the case.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely conduct the findings and penalty conference. Furthermore, the department failed to timely serve the disciplinary action. The decision to take disciplinary action was made on July 19, 2012, but the officer was not served until December 20, 2012, nearly five months after the decision to take action.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-03-22	11-2013-IR	1. Neglect of Duty 2. Discourteous Treatment	1. Sustained 2. Sustained	Salary Reduction	No Penalty Imposed

## Incident Summary

It was alleged that on March 22, 2011, a sergeant was discourteous when he referred to a visiting attorney as a "thing." It was further alleged that the sergeant neglected his duty when he ordered officers under his supervision to restrict access to attorneys, and that he discussed discipline of an officer in front of other custody staff.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. Following the hearing, the State Personnel Board struck one allegation based on timeliness and found inadequate evidence to support the other two allegations. The State Personnel Board revoked the salary reduction and ordered the department to provide back pay to the sergeant.

## Disciplinary Assessment

**Rating: Insufficient**

The department failed to timely conduct the findings and penalty conference, failed to adequately consult with the OIG, failed to accurately calculate the deadline for taking disciplinary action, and failed to be adequately prepared to present a legally sufficient case at hearing.

# NORTH REGION

## Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney was not assigned to the case but did actively participate by representing the department at two hearings. The department attorney did not make any entry into CMS confirming relevant dates.*
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The disciplinary officer did not make an entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.*
- Did the department attorney or disciplinary officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?  
*Neither the department attorney nor the disciplinary officer appropriately determined that the deadline for taking disciplinary action as originally calculated should be modified, despite discussions with the OIG.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on August 5, 2011; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until April 10, 2012, more than eight months after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on August 5, 2011; however, the consultation with the OIG regarding disciplinary determinations did not occur until April 10, 2012, more than eight months after receipt of the case.*
- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?  
*The deadline for taking disciplinary action expired on March 29, 2012, but the department did not complete its findings and serve the appropriate disciplinary action until April 18, 2012, 20 days after the deadline for taking disciplinary action expired.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.*
- Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?  
*The department attorney who appeared at the pre-hearing settlement conference was not fully familiar with all of the facts and issues. The department attorney was not prepared with the legal citations to case law cited, argued with the administrative law judge, was not aware what policies and procedures applied to the sergeant's post, and was not familiar with prior disciplinary actions against the sergeant.*
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?  
*The disciplinary officer failed to adequately subpoena and prepare witnesses for trial. When a key witness could not be located, the disciplinary officer failed to timely request a continuance so that the witness could be located and prepared for hearing.*
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?  
*The disciplinary officer failed to raise a claim of due process violation on behalf of the department in the appropriate legal terms, although a continuance was requested. Furthermore, the disciplinary officer failed to adequately defend the claim that the deadline for taking disciplinary action had expired prior to service of the action.*
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?  
*The disciplinary officer failed to locate and prepare a key witness, who did not appear at the hearing. The disciplinary officer also failed to present adequate evidence and witnesses to refute the claim that the deadline for taking disciplinary action had expired prior to service of the action, and failed to present witnesses to support one of the allegations of misconduct.*



# NORTH REGION

- If the SPB's decision did not uphold all of the factual allegations sustained by the HA, did the OIG concur with the SPB's decision?

*The State Personnel Board's decision did not uphold all of the factual allegations sustained by the HA. The OIG concurred with this decision because it was a reasonable conclusion based upon the evidence provided by both parties as well as the available witness testimony.*
- If the penalty modification was the result of an SPB decision, did the OIG concur with the modification?

*The OIG concurred with the penalty modification that resulted from the State Personnel Board decision because it was reasonable to find that the department had not met its burdens of proof given the evidence presented at hearing and the testimony of the witnesses. It was also reasonable to conclude that the deadline for taking disciplinary action had expired prior to service of the disciplinary action on the evidence presented.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

*The department attorney failed to notify the OIG of a motion to dismiss and the hearing on the matter until after the OIG discovered from an independent source that a hearing was scheduled. The department attorney also refused to conduct a conference call with the OIG and the hiring authority and instead instructed the OIG that the monitor could have a separate conversation with the hiring authority. The disciplinary officer failed to take appropriate action to adjust the deadline for taking disciplinary action despite the OIG's recommendation, and failed to provide the pre-hearing settlement conference statement to the OIG prior to the conference. The disciplinary officer also did not provide the OIG with all of the pertinent documents prior to trial.*
- Was the disciplinary phase conducted with due diligence by the department?

*The department failed to serve the disciplinary action in a timely manner. The State Personnel Board determined that the deadline for taking disciplinary action had expired prior to service of the disciplinary action.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-03-27	11-2025-IR	1. Neglect of Duty 2. Discourteous Treatment	1. Sustained 2. Sustained	Salary Reduction	Resignation in Lieu of Termination

## Incident Summary

On March 27, 2011, an officer allegedly pushed an inmate's locker causing the locker to fall over. An inmate was injured when the towel bar on the locker hit her. During the same incident, the same officer allegedly threw a book at another inmate's head causing injury. The officer also allegedly failed to arrange medical treatment for the two injured inmates.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of neglect of duty and one of the allegations of discourteous treatment, and imposed a 5 percent salary reduction for 24 months. The hiring authority determined there was insufficient evidence to sustain the second allegation of discourteous treatment. This case was combined with the officer's two other disciplinary cases wherein the penalty was dismissal. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board hearing, the department entered into a settlement agreement with the officer whereby he resigned in lieu of dismissal and agreed never to seek employment with department in the future. The OIG concurred with the settlement agreement as the ultimate goal of separating the officer was achieved. The department further eliminated the risk that the officer would prevail and be eligible to return to work.

## Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to timely serve the disciplinary action.

## Assessment Questions

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

*The department failed to timely serve the disciplinary action. The decision to take disciplinary action was made on July 19, 2012; however, the officer was not served the action until December 20, 2012, nearly five months after the decision to take the action.*

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-04-01	12-1083-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Other Failure of Good Behavior</li> <li>3. Controlled Substances</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

Between April 2011 and April 2012, an officer allegedly applied for, and received, an out-of-state medical marijuana registry identification card, was involved in the illegal use of controlled substances and prescription medication, left a voice message threatening a doctor, and failed to report that he was taken into custody for being a danger to himself or others and held for evaluation. It was further alleged that the officer threatened to shoot his wife and failed to report that he was subject to a restraining order prohibiting him from possessing firearms or ammunition.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations that the officer had applied for, and received, a medical marijuana registry identification card, that he failed to report he was served with a restraining order prohibiting him from possessing firearms, and that he left a threatening voicemail. The hiring authority determined there was insufficient evidence to sustain the allegations that the officer improperly used prescription medication or illegal controlled substances, that he threatened to kill his wife, and that he failed to report that he was taken into custody for a psychiatric evaluation. The hiring authority served the officer with a 10 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board, but later withdrew the appeal and retired.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures by failing to timely serve the disciplinary action.

### Assessment Questions

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

*The department failed to timely serve the disciplinary action. The deadline for taking disciplinary action was October 28, 2012. The decision to take disciplinary action was made on September 7, 2012, but the officer was not served the disciplinary action until October 18, 2012, 42 days later and only ten days before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-05-12	11-2307-IR	<ol style="list-style-type: none"> <li>1. Over-Familiarity</li> <li>2. Neglect of Duty</li> <li>3. Disclosure of Confidential Information</li> <li>4. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

It was alleged on May 12, 2011, an officer engaged in sexual misconduct with an inmate. It was also alleged two other officers allowed the officer direct access to the inmate after the inmate reported the incident. One of those officers also allegedly impeded an internal affairs investigation by notifying the alleged perpetrator of the inmate's allegations. It was also alleged that on May 12, 2011, a sergeant made inappropriate comments to the inmate by saying, among other things, the inmate was an adult, she could say no to the officer when he forced her to engage in sexual acts, and that because of her complaint, she would be placed in administrative segregation.

# NORTH REGION

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the three officers and determined that dismissal was the appropriate penalty for the alleged perpetrator. However, the alleged perpetrator was non-punitively terminated before disciplinary action could be imposed. A letter indicating that he was terminated under adverse circumstances was placed in his official personnel file. The hiring authority imposed a 5 percent salary reduction for 30 months against the second officer, and a one working-day suspension against the third officer. The hiring authority also determined there was sufficient evidence to sustain the allegation of neglect of duty against the sergeant and imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the allegation of discourteous treatment against the sergeant. The OIG concurred with the hiring authority's determinations. The third officer did not appeal the adverse action. The officer who received the salary reduction and the sergeant filed appeals with the State Personnel Board. Prior to a hearing, the officer and the department entered into a settlement agreement wherein the penalty was reduced to a 5 percent salary reduction for 20 months because the officer expressed remorse and an appreciation of the potential consequences of his actions. Furthermore, the officer presented additional information at a *Skelly* hearing which tended to mitigate his misconduct. The officer agreed to withdraw his appeal. The OIG concurred with the hiring authority's determinations based on the foregoing factors. Following a hearing, the State Personnel Board revoked the action against the sergeant. The administrative law judge ruled the evidence was insufficient to counter the sergeant's assertions that he had not violated departmental policy.

## Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the findings and penalty conference in a timely manner, and failed to timely serve the disciplinary actions on the officers and the sergeant.

## 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 the investigation on February 2, 2012. 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 26, 2012, and March 29, 2012, 53 and 56 days after receipt of the cases.*
- 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 on February 2, 2012. The hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until March 26, 2012, and March 29, 2012, 53 and 56 days after receipt of the cases.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to conduct the findings and penalty conference in a timely manner. In addition, the department failed to timely serve the disciplinary actions on the officers and the sergeant. The decisions to take disciplinary action were made on March 26, 2012, and March 29, 2012; however, the disciplinary actions were not served on the officers and sergeant until May 31, 2012, 63 days after the last decision to take disciplinary action.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-06-14	11-2243-IR	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Suspension	No Change

## Incident Summary

On a June 14, 2011, a chief medical officer allegedly vandalized an employee's car and left a threatening note on the car windshield.

## Disposition

The hiring authority sustained the allegations and determined that a 10 percent salary reduction for three months was the appropriate penalty. However, prior to taking the disciplinary action, the chief medical officer engaged in additional misconduct and the hiring authority combined the two cases. The hiring authority ultimately imposed a 10 working-day suspension in the combined cases. The OIG concurred with the hiring authority's determinations. The chief medical officer did not file an appeal with the State Personnel Board.

# NORTH REGION

## Disciplinary Assessment Rating: **Insufficient**

The hiring authority waited over two months before referring the matter to the Office of Internal Affairs. After the case was returned to the hiring authority, the hiring authority delayed over seven months before conducting the findings and penalty conference. Thereafter, the department attorney delayed nearly eight months before preparing the disciplinary action and the draft disciplinary action provided to the OIG cited an incorrect legal authority for taking disciplinary action.

### Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was June 14, 2011; however, the hiring authority did not refer the matter to the Office of Internal Affairs until August 16, 2011, 64 days after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make any entry into CMS confirming the relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on September 9, 2011; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until April 20, 2012, over seven months after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on September 9, 2011; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until April 20, 2012, over seven months after receipt of the case.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney did not provide the OIG or hiring authority 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 cited the incorrect government code to take disciplinary action.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to conduct the findings and penalty conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-07-24	12-0731-IR	1. Neglect of Duty	1. Sustained	Suspension	No Change

### Incident Summary

On July 24, 2011, an officer and a certified nurse assistant found an inmate unresponsive with no pulse and signs of rigor mortis in his cell in the outpatient medical unit. The inmate had a history of seizures and his jaw was wired shut to repair a fracture. It was alleged that in July 2011, the chief medical and nurse executives neglected their duties by failing to ensure adequate procedures were in place requiring nursing staff to conduct welfare checks on inmates every 30 minutes in the outpatient medical unit. It was also alleged that in July 2011, a registered nurse neglected her duties by failing to ensure that the nursing care plan for the inmate properly addressed the prevention of choking. Also on July 24, 2011, an officer allegedly neglected her duties by failing to conduct proper welfare checks by ensuring that the inmate was breathing during each check.

### Disposition

The hiring authorities determined there was sufficient evidence to sustain the allegations against the registered nurse and the officer. The hiring authority did not sustain the allegations against the chief nurse executive and the chief medical executive. The OIG concurred with the determinations. The hiring authorities imposed a one-working day suspension for the registered nurse and the officer. The registered nurse did not file an appeal with the State Personnel Board, but the officer filed an appeal. Prior to a State Personnel Board hearing, the hiring authority entered into a settlement agreement with the officer wherein the hiring authority agreed to withdraw the disciplinary action from the officer's official personnel file in one year and the officer agreed to withdraw her appeal.

# NORTH REGION

## Disciplinary Assessment

**Rating: Insufficient**

The hiring authorities failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the findings and penalty conference in a timely manner for the registered nurse. The other hiring authority failed to consult with the department attorney and the OIG before entering into a settlement agreement with the officer.

## 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?  
*There were two hiring authorities in this case. The warden timely consulted with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings. However, the chief executive officer did not timely consult with the OIG and the department attorney. The Office of Internal Affairs completed the investigation and provided the investigative report to the chief executive officer on August 3, 2012. The chief executive officer did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until October 26, 2012, more than two months after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*There were two hiring authorities in this case. The warden timely consulted with the OIG and the department attorney regarding disciplinary determinations. However, the chief executive officer did not timely consult with the OIG and the department attorney. The Office of Internal Affairs completed the investigation and provided the investigative report to the chief executive officer on August 3, 2012. The chief executive officer did not consult with the OIG and the department attorney regarding the disciplinary determinations until October 26, 2012, more than two months after receipt of the case.*
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?  
*The disciplinary officer did not complete the CDC Form 3021.*
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*The hiring authority entered into a settlement agreement with the officer without consulting the department attorney or the OIG.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The disciplinary officer negotiated a settlement agreement with the officer without consulting the department attorney or the OIG.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The hiring authority failed to consult with the department attorney and the OIG prior to entering into a settlement agreement with the officer.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The chief executive officer failed to conduct the findings and penalty conference for the registered nurse in a timely manner.*

## OIG Recommendation

The OIG recommended to the hiring authority that the institution not house inmate patients with wired jaws in any facility that does not have a functioning call system.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-09-11	11-3178-IR	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> <li>2. Neglect of Duty</li> <li>3. Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>	Demotion	No Change

### Incident Summary

On September 11, 2011, a sergeant allegedly violated departmental policy when he failed to notify a supervisor that an inmate would not return his food tray. It was further alleged that the sergeant violated departmental policy when he ordered a control booth officer to open the cell door even though the inmates were not restrained. The control booth officer allegedly opened the cell door in violation of departmental policy. It was further alleged that an officer and the sergeant used unreasonable force when they consecutively sprayed one of the inmates with pepper spray. The sergeant allegedly failed to prevent the unreasonable use of force of the first officer, and the first officer allegedly failed to prevent the unreasonable use of force by the sergeant. Two other officers allegedly failed to prevent the unreasonable force used by the first officer and the sergeant. A licensed vocational nurse was allegedly dishonest when she falsified the holding cell logs subsequent to the use of force.

### Disposition

The hiring authority sustained the allegations of neglect of duty and unreasonable use of force against the sergeant and served him with a notice of demotion. The hiring authority determined there was insufficient evidence to sustain the allegation of failure to intervene to stop the unreasonable use of force of another. The OIG concurred with these determinations. The hiring authority determined there was insufficient evidence to sustain the allegations against the other officers and the licensed vocational nurse. The OIG concurred with this determination for the responding officers and the nurse, but did not concur regarding the control booth officer. The sergeant filed an appeal with the State Personnel Board. Pursuant to a settlement agreement, the sergeant accepted the demotion and agreed not to seek employment with the department in the future if his medical retirement was granted. The department agreed to remove two allegations unrelated to the conduct herein from the disciplinary action. The OIG concurred with the settlement agreement because the penalty was not reduced.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to sufficiently comply with policies and procedures. The hiring authority failed to appropriately determine the investigative findings for each allegation. The department attorney failed to provide appropriate legal consultation to the hiring authority. The department attorney also failed to adequately cooperate and consult with the OIG, and failed to complete the appropriate departmental form.

# NORTH REGION

## Assessment Questions

- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?  
*The department attorney failed to provide appropriate legal consultation regarding one allegation for one of the officers when she recommended that the allegation not be sustained despite the officer admitting to knowingly violating departmental policy on orders from a sergeant.*
- Did the HA, who participated in the findings conference, appropriately determine the investigative findings for each allegation?  
*The hiring authority did not appropriately determine the investigative findings for each allegation when he failed to sustain an allegation that was proven by a preponderance of the evidence.*
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?  
*The department attorney did not provide the OIG with a copy of the draft disciplinary action and consult with the OIG.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed.*
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?  
*The department attorney did not complete a CDC Form 3021.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The department attorney failed to consult with the OIG or provide drafts of the disciplinary action and pre-hearing settlement conference statement.*

## OIG Recommendation

The OIG and department attorney recommended to the hiring authority a revision of the holding cell logs and applicable policy to make it clear which medical staff are to sign the logs and under what circumstances.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-10	12-0071-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Contraband</li> <li>3. Over-Familiarity</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

## Incident Summary

Between October 10, 2011, and November 10, 2011, it was alleged a dental assistant engaged in an overly familiar relationship and smuggled a mobile phone to an inmate. It was also alleged that on December 14, 2011, the dental assistant was dishonest during her interview with the Office of Internal Affairs.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a penalty of dismissal. The OIG concurred. However, pursuant to a settlement agreement, the dental assistant 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 terminating the dental assistant's employment was achieved and the settlement agreement will remain in the dental assistant's official personnel file.

## Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-23	12-1087-IR	1. Neglect of Duty	1. Sustained	Suspension	No Change

### Incident Summary

On October 23, 2011, a psychologist allegedly refused to see an inmate and conduct an evaluation after a nurse informed the psychologist that the inmate reported he had demons inside of him and that the devil was making him say things he did not want to say. The inmate subsequently committed suicide.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 28 working-day suspension. The OIG concurred with the hiring authority's determinations. The psychologist did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-23	12-2032-IR	1. Neglect of Duty 2. Dishonesty 3. Failure to Report 4. Discourteous Treatment 5. Battery on Inmate	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Salary Reduction	Letter of Reprimand

### Incident Summary

On October 23, 2011, an officer allegedly battered an inmate by burning his hand with a lighter and neglected his duties by failing to secure medical treatment for the inmate. During the investigatory interview, the officer was allegedly dishonest regarding the incident. A second officer allegedly witnessed the battery and neglected his duties by failing to report the incident and secure medical treatment for the inmate. It was further alleged that on November 27, 2011, a third officer was discourteous to the inmate when she sang a song mocking his injury.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of neglect of duty against the first officer and imposed a 5 percent salary reduction for 12 months. The allegations of battery and dishonesty were not sustained. The allegations against the second and third officers were not sustained. The OIG concurred with the hiring authority's determinations. The first officer filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the officer wherein the penalty was reduced to a letter of reprimand and the officer waived the five months of salary reduction he had already received. The settlement did not reflect the gravity of the misconduct and the risk of harm to the public service if such misconduct were to recur. Further, the employee had been served with a prior disciplinary action. However, OIG concurred with the settlement agreement due to evidentiary issues in the case.

### Disciplinary Assessment

**Rating: Insufficient**

The department attorney failed to confirm the relevant dates in the department's case management system, provide written confirmation of penalty discussions, list all witnesses on the pre-hearing settlement conference statement, and the settlement agreement did not comply with departmental policy.



# NORTH REGION

## Assessment Questions

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

*The department attorney did not provide written confirmation of penalty discussions to the hiring authority and the OIG.*
- 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 witness 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 with the State Personnel Board, but it did not contain all of the required information as it failed to list the burned inmate as a witness.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?

*The OIG was not provided with a draft of the pre-hearing settlement conference statement prior to it being filed with the State Personnel Board.*
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?

*The department attorney did not adequately and appropriately address legal issues prior to the State Personnel Board hearing as the pre-hearing settlement conference statement did not list all necessary witnesses.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

*The department attorney failed to provide the OIG with a draft of the pre-hearing settlement conference statement.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-06	11-3121-IR	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

## Incident Summary

On November 6, 2011, a visiting control booth officer allegedly switched positions with a visiting floor officer without authorization. It was further alleged that during inmate visitation, the switching officer attempted to terminate an inmate visit and, after the inmate refused to get out of his chair, the officer used unreasonable force by using pepper spray on the inmate while he remained passively seated. The inmate stood up and walked away from the officer; however, the officer allegedly sprayed the inmate two additional times before the inmate stopped and submitted to handcuffing. There were 41 people in the visiting room exposed to the pepper spray.

## Disposition

The hiring authority sustained the allegation of unreasonable use of force against the officer and imposed a 5 percent salary reduction for 12 months. The hiring authority did not sustain the remaining allegations. The OIG concurred. The officer filed an appeal with the State Personnel Board. At a pre-hearing settlement conference, the hiring authority reduced the penalty against the officer to 5 percent salary reduction for six months and agreed that the disciplinary action could be removed from the officer's official personnel file after one year. The OIG did not concur with the settlement; however, the terms of the settlement did not merit a higher level of review because the officer acknowledged his misconduct and accepted disciplinary sanctions.

## Disciplinary Assessment

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

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-17	12-0460-IR	1. Neglect of Duty	1. Sustained	Suspension	Modified Suspension

### Incident Summary

On November 17, 2011, during meal deliveries an officer noticed the window of the inmate's cell covered with a sheet and told the inmate to remove the sheet, allegedly continuing delivering meals without taking action to have the sheet removed. The officer later returned to the cell and found that the sheet was not removed. The officer again ordered the inmate to remove the sheet and continued meal delivery. The officer eventually returned to the cell, took action to remove the sheet, and discovered the inmate hanging and unresponsive. Custody and medical staff applied life-saving measures but the inmate was later declared dead. Another officer allegedly performed improper security and inmate welfare checks earlier that day.

### Disposition

The hiring authority sustained the allegation of neglect of duty against the officer who performed improper security and inmate welfare checks and imposed a 29 working-day suspension. The hiring authority determined there was insufficient evidence to sustain the allegation against the officer who discovered the cell door covered with a sheet and the deceased inmate. The OIG concurred with the hiring authority's determinations. The disciplined officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer wherein the penalty was reduced to a 15 working-day suspension and the removal of the disciplinary action from his personnel file after two years because the officer acknowledged his actions violated policy. The OIG concurred because the officer acknowledged his misconduct.

### Disciplinary Assessment

The department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-24	12-0573-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

### Incident Summary

On November 24, 2011, a sergeant allegedly neglected his duty by failing to follow departmental procedures when he was notified that an inmate had covered his window.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for seven months. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the findings and penalty conference. In addition, the disciplinary officer failed to analyze and document the deadline for taking disciplinary action, and failed to provide the OIG with a copy of the draft disciplinary action or consult with the OIG prior to serving the disciplinary action on the sergeant.

**Rating: Insufficient**

# NORTH REGION

## Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was November 24, 2011; however, the hiring authority did not refer the matter to the Office of Internal Affairs until February 6, 2012, 74 calendar days after the date of discovery.*
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The disciplinary officer did not make any entry into CMS confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, or any exceptions to the deadline.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on March 13, 2012; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until October 19, 2012, more than seven months after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on March 13, 2012; however, the consultation with the OIG regarding the disciplinary determinations did not occur until October 19, 2012, more than seven months after receipt of the case.*
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?  
*The disciplinary officer did not provide the OIG with a copy of the draft disciplinary action and consult with the OIG.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The disciplinary officer failed to provide the OIG with a draft disciplinary action and consult with the OIG prior to service on the sergeant.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the findings and penalty conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-04	12-0124-IR	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On December 4, 2011, an off-duty officer was arrested for domestic violence. The officer allegedly engaged in a verbal dispute with his estranged wife and then punched her in the mouth causing a laceration to her lip. It was further alleged that the officer failed to report his arrest to the hiring authority.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the domestic violence allegation and imposed a 10 percent salary reduction for 24 months. The failure to report the arrest allegation was not sustained. The OIG concurred. The officer filed an appeal with the State Personnel Board, which dismissed the officer's appeal when he failed to appear for his pre-hearing settlement conference.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures. The hiring authority failed to timely conduct the findings and penalty conference, and failed to timely serve the disciplinary action.

# NORTH REGION

## Assessment Questions

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

*The case was returned to the hiring authority on June 6, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until July 6, 2012, 31 calendar days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on June 6, 2012; however, the consultation with the OIG and department attorney regarding disciplinary determinations did not occur until July 6, 2012, 31 calendar days after receipt of the case.*
- Was the disciplinary phase conducted with due diligence by the department?

*The department failed to conduct the findings and penalty conference in a timely manner. In addition, the department failed to timely serve the disciplinary action. The decision to take disciplinary action was made on July 6, 2012; however, the officer was not served the action until October 9, 2012, over three months later.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-11	12-0513-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Over-Familiarity</li> <li>Neglect of Duty</li> <li>Threat/Intimidation</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

## Incident Summary

On December 11, 2011, it was alleged an officer neglected his duties by failing to promptly apply handcuffs to an inmate after being instructed by a supervisor to do so, by failing to search an inmate after being told the inmate possibly possessed a weapon, and by removing the handcuffs after being told the inmate possibly possessed a weapon. It was further alleged the officer used intimidating or threatening remarks toward an inmate by telling the inmate to assault another inmate. It was also alleged the officer was overly familiar with an inmate by whispering to the inmate in Spanish when the inmate was fluent in English. Additionally, it was alleged that the officer was dishonest during his investigative interview on October 22, 2012.

## Disposition

The hiring authority sustained the allegations that the officer neglected his duties, was overly familiar with an inmate, and was dishonest, and served the officer with a notice of dismissal. The hiring authority determined there was insufficient evidence to sustain the allegation that the officer used intimidating or threatening remarks toward an inmate. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement agreement with the officer whereby he resigned in lieu of dismissal and agreed never to seek employment with the department. The OIG concurred as the desired goal of separating the officer was achieved.

## Disciplinary Assessment

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

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-13	12-0676-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Other Failure of Good Behavior</li> <li>3. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On December 13, 2011, an officer and a counselor allegedly questioned two inmates on separate occasions about their past conduct involving masturbation, eating feces, and homosexuality. The officer and counselor reportedly called the inmates separately into a room and posed as investigators when they questioned them about their past. One of the inmates reported feeling anxious and humiliated. A couple of weeks later, the same inmate made suicidal statements and was transferred to an acute medical unit.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for nine months for the officer and counselor. The OIG concurred. At their *Skelly* hearings the officer and counselor each presented further mitigating factors of acknowledgement of wrongdoing, remorse, and no past discipline. Based on these factors the department entered into settlement agreements with each for a 5 percent salary reduction for three months and each waived their rights to appeal to the State Personnel Board. The OIG concurred based on the mitigating factors.

### Disciplinary Assessment

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

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-14	12-0822-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On December 14, 2011, a lieutenant allegedly neglected his duties when he failed to stop inmate movement during count which resulted in an inaccurate count. It was further alleged that two sergeants and an officer neglected their duties by exchanging a username and password to correct the inmate count. Finally, it was alleged the lieutenant neglected his duties by failing to stop the sergeants and officer from exchanging the password.

### Disposition

The hiring authority sustained the allegation of neglect of duty against the lieutenant for failure to stop inmate movement during count and imposed a 5 percent salary reduction for three months. The hiring authority determined there was insufficient evidence to sustain the allegation of neglect of duty for failing to prevent the exchange of the password. The OIG concurred with these determinations. The lieutenant did not file an appeal with the State Personnel Board. The hiring authority sustained the allegations against the two sergeants and the officer, and imposed letters of reprimand. The OIG concurred. However, following *Skelly* hearings for each, the hiring authority agreed to withdraw the letters of reprimand and instead issued letters of instruction. The OIG concurred with the modification because the sergeants and the officer acknowledged their actions violated policy and expressed remorse for their conduct.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2011-12-29	12-1085-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Unreasonable Use of Force</li> <li>3. Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>		

### Incident Summary

On December 29, 2011, an officer allegedly used unreasonable force when he fired a less-lethal weapon at a ward who was lying on the ground, face down, with his feet spread apart and his hands behind his back, not posing an immediate threat. In addition, the officer was allegedly dishonest by failing to accurately report that use of force. A youth counselor and a sergeant allegedly failed to report that they witnessed the use of force.

### Disposition

The hiring authority sustained the allegation of unreasonable use of force against the officer, but not the dishonesty allegation, and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Due to the officer accepting responsibility and expressing remorse, the department entered into a settlement agreement reducing the penalty to a 10 percent salary reduction for 12 months and removing the disciplinary action from his official personnel file upon request no sooner than 18 months. In exchange, the officer agreed to withdraw the appeal. The OIG concurred with the settlement agreement due to the additional mitigating factors. The hiring authority sustained the allegation against the youth counselor and issued a letter of instruction. The OIG concurred. The hiring authority found insufficient evidence to sustain the allegation against the sergeant and the OIG concurred.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-01-04	12-1471-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> </ol>		

### Incident Summary

On January 4, 2012, a control booth officer allegedly neglected his duties when he allowed an unrestrained inmate out of his assigned cell to deliver packages while at the same time he allowed another unrestrained inmate out of his cell to retrieve a breakfast tray. The officer also allegedly failed to maintain visual contact of both inmates in violation of department policy. It was further alleged that two floor officers neglected their duties by allowing the inmates out of their cells in violation of departmental policy.

### Disposition

The hiring authority sustained the allegations against the control booth officer and imposed a 5 percent salary reduction for 12 months. The hiring authority determined there was insufficient evidence to sustain the allegations against the two floor officers. The OIG concurred with the hiring authority's decisions. After a *Skelly* hearing, the hiring authority and the control booth officer entered into a settlement agreement wherein the hiring authority agreed to reduce the penalty to a 5 percent salary reduction for three months. The officer agreed not to appeal. The OIG found the agreement to be reasonable because the officer was remorseful and had worked for the department for 23 years with no prior disciplinary actions.

### Disciplinary Assessment

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely consult with the OIG and department attorney regarding the findings and penalty conference. OIA Central Intake failed to make an appropriate initial determination.

**Rating: Insufficient**

# NORTH REGION

## Assessment Questions

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

*The department learned of the misconduct on January 4, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 9, 2012, 125 calendar days after the date of discovery.*
- Did OIA Central Intake make an appropriate initial determination regarding the case?

*OIA Central Intake approved the case for disciplinary action without an investigation for all three officers. The determination was appropriate in the case of the control booth officer. However, OIA Central Intake should have opened an investigation regarding the allegations against the other two officers.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney did not make any entry in CMS confirming the relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs referred the matter to the hiring authority on May 30, 2012. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until December 13, 2012, more than six months after receipt of the case.*
- If the HA determined additional investigation was necessary, was additional investigation requested?

*The hiring authority determined that additional investigation was necessary as there was insufficient information to address the allegations against two officers. However, the hiring authority did not request additional investigation because there was insufficient time to complete an investigation before the deadline for taking disciplinary action.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

*The department attorney was assigned to the case on September 25, 2012, but failed to provide appropriate legal consultation regarding the sufficiency of the investigation until December 13, 2012. On that date, there was not sufficient time to complete an investigation prior to the deadline for taking disciplinary action.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs referred the matter to the hiring authority on May 30, 2012. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 13, 2012, more than six months after receipt of the case.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The department attorney did not provide written confirmation of the penalty discussions to the hiring authority and the OIG.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the findings and penalty conference.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-04	12-0981-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On February 4, 2012, a tower officer assigned to supervise inmates on an exercise yard allegedly failed to respond and intervene while an inmate attacked another inmate with an inmate-manufactured weapon. An officer assigned to observe a different exercise yard saw the attack and sounded an alarm. Responding officers fired less-lethal rounds to stop the attack. The inmate who was attacked sustained two puncture wounds to his upper torso and was sent to an outside hospital for medical treatment.

## NORTH REGION

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-23	12-0768-IR	1. Discourteous Treatment	1. Sustained	Salary Reduction	No Change

### Incident Summary

It was alleged that on February 23, 2012, an officer physically assaulted a member of the public during a union meeting.

### Disposition

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

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department failed to timely serve the disciplinary action. The department attorney failed to make an entry into CMS confirming relevant dates. In addition, the department attorney delayed drafting the disciplinary action for five months, causing an unnecessary delay in the resolution of the case. Finally, the department attorney failed to draft a disciplinary action that accurately depicted the facts of the misconduct. This deficiency was raised to the department's assistant chief counsel, who refused to make any corrections to the disciplinary action. Ultimately, the officer did not file an appeal of the disciplinary action to the State Personnel Board. However, had an appeal been filed, the disciplinary action likely would have been overturned as written.

### Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry in CMS confirming the date of the reported incident, the date of discovery, or the deadline for taking disciplinary action.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?  
*The disciplinary action failed to fully and accurately describe the facts of the officer's misconduct.*
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?  
*The disciplinary action failed to fully and accurately describe the facts of the officer's misconduct.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to timely serve the disciplinary action. The decision to take disciplinary action was made on October 23, 2012; however, the officer was not served the action until February 13, 2013, almost four months later.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-09	13-0409-IR	1. Neglect of Duty	1. Sustained	Suspension	No Penalty Imposed

### Incident Summary

On April 9, 2012, two parole agents allegedly engaged in a vehicle pursuit in violation of departmental policy. In addition, one of the parole agents allegedly improperly handled evidence at the crime scene.



# NORTH REGION

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a two-working day suspension against both parole agents. The OIG concurred. After the *Skelly* hearings, it was discovered that one of the parole agents did not actually engage in a pursuit, but followed at a safe distance and obeyed all traffic rules. In addition, he did not utilize his lights or siren. As such, the hiring authority elected to withdraw the disciplinary action against that parole agent. The OIG concurred with the hiring authority's determination. The hiring authority, however, sustained the suspension against the other parole agent as he did engage in a pursuit and utilized his lights and siren. The parole agent filed an appeal with the State Personnel Board. Prior to the hearing, and without consultation with the OIG, the hiring authority and department attorney unilaterally withdrew the disciplinary action. The OIG did not concur with this decision as no factors changed to indicate that the parole agent had not engaged in misconduct.

## Disciplinary Assessment

**Rating: Insufficient**

The hiring authority and department attorney failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to make entries regarding relevant dates in CMS and failed to provide written confirmation of penalty discussions. Both the hiring authority and the department attorney failed to consult with the OIG prior to withdrawing one of the disciplinary actions.

## Assessment Questions

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

*The department attorney made no entries in CMS confirming the date of incident, the date of discovery nor the deadline for taking disciplinary action.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The OIG did not receive any written confirmation regarding penalty discussions from the department attorney.*
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?

*The department attorney, in consultation with the hiring authority, chose to withdraw the disciplinary action of the second parole agent without consultation 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 withdrawal of the disciplinary action as there was sufficient evidence to sustain the allegation of misconduct.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

*The department attorney, in consultation with the hiring authority, chose to withdraw the disciplinary action of the second parole agent without consultation with the OIG.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

*The department attorney, in consultation with the hiring authority, chose to withdraw the disciplinary action of the second parole agent without consultation with the OIG.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-16	12-1322-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

## Incident Summary

On April 16, 2012, an officer allegedly used unreasonable force when he sprayed an inmate with pepper spray. The officer and his partner were conducting a random cell search and ordered the inmate and his cellmate to submit to restraints. Both inmates refused to comply and began to dispose of unknown items in the cell toilet. The officer then allegedly used his pepper spray through the food port, striking one inmate in the upper torso.

## Disposition

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

## NORTH REGION

<b>Disciplinary Assessment</b>	<b>Rating: Insufficient</b>
The hiring authority failed to conduct the findings and penalty conference in a timely manner. The disciplinary officer failed to assess and document the deadline for taking disciplinary action.	
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The disciplinary officer did not make any entry into CMS confirming the relevant dates.</i></li> <li>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 case was returned to the hiring authority on June 1, 2012; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until February 22, 2013, nearly nine months after receipt of the case.</i></li> <li>Was the disciplinary phase conducted with due diligence by the department? <i>The department failed to conduct the findings and penalty conference in a timely manner.</i></li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-18	12-1856-IR	1. Dishonesty	1. Sustained	Salary Reduction	No Change

### Incident Summary

It was alleged that on April 18, 2012, a sergeant allegedly falsified a signature on an inmate's rules violation report indicating that the inmate had received his final copy of the report.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for 13 months. The sergeant filed an appeal with the State Personnel Board, which she subsequently withdrew.

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-01	13-0068-IR	1. Neglect of Duty 2. Attendance	1. Sustained 2. Sustained	Training	No Change

### Incident Summary

Between May 2012 and September 2012, an officer was allegedly excessively absent by missing 28 days. On September 6, 2012, the officer neglected his duties when he violated the shift exchange policy by paying cash instead of working the exchanged shifts. It was also alleged that five other officers neglected their duties when they violated the shift exchange policy by receiving cash for shifts they worked for the officer.

### Disposition

The hiring authority sustained the allegations against the first officer and identified corrective training as the appropriate action. However, the officer retired prior to the findings and penalty conference. Therefore, training was not provided. The hiring authority determined there was insufficient evidence to sustain the allegations against the other officers. The OIG concurred with the hiring authority's determinations.

<b>Disciplinary Assessment</b>	<b>Rating: Insufficient</b>
The hiring authority failed to conduct the findings and penalty conference in a timely manner, and the department attorney failed to document assessing the relevant deadlines and failed to provide written confirmation of the penalty discussions.	

# NORTH REGION

## Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry into CMS within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The Office of Internal Affairs referred the matter to the hiring authority on November 14, 2012. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 16, 2013, nearly five months after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs referred the matter to the hiring authority on November 14, 2012. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 16, 2013, nearly five months after receipt of the case.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney did not provide written confirmation of penalty discussions.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the findings and penalty conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-31	12-1995-IR	<ol style="list-style-type: none"> <li>1. Insubordination</li> <li>2. Other Failure of Good Behavior</li> <li>3. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	No Change

## Incident Summary

Between May 31, 2012, and July 30, 2012, an officer on administrative leave and under specific orders not to enter department premises or communicate with employees was allegedly insubordinate, displayed disorderly conduct in public, and was discourteous toward the public and other employees. The officer allegedly called the facility numerous times disrupting operations, drove onto the premises, and drove in an unsafe manner requiring the response of outside law enforcement. The officer also allegedly threw two bags of fast food at another officer, striking him in the chest.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer was deemed unfit for duty and terminated before disciplinary action could be imposed. After the officer appealed the fitness for duty termination, the officer and the department entered into a settlement agreement in which the officer withdrew the appeal and retired.

## Disciplinary Assessment

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

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-04	12-2945-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Suspension

### Incident Summary

On July 4, 2012, an officer was allegedly discourteous to an inmate by telling him, in the presence of other inmates, "Don't talk to me, you child molester." The officer was also allegedly dishonest to a lieutenant when she denied making the statement.

### Disposition

The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. At her *Skelly* hearing, the officer accepted responsibility for her actions, demonstrated remorse, gained insight into her behavior, and requested redemption. Due to these mitigating factors, the department entered into a settlement agreement with the officer wherein the dismissal was reduced to a 60 working-day suspension. The OIG concurred with the hiring authority's determinations based on the factors learned at the *Skelly* hearing.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to timely refer the matter to the Office of Internal Affairs, determine the request for investigation, and consult with the OIG and department attorney regarding the sufficiency of the investigation, investigative findings, and disciplinary determinations. Also, despite the OIG's recommendation that an additional officer be added, the hiring authority initially disagreed and failed to properly determine whether additional investigation was necessary to address this issue. The department attorney was not initially prepared to address the need to expand the investigation, resulting in a 17-day delay in rendering a decision on the case. The department attorney also failed to provide written confirmation of the penalty discussion to the hiring authority and the OIG.

# NORTH REGION

## Assessment Questions

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

*The department learned of the misconduct on July 6, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 7, 2012, 124 days after the date of discovery.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?

*OIA Central Intake received the request for investigation on November 15, 2012, but did not take action until December 17, 2012, 32 days after receipt of the request.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?

*The Office of Internal Affairs returned the matter to the hiring authority on December 28, 2012. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until February 8, 2013, 42 calendar days after receipt of the case.*
- Did the HA properly determine whether additional investigation was necessary?

*The OIG recommended that the hiring authority add a second officer because the officer allegedly witnessed the misconduct and failed to report it to his superiors. Despite the OIG's recommendation, the hiring authority initially failed to add the second officer and properly determine if additional investigation was necessary to address this issue. After further urging by the OIG, the hiring authority eventually agreed to refer the second officer to the Office of Internal Affairs for possible misconduct.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

*At the initial consultation, the department attorney was not prepared to provide appropriate legal consultation regarding whether additional investigation was necessary to address the involvement of another officer who allegedly witnessed the misconduct but failed to report it to his superiors. Seventeen days later, the meeting was reconvened and the department attorney was then able to address the sufficiency of the investigation and make recommendations.*
- 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 matter to the hiring authority on December 28, 2012. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until February 25, 2013, 59 calendar days after receipt of the case.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The department attorney failed to provide the hiring authority and the OIG written confirmation of penalty discussions.*
- Was the disciplinary phase conducted with due diligence by the department?

*The department failed to timely refer the matter to the Office of Internal Affairs, determine the request for investigation, and consult with the OIG and department attorney regarding the sufficiency of the investigation, investigative findings, and penalty determinations.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-24	12-2855-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Training

### Incident Summary

On July 24, 2012, two officers and a sergeant allegedly neglected their duties by failing to immediately initiate emergency medical response procedures after finding an unresponsive inmate in his cell. The inmate was discovered with a cloth noose tied around his neck and was pronounced dead at the scene.

## NORTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 5 percent salary reduction for 12 months against the sergeant and a 5 percent salary reduction for two months against each officer. The OIG concurred. However, following the *Skelly* hearings, the hiring authority rescinded the actions against the sergeant and two officers, and ordered training. The OIG concurred because new information was presented at the hearings that indicated the sergeant and officers' actions were reasonable under the circumstances including the inmate's recent history of violence and non-compliance with staff orders. Further, the officers were unable to see the noose around the inmate's neck, did not have reason to believe the inmate was in medical distress, and had not received consistent training in the emergency medical response system.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

### OIG Recommendation

The OIG recommended that the hiring authority provide institution-wide training in the emergency medical response system.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-29	13-0194-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On July 29, 2012, an officer allegedly used unreasonable force when he pushed a ward to the ground to stop a fight when the ward was refusing to comply with orders to stop and get down.

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-09	12-2723-IR	1. Insubordination 2. Discourteous Treatment	1. Sustained 2. Sustained	Suspension	No Change

### Incident Summary

On August 9, 2012, a chief medical officer allegedly refused to complete a mandatory advanced cardiac life support training class. It was further alleged that he made inappropriate remarks during the training class by telling the instructor that if she saved him he would sue her and take her money, take her first born child, and give her child to a rapist.

### Disposition

The hiring authority sustained the allegations but initially did not impose any penalty. Instead, the hiring authority decided to combine the allegations with a disciplinary action already pending against the chief medical officer, but which had not yet been served. When the OIG learned that the hiring authority did not impose any penalty the OIG accepted the case for monitoring and urged the hiring authority to reconsider imposing a penalty. Ultimately, the hiring authority converted the initial penalty in the first case from a 10 percent salary reduction for three months to a six working-day suspension, and imposed a four working-day suspension in this case, resulting in a 10 working-day suspension. The chief medical officer did not file an appeal with the State Personnel Board. The OIG did not concur with the hiring authority's initial determination, but after the hiring authority reconsidered the matter and imposed a penalty, the OIG concurred with the hiring authority's final determination.

### Disciplinary Assessment

**Rating: Insufficient**

The hiring authority failed to conduct the findings and penalty conference in a timely manner, and identify the appropriate penalty. Further, the draft disciplinary action the department attorney prepared cited incorrect legal authority for taking disciplinary action.

# NORTH REGION

## Assessment Questions

- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on September 19, 2012; however, the hiring authority did not consult with the department attorney regarding the sufficiency of the investigation and investigative findings until November 15, 2012, 58 calendar days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on September 19, 2012; however, the hiring authority did not consult with the department attorney regarding the disciplinary determinations until November 15, 2012, 58 calendar days after receipt of the case.*
- Did the HA, who participated in the disciplinary conference, select the appropriate penalty based on the sustained allegations?  
*The hiring authority sustained all of the allegations, but initially did not impose any penalty.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?  
*The draft disciplinary action cited the incorrect government code to take disciplinary action.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to conduct the findings and penalty conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-13	12-2775-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	No Change

### Incident Summary

On August 13, 2012, an officer allegedly failed to properly process and report the discovery of an inmate-manufactured weapon found in an inmate's cell. The inmate later attempted suicide with another weapon.

### 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. At the pre-hearing settlement conference the officer withdrew his appeal and agreed to accept the salary reduction and that he would not be permitted to bid for an assignment in the building where the incident occurred until 12 months after the effective date of the disciplinary action. In return, the department agreed to remove the disciplinary action from the officer's personnel file in 24 months and allow the officer to bid for assignments in other buildings nine months after the effective date of the disciplinary action. The OIG concurred with the terms of the settlement agreement because the penalty was not reduced and the other provisions were sufficient to protect the safety and security of the institution.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-09	12-2847-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On September 9, 2012, an off-duty officer was allegedly involved in a verbal dispute and struck a citizen in the eye causing minor injury.

# NORTH REGION

## Disposition

The hiring authority sustained the allegation and imposed a 10 percent salary reduction for six months. The OIG concurred. However, following a *Skelly* hearing, the hiring authority agreed to reduce the penalty to a 5 percent salary reduction for six months and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred because during the *Skelly* hearing, the officer presented new mitigating information, accepted responsibility for his actions, and expressed remorse.

## Disciplinary Assessment

**Rating: Insufficient**

The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the investigative findings and penalty conference. Additionally, the department attorney failed to assess and document the deadline to take disciplinary action and failed to provide the hiring authority written confirmation of the penalty discussions.

## Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on September 10, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 26, 2012, 78 days after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry into CMS within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on December 13, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until January 14, 2013, 32 days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on December 13, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until January 14, 2013, 32 days after receipt of the case.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney failed to provide the hiring authority and the OIG written confirmation of the penalty discussions.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-21	12-2771-IR	1. Neglect of Duty	1. Sustained	Letter of Instruction	No Change

## Incident Summary

On September 21, 2012, an officer allegedly neglected his duties by failing to perform an unclothed body search on an assaultive inmate and failing to call for an escort officer before removing the inmate from the cell.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and issued a letter of instruction. The OIG concurred.

## Disciplinary Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to make a timely determination on the case and the hiring authority failed to timely conduct the findings and penalty conference.



# NORTH REGION

## Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on October 24, 2012, but did not take action until December 5, 2012, 42 days after the receipt of the request.*
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The disciplinary officer did not make any entry into CMS prior to the findings conference confirming the date of the reported incident, the date of discovery, or the deadline for taking disciplinary action.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on December 5, 2012; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until April 12, 2013, over four months after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on December 5, 2012; however, the consultation with the OIG regarding the disciplinary determinations did not occur until April 12, 2013, over four months after receipt of the case.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the findings and penalty conference in a timely manner.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-22	12-2846-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On September 22, 2012, an officer allegedly failed to immediately sound his alarm for a medical emergency when he discovered an inmate unresponsive and slumped forward head first on the floor in his cell during a security check. Instead, the officer left the scene and reported his observations to a sergeant who instructed him to immediately sound the alarm. Medical staff responded and administered life-saving measures, but the inmate was pronounced dead by the institution's physician a short time later.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. The Officer filed an appeal with the State Personnel Board. The hiring authority entered into a settlement agreement in which the officer withdrew his appeal and the penalty was reduced to a salary reduction of 5 percent for three months. The OIG concurred with the settlement because the officer accepted responsibility for his actions.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-08	12-2703-IR	1. Threat and Intimidation	1. Sustained	Dismissal	No Change

### Incident Summary

On October 8, 2012, an officer allegedly made intimidating statements and threatened to kill staff members.

## NORTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before disciplinary action could be imposed.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority delayed making investigative and disciplinary determinations. The officer remained on paid administrative leave until he ultimately retired before disciplinary action could be taken.

### Assessment Questions

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

*The case was returned to the hiring authority on November 28, 2012; however, the consultation with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings did not occur until January 22, 2013, 56 days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The case was returned to the hiring authority on November 28, 2012; however, the consultation with the OIG and department attorney regarding the disciplinary determinations did not occur until January 22, 2013, 56 days after receipt of the case.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?

*The department attorney failed to provide written confirmation of the penalty discussions to the hiring authority and the OIG.*
- Was the disciplinary phase conducted with due diligence by the department?

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-01	12-2874-IR	<ol style="list-style-type: none"> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On November 1, 2012, an officer allegedly used unreasonable force when he punched a ward in the shoulder to retrieve a bag of peanuts the ward took from the officer's work area. The officer also allegedly failed to utilize intervention and de-escalation strategies to effectively minimize the situation.

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-12-01	13-0481-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On December 1, 2012, it was alleged an officer neglected his duties when he used paid time off to take the sergeant's examination when the time off was not necessary. It was further alleged the officer was dishonest when he failed to report to his supervisor that he no longer needed the time off and also failed to correct his time card.

## NORTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of neglect of duty and imposed a 5 percent salary reduction for six months. The hiring authority determined there was insufficient evidence to sustain the allegation of dishonesty. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-05-31	11-2226-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Other Failure of Good Behavior</li> <li>3. Conviction of a Moral Turpitude Crime</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

Between May 31, 2009, and March 31, 2010, an officer allegedly caused his vehicle to be destroyed, dishonestly reported to local law enforcement that his car had been stolen, and then allegedly filed a fraudulent insurance claim. On June 3, 2011, the officer pled guilty to a felony violation of insurance fraud, which was later reduced by the court to a misdemeanor.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the officer. The officer filed an appeal with the State Personnel Board. The State Personnel Board sustained the penalty of dismissal.

### Disciplinary Assessment

**Rating: Insufficient**

The hiring authority and department attorney failed to comply with the department's policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and failed to timely conduct the findings and penalty conference. The department attorney failed to timely enter the relevant deadlines into the case management system, failed to provide written confirmation of penalty discussions to the hiring authority and to the OIG, and failed to provide the OIG with a draft pre-hearing settlement conference statement before it was filed. The department attorney also failed to timely provide documentary evidence to the officer or his attorney thereby resulting in that evidence being excluded from the State Personnel Board hearing.

## SOUTH REGION

### Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on March 30, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 8, 2011, more than four months after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry within 21 days of assignment confirming the date of the incident, the date of discovery, or the deadline for taking disciplinary action.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on August 31, 2011; however, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until February 24, 2012, more than five months later.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on August 31, 2011; however, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until February 24, 2012, more than five months later.*
- 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 OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The OIG was not provided with a draft of the pre-hearing settlement conference statement before it was filed.*
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?  
*The department attorney did not provide certified copies of the court documents regarding the officer's conviction to the officer or the officer's attorney before the hearing. Therefore, those documents were not admitted into evidence at the hearing.*
- Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence?  
*The department attorney did not provide certified copies of the court documents regarding the officer's conviction to the officer or the officer's attorney before the hearing. Therefore, those documents were not admitted into evidence at the hearing.*
- 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 had not previously provided certified copies of the court documents regarding the officer's conviction to the officer or the officer's attorney and, therefore, the State Personnel Board granted the officer's motion for sanctions pursuant to which the department was not allowed to have the certified copies admitted as evidence at the hearing.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely conduct the findings and penalty conference.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-07-26	10-3787-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Discourteous Treatment</li> <li>4. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

On July 26, 2010, a parole agent allegedly made a threat to a parolee that was observed and not reported by another parole agent. That same day the two parole agents allegedly observed unnecessary use of force against the parolee by outside law enforcement officers and failed to report the incident. It was alleged that each parole agent was dishonest in their respective Office of Internal Affairs interviews regarding the two incidents. It was further alleged that after being ordered not to discuss the matter by the Office of Internal Affairs, the two parole agents discussed the incidents in violation of the order. It was also alleged that on July 28, 2010, a supervisor was told about the use of force against the parolee by an outside law enforcement agency and failed to act. Two other parole agents were alleged to have observed the same use of force on the parolee by outside law enforcement officers and failed to report the incident.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the parole agent who initially made the threat for dishonesty, failure to report misconduct, and discourteous treatment. The hiring authority determined that a 60 working-day suspension was appropriate as the parole agent was forthright during the investigation. The hiring authority also determined there was sufficient evidence to sustain the allegations against the parole agent who observed the threat for dishonesty and failure to report misconduct, and dismissed that parole agent. No allegations were sustained as to the remaining two parole agents or the supervising parole agent. The OIG concurred with the hiring authority's determinations. The two parole agents with sustained allegations filed appeals with the State Personnel Board. However, prior to State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent who made the threat wherein the hiring authority agreed to reduce the penalty from a 60 working-day suspension to a 30 working-day suspension because of the parole agent's early voluntary admission of wrongdoing and extreme remorse. For these reasons, the OIG concurred. Following a hearing, the State Personnel Board sustained the allegations against the parole agent who observed the threat and upheld the dismissal.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-10-27	11-1713-IR	<ol style="list-style-type: none"> <li>1. Other Failure of Good Behavior</li> <li>2. Weapons</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On October 27, 2010, a private citizen allegedly contacted outside law enforcement because he had been in a business dispute with his business partner and he was fearful because the business partner had a handgun in his possession. Upon responding, outside law enforcement discovered the business partner had a semi-automatic firearm, three high capacity magazines, and 274 rounds of law enforcement-only ammunition. It was alleged that the business partner was not allowed to have a firearm because of his criminal history. A records check of the firearm showed that it was registered to a parole agent. Outside law enforcement contacted the parole agent and he allegedly stated he sold the firearm to the business partner. It was alleged the parole agent had not gone through appropriate transfer requirements mandated by federal and state law regarding the transferring of firearms.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred with the hiring authority's determinations. The parole agent retired before the disciplinary action took effect. A letter indicating the parole agent retired under adverse circumstances was placed in his official personnel file.

# SOUTH REGION

<b>Disciplinary Assessment</b>	<b>Rating: Insufficient</b>
<p>The hiring authority and department attorney failed to comply with the department's policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the findings and penalty conference. The department attorney provided inadequate legal advice to the hiring authority, which was contrary to the evidence. The department attorney also failed to provide written confirmation of penalty discussions to the hiring authority and OIG, failed to fully consult with the OIG concerning the disciplinary action, and failed to timely prepare the action, resulting in the action being served just two days before the deadline for taking disciplinary action.</p>	

## 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 8, 2011. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until September 13, 2011, 36 calendar days after receipt of the case.*
- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?

*The department attorney originally recommended that none of the allegations be sustained despite evidence that the parole agent illegally sold the firearm to a person unauthorized to possess firearms.*
- 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 8, 2011. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until September 13, 2011, 36 calendar days after receipt of the case.*
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

*The department attorney failed to provide appropriate legal advice to the hiring authority given the evidence developed during the investigation.*
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?

*The department attorney failed to timely prepare the draft disciplinary action for review. The draft was not provided to the OIG until one week before it had to be served.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

*The department attorney failed to adequately or timely consult with the OIG regarding preparation of the disciplinary action.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority failed to conduct the findings and penalty conference in a timely manner. Also, the disciplinary action was not served until two days before the deadline to take disciplinary action.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-01-01	11-1305-IR	1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty 4. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	<b>Dismissal</b>	<b>No Change</b>

## Incident Summary

Between January 1, 2011, and March 21, 2011, an officer allegedly engaged in an overly familiar relationship with an inmate and also allegedly provided the inmate contraband including a mobile phone. A search of the inmate's cell revealed he was in possession of a mobile phone that he attempted to destroy upon the initiation of the cell search. It was further alleged that during the cell search, a childhood photograph of the officer and love letters written by the officer were also discovered.

## SOUTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations of neglect of duty, over-familiarity with an inmate, and dishonesty regarding the officer's relationship with the inmate. The hiring authority did not sustain allegations that the officer was overly familiar with a second inmate, failed to report a use of force, allowed an inmate access to a control booth, allowed an inmate to fill out inmate time cards, and introduction of contraband into the institution. The hiring authority dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. The State Personnel Board sustained the allegations and upheld the penalty after an evidentiary hearing.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the hiring authority and department attorney sufficiently complied with the department's policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-01-03	11-1183-IR	1. Discourteous Treatment	1. Sustained	Salary Reduction	Letter of Reprimand

### Incident Summary

On January 3, 2011, a sergeant allegedly yelled and used profanity toward an inmate.

### Disposition

The hiring authority sustained the allegation and imposed a 5 percent salary reduction for nine months. The OIG concurred with the hiring authority's determination. The sergeant filed an appeal with the State Personnel Board. Following the hearing, the State Personnel Board found the penalty to be excessive and reduced the penalty to a letter of reprimand.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-04-06	12-0852-IR	1. Other Failure of Good Behavior	1. Sustained	Dismissal	Resignation in Lieu of Termination

### Incident Summary

On April 6, 2011, an officer allegedly violated a restraining order by making harassing phone calls to and following an ex-girlfriend in his car, coming within 150 yards of the ex-girlfriend.

### Disposition

The hiring authority sustained the allegation, combined the case with another disciplinary action against the officer, and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. However, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to not seek employment with the department in the future. The department accepted a letter of resignation from the officer and agreed to seal the disciplinary action, the stipulation, and all attachments, leaving only the officer's letter of resignation visible to potential future employers. The OIG did not concur in the overall settlement but was not afforded an opportunity to seek a higher level of review as the settlement terms were agreed upon without proper consultation with the OIG.

### Disciplinary Assessment

**Rating: Insufficient**

The department attorney failed to comply with the department's policies and procedures governing the disciplinary process. The department attorney failed to provide the hiring authority with sound and consistent legal advice regarding the officer's past misconduct, did not provide written confirmation of penalty discussions, and filed an inadequate pre-hearing settlement conference statement that could not be amended because of an untimely motion to amend.



# SOUTH REGION

## Assessment Questions

- Did the VA provide appropriate legal consultation to the HA regarding the sufficiency of the investigation and investigative findings?  
*The department attorney recommended adding an allegation that was previously addressed by the hiring authority in a separate action.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney did not provide written confirmation of penalty discussions.*
- Did the department 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 witness with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?  
*The department attorney failed to include a custodian of records as a witness so that critical evidence could be introduced, failed to list certified copies of critical court documents as documentary evidence, failed to obtain and list as evidence proof that a restraining order had been served on the officer, and failed to list documents that would prove the restraining order was in place and known by the officer for all relevant dates.*
- 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 denied the department attorney's request to amend the pre-hearing settlement conference statement as untimely.*
- Was the disciplinary phase conducted with due diligence by the department?  
*A draft pre-hearing settlement conference statement was not provided to the OIG in sufficient time to review. After the OIG reviewed the statement and made recommendations the department attorney sought to amend the statement, but the State Personnel Board denied the department attorney's request as untimely.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-04-25	11-2161-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Unreasonable Use of Force</li> <li>4. Attempt to dissuade a witness</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>	Dismissal	No Change

## Incident Summary

On April 25, 2011, two officers allegedly used unnecessary force when they slammed an inmate face first onto the floor and struck the inmate with fists, causing injury to the inmate. Each officer allegedly lied in their respective interviews with the Office of Internal Affairs. A medical staff person who allegedly observed some of the use of force also allegedly failed to report the observations and then lied during the Office of Internal Affairs interview.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the officers and served notices of dismissal. The OIG concurred. The officers each filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board sustained the dismissals of both officers. The hiring authority determined there was sufficient evidence to sustain the allegations against the senior radiological technician and served a notice of dismissal. The OIG concurred. However, the senior radiological technician resigned before the disciplinary action took effect. A letter indicating the senior radiological technician resigned pending disciplinary action was placed in his official personnel file.

## Disciplinary Assessment

**Rating: Insufficient**

The hiring authority and department attorneys failed to comply with policies and procedures governing the disciplinary process. The hiring authority for the senior radiological technician failed to conduct a timely findings and penalty conference, primarily due to delays by the department attorney. The department attorneys failed to timely and properly draft the disciplinary action, failed to adequately prepare for and present the case at the State Personnel Board hearing, and failed to cooperate with the OIG by not providing draft documents with sufficient time for adequate review.

## 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 hiring authority for the senior radiological technician received the investigative report on April 26, 2012, but did not conduct the findings and penalty conference until October 15, 2012, five months and 19 days after receipt of the report.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The hiring authority for the senior radiological technician received the investigative report on April 26, 2012, but did not conduct the findings and penalty conference until October 15, 2012, five months and 19 days after receipt of the report.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?  
*The draft disciplinary actions for the two officers failed to accurately reflect the facts of the case as told by the independent witness despite the fact that the hiring authority relied on the independent witness's version of facts.*
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?  
*The disciplinary actions for the two officers failed to accurately reflect the facts of the case as told by the independent witness despite the fact that the hiring authority relied upon the independent witness's version of facts.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The OIG was not provided a copy of the pre-hearing settlement conference statement until it was already served on opposing counsel and filed.*
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?  
*The department attorneys failed to ensure the inmate was present to testify at the State Personnel Board hearing until directed to do so by the supervisor after consultation with the OIG. The department attorneys also failed to let witnesses review prior statements they made prior to testifying, and failed to timely act on the disciplinary action against the senior radiological technician so that the disciplinary actions against the senior radiological technician and the two officers could be joined and heard as one case.*
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?  
*The department attorneys failed to provide required discovery until the day of the State Personnel Board hearing. The department attorneys failed to recognize, despite the OIG's comments and repeated comments of the administrative law judge, that the case was about the lack of need for any force rather than the amount of force used. The administrative law judge repeatedly stated he did not want evidence presented regarding managerial reviews of the incident. Nonetheless, the department attorneys introduced evidence of a manager review about the amount of force used until stopped by the administrative law judge.*
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?  
*The department attorneys failed to provide the parties with copies of evidence the department presented at the hearing, including a compact disc of the Office of Internal Affairs' interviews and a videotaped witness interview. The department attorneys also failed to conduct meaningful re-direct examination of their key witnesses to rehabilitate or clarify issues raised on cross-examination, and failed to prepare any diagrams or present photos of the incident location despite the critical nature of the location. Finally, the department attorneys called witnesses to testify without any clear purpose.*
- Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence?  
*The department attorneys failed to provide a copy of recorded evidence to be presented at the hearing, including a compact disc of the Office of Internal Affairs interviews and a videotaped witness interview, and failed to have a transcript of either the compact disc or videotaped interview.*
- Did the department's advocate appropriately object to evidence presented by appellant(s) at the hearing?  
*The department attorneys failed to object to numerous inappropriate questions and did not understand the evidence code related to character witnesses, past recollection recorded, refreshing the memory of a witness, the need for a witness to have personal knowledge, or cumulative evidence and medical confidentiality laws. The department attorneys were also unprepared in allocating responsibility among themselves for examining known witnesses to be called by opposing counsel until the moment the witness was called.*

## SOUTH REGION

- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The department attorney provided the draft disciplinary action only two days before the deadline for taking disciplinary action and provided the pre-hearing conference statement for review after it was already served on opposing counsel.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority for the senior radiological technician received the investigative report for review on April 26, 2012, but did not conduct the findings and penalty conference until October 15, 2012, five months and 19 days after receipt of the report. The delays were largely due to the department attorneys' failures to be prepared for the conference. Although the findings and penalty conference was held on October 15, 2012, a draft disciplinary action was not prepared until March 27, 2013, and not served until April 12, 2013, five months and 28 days after the findings and penalty conference.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-05-23	11-2595-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Insubordination</li> <li>3. Retaliation</li> <li>4. Dishonesty to OIA</li> <li>5. Dishonesty in Report</li> <li>6. Altering Evidence</li> <li>7. Neglect of Duty</li> <li>8. Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Sustained</li> <li>6. Sustained</li> <li>7. Not Sustained</li> <li>8. Exonerated</li> </ol>	Dismissal	No Change

### Incident Summary

Between May 23, 2011, and August 15, 2011, a sergeant allegedly falsified the date on drug test results received from a laboratory testing facility. It was also alleged the sergeant created false reports based on the altered evidence, lied to the Office of Internal Affairs about the matter, and retaliated against the individual who reported the alleged misconduct. It was also alleged a lieutenant failed to timely report the sergeant's alleged misconduct and then lied about the incident to the Office of Internal Affairs. It was further alleged a warden failed to follow the department's policies and procedures when he did not submit a timely request for an investigation regarding the lieutenant's misconduct to the Office of Internal Affairs.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the sergeant and dismissed him. The hiring authority sustained the allegation that the lieutenant failed to timely report misconduct, but not that he was dishonest to the Office of Internal Affairs, and imposed a 5 percent salary reduction for 13 months. The hiring authority did not sustain the allegation against the warden, but decided that the warden would be served an employee counseling record. The OIG concurred with the hiring authority's determinations regarding the sustained allegations but not the allegations that were not sustained. However, the OIG did not seek a higher level of review because the warden still received an employee counseling record and the lieutenant received a penalty. The sergeant and the lieutenant filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board sustained the dismissal of the sergeant. The State Personnel Board revoked the lieutenant's salary reduction, finding that he did timely report the sergeant's misconduct.

### Disciplinary Assessment

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

**Rating: Sufficient**

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-06-25	11-2224-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Other Failure of Good Behavior</li> <li>3. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

### Incident Summary

On June 25, 2011, an officer allegedly called and sent text messages to his ex-girlfriend, harassing her at various times during the day and night. Additionally, the officer was allegedly dishonest with outside law enforcement and the Office of Internal Affairs when he denied sending the ex-girlfriend harassing phone calls and text messages, denied illegally entering her apartment and taking her phone, and denied sending her 15-year-old son sexually explicit photographs of the ex-girlfriend.

### Disposition

The hiring authority sustained all allegations except one allegation of discourteous treatment and imposed a penalty of dismissal. The OIG concurred. The officer filed an appeal with the State Personnel Board. However, pursuant to a settlement agreement, the officer resigned in lieu of dismissal and agreed to not seek employment with the department in the future. The department agreed to accept a letter of resignation from the officer and agreed to seal the disciplinary action, the stipulation, and all attachments, leaving only the officer's letter of resignation visible to potential future employers. The OIG did not concur in the settlement but could not seek a higher level of review as the settlement terms were agreed upon without consulting the OIG.

### Disciplinary Assessment

**Rating: Insufficient**

The department attorney and hiring authority failed to comply with the department's policies and procedures governing the disciplinary process. The department attorney was not prepared for the findings and penalty conferences, failed to provide the hiring authority with sound and consistent legal advice, failed to provide written confirmation of penalty discussions, failed to timely provide a draft disciplinary action to the OIG, and filed an inadequate pre-hearing settlement conference statement that could not be amended because of an untimely motion to amend. The hiring authority failed to appropriately consider the factual allegations prior to determining the appropriate penalty. The department attorney and hiring authority failed to consult with the OIG at critical points.

## SOUTH REGION

### Assessment Questions

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

*The department attorney did not provide adequate legal advice to the hiring authority at the findings and penalty conferences. The department attorney provided contrary opinions related to the sufficiency of the facts and the law related to the dishonesty allegations at each review. The department attorney was unfamiliar with the facts and rendered advice based on incorrect knowledge or interpretation of fact.*

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

*The hiring authority reviewed the sufficiency of the investigation and the investigative findings on three separate occasions. Initially, the hiring authority sustained most allegations, including dishonesty, and imposed a penalty of dismissal. The OIG concurred with the hiring authority with respect to the sustained findings and the penalty, but did not concur with the findings that were not sustained. Upon reconsideration, the hiring authority sustained fewer allegations and did not sustain the most serious allegations, including all dishonesty allegations. The hiring authority then imposed a salary reduction. The OIG did not concur. The OIG requested a higher level of review. Before the higher review occurred, the hiring authority conducted a third conference and sustained all allegations, including all allegations related to dishonesty, and did not sustain only one allegation. The hiring authority imposed a penalty of dismissal.*

- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

*The department attorney provided inappropriate legal advice regarding the dishonesty allegations. The department attorney's advice was designed to support the stated outcome sought by the hiring authority which was to avoid allegations resulting in dismissal. When the department attorney's legal advice could not eliminate all dishonesty allegations, the department attorney advised that the facts were insufficient to support the remaining dishonesty allegations.*

- Did the HA, who participated in the disciplinary conference, select the appropriate Employee Disciplinary Matrix charges and causes for discipline for each sustained allegation?

*At each of the three findings and penalty conferences, the hiring authority made appropriate penalty determinations based on the sustained allegations. However, during the second findings and penalty conference, the hiring authority identified a desired penalty and sustained only the allegations that supported that penalty.*

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

*The department attorney did not provide written confirmation of penalty discussions.*

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

*The department attorney provided a copy of the draft disciplinary action to the OIG for review just hours before the deadline for taking disciplinary action. There was insufficient time for either review by or consultation with the OIG.*

- 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 witness with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?

*The department attorney failed to include a custodian of records as a witness so that critical evidence could be introduced, failed to list certified copies of the critical court documents as documentary evidence, failed to obtain and list as evidence proof that a restraining order had been served on the officer, failed to list documents that would prove the restraining order was in place and known by the officer for all relevant dates, and failed to list relevant police reports and an outside agency officer as a witness.*

- 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 at the beginning of settlement negotiations, after agreeing upon the settlement terms the hiring authority consulted with the department attorney without the OIG and settled the case on terms contrary to what the hiring authority and department attorney had previously established after consulting 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 agreement entered into by the department.*

- 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 denied the department attorney's request to amend the pre-hearing settlement conference statement as untimely.*

## SOUTH REGION

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

*The department attorney failed to consult with the OIG at critical points. The hiring authority conducted three separate findings and penalty conferences. After the second conference, the OIG requested a higher level of review. Before the higher level of review occurred, the OIG was notified that a third findings and penalty conference took place in which the hiring authority made the final penalty decisions. Neither the department attorney nor the hiring authority consulted with the OIG. The department attorney did not provide a draft disciplinary action to the OIG for review until August 9, 2012, the deadline for taking disciplinary action. After the parameters of settlement were agreed upon, the hiring authority and department attorney consulted without the OIG and settled the case on terms contrary to what the hiring authority and department attorney had previously established after previous consultation with the OIG.*

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

*The hiring authority failed to provide real-time consultation with the OIG at critical points. The hiring authority conducted three separate findings and penalty conferences. Initially, the hiring authority sustained most allegations, including dishonesty, and imposed a penalty of dismissal. Upon reconsideration, the hiring authority sustained fewer allegations and did not sustain the most serious allegations, including dishonesty, to avoid the penalty of dismissal that was previously decided. The hiring authority instead imposed a salary reduction. After the second findings and penalty conference, the OIG requested a higher level of review. Before the higher level of review occurred, the hiring authority conducted a third findings and penalty conference in which the hiring authority made the final penalty decisions. Neither the department attorney nor the hiring authority consulted with the OIG. Following the officer's appeal, the hiring authority and department attorney consulted without the OIG and settled the case on terms that were outside the parameters of settlement that the hiring authority and department attorney established after previous consultation with the OIG.*

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

*The department failed to conduct the disciplinary phase in a timely manner. The hiring authority received the investigative report on June 29, 2012, but did not determine the final investigative findings and penalty until August 6, 2012, just three days before the deadline to take disciplinary action. The department attorney failed to provide the draft disciplinary action and draft pre-hearing settlement conference statement to the OIG with sufficient time for review. The State Personnel Board denied the department attorney's request to amend the pre-hearing settlement conference statement as untimely.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-07-03	11-2670-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Unreasonable Use of Force</li> <li>4. Code of Silence</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Dismissal	No Penalty Imposed

### Incident Summary

On July 3, 2011, an officer allegedly used unnecessary force when, during an attempt to counsel an inmate, he slapped the inmate's hand and then slapped him in the face. The officer acknowledged culpability to a lieutenant, but allegedly falsified his written report and provided a different version of events regarding the incident. Two sergeants and two officers witnessed the incident and allegedly prepared false written reports. One of the sergeants also allegedly encouraged officers to orchestrate their reports. It was also alleged the officers and sergeants lied during their interviews with the Office of Internal Affairs.

### Disposition

The hiring authority sustained all allegations against the officer who used force and dismissed him. The hiring authority sustained a dishonesty allegation against one of the sergeants and against one of the other officers and dismissed them also. The hiring authority did not sustain any allegations against the other sergeant and the other officer. The OIG concurred with the hiring authority's decisions. The officers and sergeants filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissals of the two officers and the sergeant. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officers' denials.

## SOUTH REGION

### Disciplinary Assessment

Rating: **Insufficient**

The department attorney failed to comply with the department's policies and procedures governing the disciplinary process. The department attorney failed to provide a draft disciplinary action and closing brief for OIG review. The department attorney failed to prepare a sufficient pre-hearing settlement conference statement and was not familiar with the facts of the case at the pre-hearing settlement conference. The department attorney failed to adequately prepare witnesses for the State Personnel Board hearing, failed to present adequate evidence at the hearing, failed to properly utilize transcript evidence, and submitted a poorly-drafted and poorly-argued closing brief.

### 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 witness 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 contain sufficiently detailed statements regarding the expected testimony of several witnesses.*
- 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 full familiarity of the facts in the case as she was not familiar with the expected testimony of a principal witness and some of the subjects.*
- Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?  
*The department attorney failed to adequately prepare key witnesses based on anticipated questions of opposing counsel.*
- Did the department's advocate adequately and appropriately address legal issues prior to and during the SPB hearing?  
*The department attorney prepared a closing brief that poorly outlined the department's position, failed to adequately utilize the facts presented at hearing, and failed to include an in-depth legal analysis of the legal issues raised.*
- Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?  
*The department attorney failed to prepare any photos or diagrams of the scene to assist the administrative law judge in understanding the facts, failed to elicit sufficient detail from witnesses to support the allegations, and failed to elicit testimony to rehabilitate department witnesses. The department attorney also failed to prepare a cohesive and persuasive closing brief.*
- Did the department's advocate appropriately have necessary evidence presented at the hearing moved into evidence?  
*The department attorney was not adequately prepared to use transcripts of statements made by the officers during their investigative interviews and was not able to successfully introduce the documents.*
- If the SPB's decision did not uphold all of the factual allegations sustained by the HA, did the OIG concur with the SPB's decision?  
*The department attorney failed to elicit sufficient evidence from witnesses to support the allegations, failed to elicit or even present evidence to rehabilitate the department's witnesses, failed to adequately lay a foundation for introduction of the recordings of the Office of Internal Affairs' interviews of the officers, and failed to call as a witness the interviewing special agent who was subpoenaed and present for the State Personnel Board hearing.*
- If the penalty modification was the result of an SPB decision, did the OIG concur with the modification?  
*The department attorney failed to present sufficient evidence to support any allegation.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The department attorney failed to provide a draft of the closing brief for review by the OIG despite requests to do so and failed to consult with the OIG regarding the closing brief.*



## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-01	12-0637-IR	<ol style="list-style-type: none"> <li>1. Insubordination</li> <li>2. Neglect of Duty</li> <li>3. Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> </ol>	Suspension	No Change

### Incident Summary

From August 2011 to January 31, 2012, a parole agent allegedly falsely documented information regarding required contact with a parolee, permitted the parolee to reside in another county without following proper policy and procedures, and failed to maintain record of supervision forms.

### Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations, except the dishonesty allegation, and imposed a 20 working-day suspension. The OIG concurred with the hiring authority's determinations. The parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent wherein the penalty remained, but the department agreed to remove the disciplinary action from the parole agent's official personnel file upon proof that the parole agent retired from the department, which the agent anticipated within six months. The OIG concurred because the parole agent would no longer be working for the department and, therefore, would no longer pose a risk for the department.

### Disciplinary Assessment

**Rating: Insufficient**

The hiring authority and department attorney failed to comply with the department's policies and procedures governing the disciplinary process. The disciplinary officer failed to properly complete the CDCR Form 402. The department attorney failed to provide written confirmation of the penalty discussions to the hiring authority and to the OIG. The department attorney also failed to timely provide drafts of the disciplinary action and pre-hearing settlement conference statement to the OIG.

### Assessment Questions

- Was the CDCR Form 402 documenting the findings properly completed?  
*The disciplinary officer incorrectly listed the sustained allegations.*
- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney did not provide written confirmation of penalty discussions.*
- Did the department attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?  
*Although the department attorney provided a draft of the disciplinary action to the OIG, it was not sent until the afternoon of the day the disciplinary action was served on the parole agent. The department attorney did not consult with the OIG regarding the draft disciplinary action.*
- Was the OIG provided with a draft of the pre-hearing settlement conference statement prior to it being filed?  
*The OIG was not provided a draft of the pre-hearing settlement conference statement.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The department attorney did not timely provide a draft of the disciplinary action and failed to consult with the OIG regarding the document. The department attorney did not provide the OIG with a draft of the pre-hearing settlement conference before it was filed with the State Personnel Board.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department attorney did not complete or provide to the OIG a draft of the disciplinary action until the date it was served on the parole agent.*



## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-20	12-0683-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> <li>3. Insubordination</li> <li>4. Secondary Employment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>	Dismissal	Salary Reduction

### Incident Summary

Between October 20, 2011, and October 31, 2012, an officer allegedly engaged in unauthorized communications with a parolee via a social networking website, engaged in secondary employment without providing notice to the institution, discussed the investigation with another officer after she was ordered by the Office of Internal Affairs not to do so, and was dishonest in her interview with the Office of Internal Affairs. On October 16, 2012, a second officer allegedly discussed the investigation with the first officer after he received a notice that he was a witness in the first officer's investigation. Between January 11, 2011, and November 30, 2012, a third officer was allegedly dishonest when she claimed that someone anonymously placed a copy of the unauthorized communication between the first officer and the parolee on the third officer's car, was dishonest during her interview with the Office of Internal Affairs when she denied printing the allegedly unauthorized communication and fabricating how she came to be in possession of the unauthorized communication, and discussed the investigation with her daughter after she had been ordered by the Office of Internal Affairs not to do so.

### Disposition

The hiring authority determined there was sufficient evidence to sustain allegations against the first officer, except that she engaged in secondary employment, and imposed a salary reduction of 10 percent for 18 months. The hiring authority sustained the allegation of insubordination against the second officer and imposed a salary reduction of 5 percent for six months. The hiring authority sustained all allegations against the third officer and dismissed the officer. The OIG concurred with the hiring authority's determinations. However, following a *Skelly* hearing, the hiring authority agreed to reduce the dismissal to a salary reduction of 10 percent for 25 months and the officer agreed not to file an appeal with the State Personnel Board. The OIG found the agreement to be reasonable because of new evidence presented at the *Skelly* hearing when the officer, for the first time, indicated that she had just learned that it was her daughter who put the copy of the unauthorized communication on the officer's car.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-24	12-1498-IR	<ol style="list-style-type: none"> <li>1. Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On October 24, 2011, a youth counselor allegedly used unreasonable force when he used pepper spray on a ward's face after the ward threw water out of the cell food port and refused to comply with orders to stop his behavior.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. Prior to the hearing, the hiring authority settled the case by reducing the penalty to a salary reduction of 5 percent for nine months. The hiring authority failed to consult with the OIG regarding the settlement.

### Disciplinary Assessment

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority did not refer the case to the Office of Internal Affairs until almost seven months after the date of discovery of the misconduct and subsequently failed to timely conduct the findings and penalty conference. Additionally, the disciplinary officer failed to enter the relevant information concerning the deadline for taking disciplinary action in the case management system. Further, the hiring authority failed to timely consult with the OIG concerning settlement.

**Rating: Insufficient**

# SOUTH REGION

## Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was October 26, 2011; however, the hiring authority did not refer the matter to the Office of Internal Affairs until May 25, 2012, almost seven months after the date of discovery.*
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The disciplinary officer did not make any entry into CMS confirming relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on June 20, 2012; however, the hiring authority did not consult with the OIG regarding the sufficiency of the investigation and investigative findings until September 14, 2012, 86 days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on June 20, 2012; however, the hiring authority did not consult with the OIG regarding the disciplinary determinations until September 14, 2012, 86 days after receipt of the case.*
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*The department did not consult with the OIG before entering into an agreement to settle the case.*
- If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?  
*The OIG did not concur with the settlement agreement because it was not consistent with the department's policies and procedures. There were no grounds to settle the case.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The hiring authority failed to timely consult with the OIG concerning the settlement agreement.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority did not timely refer the case to the Office of Internal Affairs and failed to timely conduct the findings and penalty conference.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-01	12-2232-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Failure to Report</li> <li>Contraband</li> <li>Over-Familiarity</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	No Change

## Incident Summary

From November 2011 to June 2012, a supervising cook allegedly engaged in an overly familiar relationship with an inmate and provided the inmate with contraband consisting of two mobile phones, men's body spray, and greeting cards and love letters authored by the cook. It was also alleged that between June 2012 and September 2012, the cook utilized a mobile phone to communicate with the inmate. On August 30, 2012, the cook was allegedly dishonest when she told the Office of Internal Affairs that she did not provide the inmate with mobile phones, did not write cards or letters to him, and that she was aware of the identity of an employee who was writing those cards and letters to the inmate, but would not identify that employee. The cook was also allegedly dishonest when she told the Office of Internal Affairs that she did not rent the post office box, and that someone else rented it in her name.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the supervising cook. The OIG concurred with the hiring authority's determinations. The supervising cook filed an appeal with the State Personnel Board, but failed to appear at the hearing and the appeal was dismissed.

## SOUTH REGION

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-14	12-1041-IR	<ol style="list-style-type: none"> <li>Insubordination</li> <li>Failure to Report</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	No Penalty Imposed

### Incident Summary

On November 14, 2011, an office assistant allegedly disobeyed a supervisor's order requiring the office assistant to disclose information about another employee's alleged misconduct.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the insubordination allegation, but not the failure to report allegation, and imposed a 5 percent salary reduction for three months. The OIG concurred with the hiring authority's determination. The office assistant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the disciplinary action after the administrative law judge made a determination that the supervisor was not credible.

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-24	12-0686-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Salary Reduction	Modified Salary Reduction

### Incident Summary

On December 24, 2011, it was alleged two officers neglected their duties when they left an inmate unattended in his hospital room at an outside hospital for approximately an hour-and-a-half. During this alleged unattended time period, the inmate used a hospital telephone and made 31 phone calls to members of the public.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against both officers and imposed a 10 percent salary reduction for 13 months for one officer and a 5 percent salary reduction for 13 months for the other officer. The OIG did not concur with the hiring authority's determination to sustain dishonesty as the dishonesty allegations were not supported by the evidence. Both officers filed appeals with the State Personnel Board. At the pre-hearing settlement conferences, the hiring authority agreed to remove the dishonesty allegations as to both officers and to reduce the penalty of one officer from a 10 percent salary reduction for 13 months to a 5 percent salary reduction for 13 months and to reduce the penalty of the other officer from a 5 percent salary reduction for 13 months to a 5 percent salary reduction for six months. The OIG did not concur with the settlement agreements because the penalties were reduced in half without a reasonable explanation provided by the department. The OIG did not seek a higher level of review as the officers acknowledged that their actions violated policy and that they should have been more attentive.

<b>Disciplinary Assessment</b>	<b>Rating: Insufficient</b>
The hiring authority failed to comply with policies and procedures governing the disciplinary process. At the findings and penalty conference, the hiring authority inappropriately sustained dishonesty allegations against both officers although not supported by evidence. However, although the hiring authority sustained dishonesty allegations against both officers, she failed to select the appropriate penalty based on the sustained allegations and instead chose to impose salary reductions. The hiring authority later entered into settlement agreements with both officers which were not consistent with the department's policies and procedures as the penalties were reduced in half without a reasonable explanation provided by the department.	

# SOUTH REGION

## Assessment Questions

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

*The hiring authority sustained dishonesty allegations against both officers although not supported by evidence.*
- Did the HA, who participated in the disciplinary conference, select the appropriate Employee Disciplinary Matrix charges and causes for discipline for each sustained allegation?

*The hiring authority failed to select the appropriate employee disciplinary matrix charges and causes for discipline for the inappropriately sustained dishonesty allegations against both officers.*
- Did the HA, who participated in the disciplinary conference, select the appropriate penalty based on the sustained allegations?

*Although the hiring authority sustained dishonesty allegations against both officers, she failed to select the appropriate penalty based on the sustained allegations and instead chose to impose salary reductions.*
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

*The hiring authority entered into settlement agreements with both officers which were not consistent with departmental policy as the penalties were reduced in half without a reasonable explanation provided by the department. The penalty for one of the officers was reduced from a 10 percent salary reduction for 13 months to a 5 percent salary reduction for 13 months and the other officer's penalty was reduced from a 5 percent salary reduction for 13 months to a 5 percent salary reduction for six months.*
- 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 modifications because the penalties were reduced in half without a reasonable explanation provided by the department.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-05	12-0820-IR	<ol style="list-style-type: none"> <li>Discourteous Treatment</li> <li>Failure to Perform Within Scope of Training</li> <li>Misuse of Authority</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Letter of Instruction	No Change

## Incident Summary

Between January 5, 2012, and April 30, 2012, two officers allegedly stopped speaking to a sergeant who previously reported misconduct of transportation team members, called him a "rat," and made other discourteous statements to him. Two other sergeants allegedly spread rumors that the reporting sergeant was dishonest in his reporting of the misconduct. The two sergeants also allegedly made discourteous statements and ostracized the reporting sergeant. On January 9, 2012, the reporting sergeant, while off duty, observed a department transportation van at a shopping center and off the scheduled route. On February 8, 2012, and February 10, 2012, after the sergeant reported the possible misconduct, a lieutenant and third sergeant allegedly distributed copies of the sergeant's memorandum and called the sergeant a "rat." A fourth sergeant allegedly released confidential information that the reporting sergeant should have handled the possible misconduct differently.

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the two officers treated another co-worker discourteously by using profane language to him, but not that they ostracized the sergeant for his reporting the misconduct. The hiring authority issued letters of instruction to both officers. The hiring authority did not sustain the allegation against one of the sergeants for improper transmittal of confidential information but issued a letter of instruction to the sergeant for his failure to adequately document training he had allegedly provided. The hiring authority determined there was insufficient evidence to sustain the allegations against the lieutenant and other three sergeants for their alleged transmittal of confidential information and ostracizing the reporting sergeant. The OIG concurred with all of the hiring authority's determinations.

## Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-17	12-0636-IR	1. Domestic Violence	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On January 17, 2012, an officer was arrested after he allegedly struck his girlfriend's head against a wall several times, causing a laceration to her head.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 10 percent salary reduction for 24 months. 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 hiring authority entered into a settlement agreement wherein the penalty was reduced to a 5 percent salary reduction for 24 months. The OIG concurred with the settlement because of evidentiary problems as the department was unable to locate a key witness.

### Disciplinary Assessment

**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
2012-04-21	12-1215-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	No Change

### Incident Summary

On April 21, 2012, an officer was arrested by local law enforcement after he allegedly entered the home of his estranged spouse without permission and damaged her mobile phone when he slapped it from her hand.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for 13 months. The officer did not file an appeal. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-12	12-2423-IR	1. Failure to Report 2. Driving Under the Influence of Alcohol	1. Sustained 2. Sustained	Dismissal	Demotion

### Incident Summary

On May 12, 2012, an officer allegedly drove his vehicle while under the influence of alcohol. Shortly after his arrest, the officer was involuntarily detained because it was determined he was a threat to himself. As a result, the officer's ability to lawfully carry a firearm was prohibited until 2017. Additionally, the officer allegedly failed to report his arrest and firearms restriction to the hiring authority.

### Disposition

The hiring authority sustained all disciplinary allegations; however, a penalty was not imposed because the hiring authority non-punitively terminated the officer due to the firearms restriction. The officer appealed the non-punitive termination to the State Personnel Board. Prior to State Personnel Board proceedings, the entire matter was settled for a one working-day suspension and the officer was allowed to return to work as a supervising cook. As the officer had no prior discipline, was extremely remorseful, and agreed to return to work in a non-peace officer position, the OIG concurred with the hiring authority's determinations.

## SOUTH REGION

### Disciplinary Assessment

Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and timely complete the findings and penalty conference. The case was returned to the hiring authority on October 26, 2012. The officer was non-punitively terminated due to the firearm restriction at the end of November 2012. However, the findings and penalty conference was not held until January 30, 2013. The disciplinary officer was not fully familiar with the facts of the case at the pre-hearing settlement conference and did not include key information in the settlement agreement.

### Assessment Questions

- Was the matter referred to the OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The hiring authority discovered the alleged misconduct on June 8, 2012; however, the matter was not referred to the Office of Internal Affairs until October 1, 2012, nearly four months after the date of discovery.*
- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The disciplinary officer did not make an entry in CMS regarding the deadline for taking disciplinary action.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on October 26, 2012; however, the consultation with the OIG regarding the sufficiency of the investigation and the investigative findings did not occur until January 30, 2013, more than three months after receipt of the case.*
- 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 disciplinary officer was not fully familiar with the facts of the case. She did not include two of the sustained allegations in the settlement agreement.*
- If there was a settlement agreement, did the settlement agreement include the key clauses required by DOM?  
*The disciplinary officer did not include two of the sustained allegations in the settlement agreement.*
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?  
*The disciplinary officer did not provide the OIG with the CDC Form 3021.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority discovered the alleged misconduct on June 8, 2012; however, the matter was not referred to the Office of Internal Affairs until October 1, 2012, nearly four months later. The case was returned to the hiring authority on October 26, 2012. The officer was non-punitively terminated due to the firearm restriction at the end of November 2012. However, the findings and penalty conference was not held until January 30, 2013.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL Salary Reduction	FINAL Modified Salary Reduction
2012-06-30	12-1807-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Other Failure of Good Behavior</li> <li>3. Discourteous Treatment</li> <li>4. Drunk or Disorderly Conduct in Public</li> <li>5. Domestic Violence</li> <li>6. Assault Without Intent to Inflict Serious Injury</li> <li>7. Battery with Intent to Cause Injury</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Sustained</li> <li>6. Sustained</li> <li>7. Not Sustained</li> </ol>		

### Incident Summary

On June 30, 2012, while off duty, a sergeant was allegedly intoxicated and became involved in a verbal and physical altercation with his wife and mother-in-law. The officer allegedly struck his mother-in-law in the head multiple times and pushed his wife into a cactus plant. During the physical altercation, the sergeant also dropped his department badge, which was recovered by outside law enforcement when they responded to the scene and found the sergeant passed out on the ground, smelling of alcohol. The sergeant was arrested for domestic violence and disorderly conduct.

### Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations against the officer, except the allegation that the officer committed battery with the intent to cause serious bodily injury, and imposed a 10 percent salary reduction for 17 months. However, following a *Skelly* hearing, the hiring authority agreed to reduce the penalty to a 10 percent salary reduction for 13 months and the officer agreed not to file an appeal with the State Personnel Board. Given the sergeant's acceptance of responsibility, his remorse, and the voluntary counseling he had undertaken since the underlying incident, the OIG concurred with the settlement agreement.

### Disciplinary Assessment

**Rating: Insufficient**

The hiring authority and department attorney failed to comply with the department's policies and procedures governing the disciplinary process. The hiring authority improperly determined that additional investigation was necessary and submitted the case to OIA Central Intake for reconsideration. The department attorney incorrectly advised the hiring authority that the additional interview of the sergeant was necessary. The request unnecessarily delayed the disciplinary process. The hiring authority also incorrectly completed the forms regarding the findings and penalty.

# SOUTH REGION

## Assessment Questions

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

*The hiring authority improperly determined that an interview of the sergeant was necessary and submitted the case to OIA Central Intake for reconsideration. OIA Central Intake properly rejected the request. There was no need for the interview as the sergeant already provided a full statement to local law enforcement. The request delayed the discipline process by 52 days.*

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

*The department attorney advised the hiring authority that additional investigation was necessary and recommended that the hiring authority submit a request to OIA Central Intake for an interview of the sergeant. There was no need for an interview of the sergeant as he already provided a full statement to local law enforcement. The request, which was denied, unnecessarily delayed the discipline process.*

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

*The CDCR Form 402 failed to include a complete list of allegations and the findings for each allegation.*

- Was the CDCR Form 403 documenting the penalty properly completed?

*The CDCR Form 403 failed to detail the reasoning used in arriving at the penalty.*

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

*The hiring authority incorrectly determined that additional investigation was necessary and submitted the case to OIA Central Intake for reconsideration, requesting an interview of the sergeant, who already provided a full statement to local law enforcement. OIA Central Intake properly rejected the request. The request delayed the discipline process by 52 days and resulted in an unnecessary expenditure of state time and resources.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-28	12-2612-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On August 28, 2012, an officer allegedly left his post early without being properly relieved and without supervisor approval. The officer also allegedly left his emergency equipment including pepper spray, baton, handcuffs, and radio in an unattended office.

### Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations except that the officer left his post early, and imposed a 5 percent salary reduction for 13 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board, but withdrew the appeal prior to the pre-hearing settlement conference.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-15	13-0476-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Discharge of Lethal Weapon</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

On September 15, 2012, an officer allegedly negligently discharged his firearm while off-duty. On September 17, 2012, the officer allegedly submitted a document to his supervisor falsely stating that the firearm was accidentally discharged while attempting to dislodge a round from the chamber.



## SOUTH REGION

### Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer had been terminated pursuant to another disciplinary action before disciplinary action could be imposed on this case. A letter was placed in his official personnel file indicating that, should the officer return to state employment, disciplinary action for this case would then be imposed.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-20	12-2418-IR	<ol style="list-style-type: none"> <li>Misuse of Authority</li> <li>Discourteous Treatment</li> <li>Driving Under the Influence</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On September 20, 2012, an officer was arrested for driving under the influence of alcohol and, during his contact with outside law enforcement, the officer allegedly displayed his department-issued badge on his lap in an attempt to prevent outside law enforcement from arresting the officer.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-09-28	12-2422-IR	<ol style="list-style-type: none"> <li>Vandalism</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Salary Reduction	Letter of Instruction

### Incident Summary

On September 28, 2012, an off-duty officer was arrested for vandalism after he cut the branches of four city-owned trees, requiring the trees to be replaced.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determination. However, after a *Skelly* hearing, the hiring authority modified the penalty to a letter of instruction. The OIG did not concur with the modification, but was precluded from seeking a higher level of review because the hiring authority modified the penalty without consulting the OIG.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely conduct the findings and penalty conference and failed to consult the OIG regarding modification of the penalty from a salary reduction to a letter of instruction. Additionally, the disciplinary officer failed to enter required information confirming the deadline for taking disciplinary action into the case management system.

## SOUTH REGION

### Assessment Questions

- Did the disciplinary officer make an entry into CMS prior to the findings conference accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The disciplinary officer did not make any entry into CMS confirming relevant dates.*
- Did the HA timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the investigation and the investigative findings?  
*The case was returned to the hiring authority on October 26, 2012; however, the consultation with the OIG concerning the investigative findings did not occur until February 21, 2013, almost four months after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The case was returned to the hiring authority on October 26, 2012; however, the consultation with the OIG concerning the disciplinary determinations did not occur until February 21, 2013, almost four months after receipt of the case.*
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*After a Skelly hearing, the hiring authority unilaterally decided to modify the penalty from a salary reduction to a letter of instruction. The OIG was not consulted until after the hiring authority made its decision and conveyed that decision to the officer.*
- 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 modification. Although some new evidence was presented at the Skelly hearing, it did not warrant modifying the penalty from disciplinary action to a letter of instruction.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The disciplinary officer failed to timely notify the OIG that the hiring authority was reconsidering the penalty.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The hiring authority failed to timely consult with the OIG regarding modification of the penalty.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely conduct the findings and penalty conference.*

# APPENDIX C COMBINED PHASE CASE SUMMARIES CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-10-01	12-2044-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Over-Familiarity</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

In October 2009, an officer allegedly engaged in an overly familiar sexual relationship with a parolee. It was further alleged that on April 19, 2011, during a separate investigation, the officer was dishonest to a special agent when questioned about her relationship with the parolee.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-18	12-0579-IR	<ol style="list-style-type: none"> <li>Failure to Report</li> <li>Unreasonable Use of Force</li> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On August 18, 2011, an officer allegedly made derogatory statements towards an inmate and used unreasonable force when he grabbed the inmate by the shirt and tried to force the inmate against a wall. The officer allegedly failed to report his use of force. On October 11, 2011, the officer was again allegedly discourteous to the same inmate when the officer stapled through some of the inmate's photos that were in an envelope. Additionally, the officer allegedly failed to forward that same inmate's personal items when the inmate transferred to another institution. The officer was also allegedly discourteous to other inmates when he forced them to stand with their faces against a wall as punishment.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-10	12-0347-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	No Change

### Incident Summary

On October 10, 2011, an officer allegedly failed to require an inmate to stand as required during standing inmate count. As a result, an inmate who was dead was accounted for as alive.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. OIA Central Intake failed to make a timely decision regarding the request for investigation and the investigation was completed only 18 days before the deadline to take disciplinary action.

### Assessment Questions

- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on November 22, 2011, but did not take action until February 1, 2012, 71 days after receipt of the request.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline to take disciplinary action was October 9, 2012. The investigation was completed on September 21, 2012, only 18 days before the deadline.*

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-10-10	12-0850-IR	1. Disclosure of Confidential Information	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On October 10, 2011, and October 11, 2011, an officer allegedly posted confidential information regarding an in-custody homicide onto a mixed martial arts website. The homicide involved an inmate of some notoriety who was a former mixed martial arts fighter. The officer allegedly supported the veracity of his initial posting by identifying himself as an officer and providing more details about the homicide. The officer's postings were allegedly seen by over 72,000 viewers and quoted by over 50 news websites.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. OIA Central Intake delayed over two months before deciding to open an investigation and the investigation was completed only 20 days before the deadline to take disciplinary action.

# CENTRAL REGION

## Assessment Questions

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

*OIA Central Intake received the request for investigation on November 22, 2011, but did not take action until February 1, 2012, 72 days after receipt of the request.*

- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

*The deadline to take disciplinary action was October 10, 2012. The investigation was completed on September 20, 2012, only 20 days before the deadline to take disciplinary action.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred. At a *Skelly* hearing, the officer was very apologetic and acknowledged that his actions violated policy. He also explained that when he posted the information, he did not realize the magnitude of attention his actions would generate. Additionally, the officer claimed that he had learned from the incident so there was a low chance of recurrence. Due to this mitigating information the hiring authority modified the penalty to a 5 percent salary reduction for nine months. In exchange, the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred with the hiring authority's determination based on the factors learned at the *Skelly* hearing.

## Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-19	12-0638-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	No Change

## Incident Summary

On November 19, 2011, three licensed vocational nurses allegedly failed to provide life-saving measures during a medical emergency. The first licensed vocational nurse also failed to retrieve the facility gurney that had been left at the triage treatment area during a prior emergency. The second licensed vocational nurse also failed to retrieve the gurney and also failed to properly equip the automated external defibrillator.

## Investigative Assessment

**Rating: Sufficient**

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

## Disposition

The hiring authority determined there was sufficient evidence to sustain allegations against the second licensed vocational nurse for failing to retrieve the gurney and failing to properly equip the automated external defibrillator, but did not sustain an allegation for failing to provide life-saving measures during the medical emergency. The hiring authority decided to issue a letter of reprimand to him. The second licensed vocational nurse did not file an appeal with the State Personnel Board. The hiring authority also determined that there was sufficient evidence to sustain an allegation against the first licensed vocational nurse for failing to retrieve the same gurney, but did not sustain any other allegation against her. The hiring authority issued a letter of instruction to the first licensed vocational nurse instead of taking disciplinary action. No allegations were sustained against the remaining licensed vocational nurse. The OIG concurred with all of the hiring authority's determinations.

## Disciplinary Assessment

**Rating: Sufficient**

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

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-22	12-0687-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On December 22, 2011, a second watch control booth officer and a second watch floor officer allegedly failed to notice an in-cell assault that was later discovered during cell searches on third watch. The third watch lieutenant allegedly failed to take prompt action when notified about the possible in-cell assault.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against the lieutenant, control booth officer, and floor officer. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-06	12-1514-IR	1. Dishonesty 2. Over-Familiarity 3. Insubordination 4. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Resignation in Lieu of Termination

### Incident Summary

On January 6, 2012, and March 9, 2012, an officer assigned to the dining facility was allegedly overly familiar with inmates when she allowed inmates to have extra food which resulted in a food shortage. On April 21, 2012, the officer was allegedly dishonest when she reported that she had accounted for and secured all culinary utensils, even though they had not been secured. The officer also allegedly failed to complete required logs regarding the inmates she supervised. Additionally, the officer allegedly endangered staff by not properly securing inmates. On May 14, 2013, the officer allegedly failed to complete training as ordered on over-familiarity, ethics, and food service policies.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority sustained all the allegations against the officer, except the allegation that the officer endangered staff, and dismissed the officer. The OIG concurred with these determinations. The officer filed an appeal with the State Personnel Board. After a second *Skelly* hearing, the hiring authority decided to accept the officer's resignation because it ensured that the officer would never work for the department again and avoided possible risk inherent with further litigation. The department entered into a settlement agreement with the officer in which she agreed to resign and agreed not to seek future employment with the department. The officer also agreed to withdraw her appeal. The OIG was not informed of the settlement terms prior to the settlement agreement being signed.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to serve the disciplinary action with necessary supporting documents, resulting in a *Skelly* violation which required a restoration of back pay to the officer. Additionally, the OIG was not informed about the settlement agreement until it had already been signed.

# CENTRAL REGION

## Assessment Questions

- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?  
*The disciplinary action served on the employee did not include a copy of the Office of Internal Affairs investigation report. This failure was a Skelly violation and resulted in restoring back pay to the officer.*
- Did the HA consult with the OIG and department attorney (if applicable) before modifying the penalty or agreeing to a settlement?  
*Although the department attorney and disciplinary officer had prior discussions with the OIG regarding possible plans for settlement, the OIG was not actually consulted during the settlement discussions by the hiring authority or the department attorney. The OIG was notified of the settlement after the settlement agreement had already been signed.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The department attorney informed the OIG that a settlement had been reached after the settlement agreement had already been signed.*
- Did the HA cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?  
*The OIG was not notified of the settlement until after the settlement agreement had been signed.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-07	12-2036-IR	1. Dishonesty 2. Attendance	1. Sustained 2. Sustained	Dismissal	No Change

### Incident Summary

Between January 7, 2012, and May 26, 2012, an officer was allegedly inefficient in his duties when he was absent from work on 25 occasions. On May 26, 2012, the officer was allegedly dishonest when he used leave under the Family Medical Leave Act, but was actually participating in a drag racing event. On June 10, 2012, the officer was again allegedly dishonest when he used leave under the Family Medical Leave Act, but was actually participating in another racing event.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned prior to the completion of the investigation; therefore, disciplinary action was not taken. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-30	12-2267-IR	1. Retaliation	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On January 30, 2012, a lieutenant allegedly moved an officer from a second watch position to a third watch position in retaliation of the officer reporting possible misconduct by other officers. It was further alleged that a facility captain and an associate warden were aware of and condoned the lieutenant's retaliation against the officer.

# CENTRAL REGION

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
<p>The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. After possible misconduct was discovered, the hiring authority delayed almost seven months before referring the matter to the Office of Internal Affairs for investigation. This long delay negatively impacted the case, resulting in the investigation being completed with less than 35 days before the deadline to take disciplinary action.</p>	

<b>Assessment Questions</b>
<ul style="list-style-type: none"> <li>• Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery? <i>The date of discovery was January 31, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until August 17, 2012, almost seven months after the date of discovery.</i></li> <li>• Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action? <i>The deadline to take disciplinary action was January 30, 2013. The investigation was completed on January 2, 2013, only 28 days before the deadline to take disciplinary action.</i></li> </ul>

<b>Disposition</b>
<p>The hiring authority determined there was insufficient evidence to sustain the allegations against the lieutenant, the facility captain, and the associate warden. The OIG concurred with the hiring authority's determinations.</p>

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
<p>The department's disciplinary process sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
2012-02-03	12-0833-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Misuse of State Equipment or Property</li> <li>3. Inexcusable Absence without Leave</li> <li>4. Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>	<small>INITIAL</small> <b>Salary Reduction</b>	<small>FINAL</small> <b>Modified Salary Reduction</b>

**Incident Summary**  
 On February 3, 2012, an officer allegedly obtained a supervisor's pay code to access an office computer. The officer then allegedly, without permission, accessed the staffing database system on that computer, approving himself for sick leave on February 5, 2012. On February 5, 2012, the officer allegedly failed to report for duty.

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

**Disposition**  
 The hiring authority determined there was sufficient evidence to sustain allegations that the officer misused state equipment and had an unauthorized absence. The allegation of dishonesty was not sustained. The hiring authority imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At a *Skelly* hearing, the officer accepted responsibility and showed remorse by acknowledging he should have spoken to his supervisor first. Additionally, the officer had enough sick leave available. It was also confirmed that custody staff could readily access the supervisor's computer and the staffing database. As a result, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for ten months. In exchange, the officer agreed to withdraw his appeal. The OIG concurred based on these mitigating factors and because the modification was not a significant penalty reduction.

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
<p>Overall, the hiring authority sufficiently complied with the department's policies and procedures.</p>	



## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-17	12-2843-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

From February 17, 2012, to August 22, 2012, an officer was allegedly overly familiar with inmates, allowing certain inmates to pass notes and other items to one another. It is further alleged that during this time, the officer opened cell doors and allowed inmates to walk, unrestrained, between cells and housing sections without any escort or custody staff being present.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority delayed almost eight months before requesting an investigation and OIA Central Intake took 44 days to decide if an investigation should be opened. These delays significantly impacted the investigation which was completed with only 16 days left before the deadline to take disciplinary action.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was February 18, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until October 15, 2012, 240 days after the date of discovery.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on October 22, 2012, but did not take action until December 5, 2012, 44 days after the receipt of the request.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline to take disciplinary action was February 17, 2013. The investigation was completed on February 1, 2013, only 16 days before the deadline to take disciplinary action.*

### Disposition

The hiring authority sustained the allegations against the officer and imposed a 5 percent salary reduction for 18 months. The OIG concurred. At the *Skelly* hearing, the officer accepted the penalty, but requested that his post and bid rights be restored since changes in his work schedule would impact his family's childcare schedule. Pursuant to a settlement agreement, the officer's bid rights were restored. In exchange, the officer agreed not to bid for a tower or control booth position for the next three years. The officer also agreed to waive his right to file an appeal with the State Personnel Board. The OIG concurred because the settlement did not modify the actual penalty and because the officer was forthright and accepted responsibility.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-20	12-0997-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Failure to Report</li> <li>Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Training	No Change

### Incident Summary

On February 20, 2012, a sergeant and four officers allegedly used unreasonable force on an inmate by pulling on the inmate's handcuffs through the food port, using a safety triangle lanyard. The sergeant and the four officers then allegedly used batons to strike the inmate and failed to report their use of force. It was further alleged, the sergeant failed to notify a supervisor and failed to accurately document the incident in a log book. One of the officers also allegedly failed to obtain permission to leave before leaving the incident.

### Investigative Assessment

**Rating: Sufficient**

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

## CENTRAL REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain allegations for neglect of duty against the sergeant and one of the officers. The hiring authority ordered on-the-job training for the sergeant and officer instead of taking disciplinary action. No allegations were sustained against the other three officers. The OIG concurred with these determinations.

### Disciplinary Assessment

The department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-17	12-1001-IR	1. Other Failure of Good Behavior	1. Sustained	Salary Reduction	Modified Salary Reduction

### Incident Summary

On March 17, 2012, a male officer and a female officer who were dating were allegedly involved in an altercation while on vacation. The male officer allegedly blocked the female officer from leaving their hotel room and grabbed her wrists. The female officer allegedly struck the male officer in the nose. Hotel security responded to the scene and arrested the male officer after other hotel guests reported the commotion.

### Investigative Assessment

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

**Rating: Sufficient**

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against the male officer and imposed a 5 percent salary reduction for 12 months. The hiring authority determined there was insufficient evidence to sustain the allegations against the female officer. The OIG concurred. At a *Skelly* hearing, the male officer presented evidence that he attended anger management and alcohol abuse classes of his own volition. He also acknowledged that his actions violated policy and brought discredit to the department. Due to this mitigating information, the department entered into a settlement agreement wherein the department reduced the penalty to a 5 percent salary reduction for six months and the officer agreed not to file an appeal with the State Personnel Board. The OIG concurred with the settlement agreement based on the factors learned at the *Skelly* hearing.

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-18	12-1291-IR	1. Other Failure of Good Behavior 2. Discourteous Treatment 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	No Change

### Incident Summary

On March 18, 2012, an off-duty officer who had been dating a sergeant allegedly grabbed the sergeant's genitals during an argument, causing injury to the sergeant. Outside law enforcement responded to the sergeant's home where the incident occurred and arrested the officer for causing corporal injury to her boyfriend. It was further alleged that the officer was dishonest in a statement to outside law enforcement.

### Investigative Assessment

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

**Rating: Sufficient**

## CENTRAL REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain allegations against the officer for causing injury to her boyfriend and imposed a 5 percent salary reduction for six months. The hiring authority did not sustain the dishonesty allegation against the officer. The OIG concurred with the hiring authority's determinations. The officer initially filed an appeal with the State Personnel Board, but later withdrew her appeal.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-28	12-1441-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Not Sustained</li> <li>2. Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On March 28, 2012, a sergeant allegedly used unreasonable force on an inmate when he allegedly slammed the inmate's head to the floor several times and repeatedly punched the inmate in the back of the head. The sergeant also allegedly failed to report his use of force. A second sergeant and three officers allegedly witnessed the use of force and also failed to report it.

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the Office of Internal Affairs completed the investigation only 17 days before the deadline to take disciplinary action.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on March 29, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 23, 2012, nearly two months after the date of discovery.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline to take disciplinary action was March 28, 2013. The investigation was completed on March 11, 2013, only 17 days before the deadline to take disciplinary action.*

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

# CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-01	12-2041-IR	<ol style="list-style-type: none"> <li>1. Discourteous Treatment</li> <li>2. Neglect of Duty</li> <li>3. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> </ol>	Letter of Instruction	No Change

## Incident Summary

Between April 2012 and May 2012, after a supervising nurse made inquiries about an officer being less than alert, a licensed psychiatric technician reported that an officer had been sleeping on duty. On June 6, 2012, a second officer spoke to the licensed psychiatric technician in an allegedly discourteous and intimidating manner about her reporting the first officer. During that conversation, the second officer allegedly made comments that he would delay providing security assistance to the supervising nurse who inquired about the first officer. The second officer then allegedly made disparaging remarks against that supervising nurse. On June 14, 2012, a third officer allegedly endangered the same licensed psychiatric technician when he turned his back to her as she conducted group counseling sessions with inmates. On July 10, 2012, the first officer was allegedly less than alert while on duty.

## Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The special agent failed to provide adequate notice of interviews which included a key witness. Additionally, no substantive investigative work was conducted between October 24, 2012, and January 7, 2013.

## Assessment Questions

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?

*The special agent provided only one day's notice for initial witness interviews and failed to identify the specific witnesses to be interviewed. One of the licensed psychiatric technicians interviewed was a key witness. Due to the short notice, the department attorney was unable to attend this interview.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?

*Between October 24, 2012, and January 7, 2013, the special agent failed to conduct any substantive investigative work.*
- Did the special agent cooperate with and provide continual real-time consultation with the OIG?

*The special agent failed to provide adequate notice regarding the first scheduled interviews which included a key witness.*
- Did the special agent cooperate and provide real-time consultation with the department attorney throughout the investigative phase?

*The special agent provided only one day's notice of interviews, and failed to identify the specific witnesses to be interviewed. One of the licensed psychiatric technicians interviewed was a key witness. Due to the inadequate notice, the department attorney was unable to attend these interviews.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against the second officer for making discourteous remarks about the supervising nurse and issued a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the remaining allegations against all three officers. The OIG concurred with the hiring authority's determinations.

## Disciplinary Assessment

**Rating: Sufficient**

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

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-09	12-1605-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On April 9, 2012, it was alleged that an officer used unreasonable force on an inmate who possessed contraband when the inmate refused orders to exit his cell and instead reached for his waistband and started walking towards the officer. The officer used pepper spray on the inmate to gain compliance, but allegedly failed to accurately report his use of force. It was further alleged that a second officer witnessed the first officer's use of force on the inmate, but failed to accurately report it.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority delayed referring the matter to the Office of Internal Affairs and the special agent delayed over four months before starting any substantive investigative work on the case.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was April 24, 2012. However, the matter was not referred for investigation until June 18, 2012, 55 days after the discovery date.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The special agent was assigned to the case on July 16, 2012, and had an initial case conference with the department attorney and the OIG on August 2, 2012, to discuss the plans for investigating this case. However, the special agent did not start any substantive investigative work until December 3, 2012, four months after the initial consultation.*

### Disposition

The hiring authority sustained the allegation of neglect of duty against the second officer and imposed a 5 percent salary reduction for six months. The OIG concurred. The second officer did not file an appeal with the State Personnel Board. The hiring authority did not sustain any allegations against the first officer. The OIG also concurred with this determination.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-11	12-1299-IR	<ol style="list-style-type: none"> <li>Failure to Report</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On April 11, 2012, two officers observed another officer using force on an inmate and allegedly failed to report the use of force until they were later confronted by supervisors.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-16	12-1652-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Letter of Instruction	No Change

### Incident Summary

From April 16, 2012, to May 7, 2012, an officer was allegedly dishonest when he attended a correctional academy in another state while still employed by the department and on family medical leave status. It was further alleged that the officer failed to appropriately notify the department about his plans for out-of-state employment.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined there was sufficient evidence to sustain an allegation against the officer for failing to notify the department about his out-of-state employment and issued the officer a letter of instruction. The hiring authority did not sustain the dishonesty allegation against the officer. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-04	12-2045-IR	<ol style="list-style-type: none"> <li>Failure to Report</li> <li>Unnecessary Use of Force</li> <li>Unnecessary Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	Letter of Instruction	No Change

### Incident Summary

On May 4, 2012, a sergeant allegedly used unreasonable force when he sprayed three canisters of pepper spray inside an inmate's cell instead of initiating a calculated cell extraction of the inmate. The sergeant also allegedly failed to accurately report his use of force. It was further alleged that four officers witnessed the sergeant's use of force and failed to accurately report it.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation that the sergeant used unreasonable force when he chose to use pepper spray, utilizing immediate force instead of initiating a calculated cell extraction. However, the allegation that the sergeant used unreasonable force when he used multiple canisters of pepper spray was not sustained, nor was the allegation that the sergeant failed to accurately report the use of force. The hiring authority issued a letter of instruction to the sergeant and ordered he complete on the job training. The hiring authority also determined that there was sufficient evidence to sustain the allegation that three of the four officers failed to accurately report their observations of the sergeant's use of force. The hiring authority issued letters of instruction to those three officers. No allegation was sustained against the remaining officer. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

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

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-07	12-1776-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On May 7, 2012, a sergeant who needed to complete his range master re-certification allegedly conspired with a second sergeant to falsify the first sergeant's qualification records for chemical agents and impact munitions. On May 14, 2012, the first sergeant again allegedly conspired with the same second sergeant to falsify the first sergeant's overall range master re-certification documents.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined that there was insufficient evidence to sustain the allegations against either sergeant. The OIG concurred with the hiring authority's determination.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-17	13-0255-IR	1. Dishonesty 2. Other Failure of Good Behavior 3. Discourteous Treatment 4. Battery	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	No Change

### Incident Summary

On June 17, 2012, an off-duty officer allegedly engaged in an altercation with his girlfriend by throwing her on the ground four times, dragging her by the hair, choking her with his hands, punching her in the face, and throwing several items at her head, resulting in bruises and swelling around her neck and face. The officer was subsequently arrested. The officer was also allegedly dishonest when questioned by the Office of Internal Affairs.

### Investigative Assessment

**Rating: Sufficient**

The OIG began monitoring this case after the investigation was concluded. Overall, the department's investigative process sufficiently complied with policies and procedures.

### Disposition

The hiring authority sustained the allegations. These allegations were combined with two unrelated cases pending against the officer and the officer already had two prior criminal convictions for driving under the influence. The hiring authority determined dismissal was the appropriate penalty. The OIG concurred. Additionally, the hiring authority served the officer with a non-punitive dismissal because his driver's license was suspended, which was a requirement of employment. However, the officer resigned before the disciplinary action or the non-punitive dismissal took effect. A letter indicating the officer resigned under unfavorable circumstances was placed in his official personnel file.

### Disciplinary Assessment

**Rating: Sufficient**

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

## CENTRAL REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-27	12-2485-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On June 27, 2012, a captain allegedly failed to complete the administrative review section on an inmate's administrative segregation documents. On July 17, 2012, the captain also allegedly failed to complete the same documentation on two other inmates. It was further alleged, on July 20, 2012, the same captain falsified the required documentation for those three inmates.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-16	12-2483-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Insubordination</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On August 16, 2012, an officer was allegedly dishonest when he told a captain that he did not post inappropriate comments on a social networking website about a second officer. On August 18, 2012, the officer was allegedly insubordinate when he continued to post inappropriate comments after the captain had just instructed him to be courteous and professional to the second officer.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-21	12-2629-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On August 21, 2012, an officer allegedly used unreasonable force when he used pepper spray on an inmate inside a cell. It was alleged that the officer had been dishonest when he reported that the inmate had exited the cell before he used pepper spray. In addition, the officer was also allegedly dishonest when he reported that he ordered a cell door be opened for a newly arrived inmate.

### Investigative Assessment

**Rating: Sufficient**

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



## CENTRAL REGION

### Disposition

The hiring authority determined there was insufficient evidence to sustain the allegations against the officer. However, the officer was ordered to receive on-the-job training for incident report writing because the officer's report needed clarification. The OIG concurred with the hiring authority's determination.

### Disciplinary Assessment

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

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-24	13-0389-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On August 24, 2012, an officer allegedly was dishonest when he claimed a lieutenant falsified personnel records relating to the officer.

### Investigative Assessment

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

**Rating: Sufficient**

### Disposition

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

### Disciplinary Assessment

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

**Rating: Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-03-01	13-0041-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

### Incident Summary

Between March 2009 and March 2012, a sergeant allegedly falsified his timesheets resulting in receipt of over \$190,000.00 of overtime pay for time that he did not work. It was also alleged that he was dishonest in his investigatory interview.

### Investigative Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

### Disposition

The hiring authority sustained the allegations and served the sergeant with a letter of intent with a proposed penalty of dismissal. However, the sergeant retired before the disciplinary action took effect. A letter indicating the sergeant retired pending disciplinary action was placed in his official personnel file. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-09-01	12-1091-IR	1. Insubordination 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

Between September 1, 2010, and March 16, 2012, a captain allegedly failed to adequately supervise a mailroom supervisor who allegedly did not properly and timely process several thousand pieces of inmate mail. It was further alleged that the captain was insubordinate when he failed to comply with an associate warden's directive to inspect the mailroom.

### Investigative Assessment

**Rating: Insufficient**

The department attorney failed to comply with the department's policies and procedures governing the investigative process. The department attorney failed to make contact with the special agent to discuss the case in a timely manner, attend a critical witness interview, and provide written confirmation concerning the thoroughness of the investigation.

### Assessment Questions

- 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 May 21, 2012, but did not make contact with the assigned special agent to discuss the elements of a thorough investigation until June 21, 2012, 30 days after being assigned the case.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*The department attorney failed to attend a critical witness interview. This interview involved the captain's direct supervisor.*
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?  
*The draft report was sent to the department attorney on December 18, 2012; however, the department attorney did not document in CMS that the report was received and did not provide appropriate substantive feedback addressing the thoroughness and clarity of the report.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation to the OIG summarizing critical discussions about the investigative report. Also, the department attorney did not make any entries in the case management system indicating any discussions with the special agent regarding the investigative report.*

## NORTH REGION

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-08-01	13-0034-IR	<ol style="list-style-type: none"> <li>Sexual Misconduct</li> <li>Contraband</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Resignation in Lieu of Termination

### Incident Summary

Between August 2011 and August 2012, a cook allegedly engaged in overly familiar sexual relationships with two inmates. It was further alleged that between January 2012 and August 2012, the cook brought mobile phones into the institution in exchange for money.

### Investigative Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and dismissed the cook. The OIG concurred with the hiring authority's determination. Before an appeal was filed, the department entered into a settlement agreement wherein the cook resigned in lieu of the dismissal. The OIG did not concur with the settlement because the resignation in lieu of dismissal provides the cook greater flexibility and ease in obtaining employment with another state agency. The department had overwhelming evidence to support the disciplinary action including the cook's tape-recorded admission that she provided mobile phones to different inmates, financial records evidencing that she was paid over \$8,000.00 to provide mobile phones, and her admission that she had been in a relationship with more than one inmate. However, the OIG did not seek a higher level of review as the settlement achieved the immediate goal of terminating the cook's employment with the department.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-11-24	12-1999-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Unfounded</li> <li>Unfounded</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

It was alleged that between November 24, 2011, and December 13, 2012, an officer engaged in a systematic and concerted effort to deny inmates access to medical appointments and the use of the inmate appeals process.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority failed to refer the matter to the Office of Internal Affairs in a timely manner. In addition, the investigation was completed with only seven days remaining before the deadline for taking disciplinary action.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on February 6, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 20, 2012, more than five months after the date of discovery.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The report was completed and submitted to the hiring authority with only seven days left before the deadline to take disciplinary action.*

## NORTH REGION

### Disposition

The hiring authority determined that the investigation conclusively proved the misconduct did not occur. The OIG concurred with the hiring authority's determination.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-17	12-0869-IR	1. Threat Toward an Inmate	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On December 17, 2011, two officers allegedly threatened to harm an inmate if he did not stop making inquiries about a female officer.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The department attorney failed to provide written feedback regarding the investigative report and the special agent completed the investigation only 13 days before the deadline to take disciplinary action.

### Assessment Questions

- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The report was completed and submitted to the hiring authority with only 13 days left before the deadline to take disciplinary action.*

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-02	12-2018-IR	1. Sexual Misconduct	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On January 2, 2012, an officer allegedly engaged in a sexual relationship with an inmate.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

The department sufficiently complied with policies and procedures.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-03	12-0773-IR	<ol style="list-style-type: none"> <li>1. Contraband</li> <li>2. Over-Familiarity</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

Since January 3, 2012, a laboratory assistant was allegedly overly familiar with an inmate by communicating with the inmate via text messaging and providing contraband consisting of a mobile phone, tobacco, and personal hygiene products.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The department attorney did not accurately document his initial review of the case nor did he contact the assigned agent for the initial case conference. Additionally, the department attorney did not attend any interviews. The special agent did not provide the department attorney a draft copy of the investigative report before forwarding it to the hiring authority.

### Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make any entry into CMS accurately confirming relevant dates.*
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney was assigned on April 9, 2012, but did not contact either the assigned special agent or the OIG until June 9, 2012, more than two months after assignment, and only after being contacted first by the OIG and the assigned special agent.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*The department attorney did not attend any witness interviews.*
- 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 department attorney was not provided a draft copy of the investigative report before it was forwarded to the hiring authority.*

### Disposition

The hiring authority sustained the allegations and determined that dismissal was the appropriate penalty. However, the laboratory assistant resigned prior to the completion of the investigation. A letter indicating she resigned under adverse circumstances was placed in her official personnel file. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

The department adequately complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-16	12-0718-IR	<ol style="list-style-type: none"> <li>1. Neglect of Duty</li> <li>2. Failure to Report</li> <li>3. Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

On January 16, 2012, an officer allegedly used unreasonable force on an inmate after the inmate refused to accept a new cellmate. The officer also allegedly neglected his duties by failing to allow the inmate time to cool off before entering his cell and by failing to contact a supervisor before asking the control booth officer to open the cell door. A second officer allegedly failed to allow a cooling-off period and failed to accurately report the first officer's use of force.

# NORTH REGION

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
<p>The department failed to comply with policies and procedures governing the investigative process. The Office of Internal Affairs delayed processing the request for investigation and delayed conducting the investigation. Due to the delay, the hiring authority received the investigation only 11 days before the deadline for taking disciplinary action. The department attorney failed to timely review the investigative report.</p>	

<b>Assessment Questions</b>
<ul style="list-style-type: none"> <li>• Did OIA Central Intake make a determination regarding the case within 30 calendar days? <i>OIA Central Intake received the request for investigation on February 17, 2013, but did not take action until March 28, 2013, 40 days after receipt of the request.</i></li> <li>• 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 draft report was sent to the department attorney on December 12, 2012; however, the department attorney did not review the report until January 7, 2013, 26 days later. Because the deadline for taking disciplinary action was January 14, 2013, the report was sent to the hiring authority on January 2, 2013, without the department attorney providing appropriate substantive feedback addressing the thoroughness and clarity of the report.</i></li> <li>• Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG? <i>The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.</i></li> <li>• Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action? <i>The deadline to take disciplinary action was January 14, 2013. The investigation was submitted to the hiring authority on January 2, 2013, only 11 days before the deadline to take disciplinary action.</i></li> </ul>

<b>Disposition</b>
<p>The hiring authority determined there was sufficient evidence to sustain an allegation of neglect of duty against the first officer for asking the control booth officer to open the cell door and imposed a 5 percent salary reduction for one month. The hiring authority determined there was insufficient evidence to sustain the other allegations. He also determined there was insufficient evidence to sustain the allegations against the second officer. The OIG concurred with the hiring authority's determinations. The first officer did not file an appeal with the State Personnel Board.</p>

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
2012-01-19	12-1796-IR	1. Misuse of Authority 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	<small>INITIAL</small> No Penalty Imposed	<small>FINAL</small> No Change

<b>Incident Summary</b>
<p>On January 19, 2012, a captain allegedly ordered a lieutenant to back date documents related to an inmate's disciplinary action and ordered the lieutenant to find the inmate guilty. The captain also allegedly used unprofessional language about the lieutenant in front of subordinate officers and announced that she would not accept a promotion in order to prevent the lieutenant from promoting.</p>

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
<p>The department's investigative process was insufficient. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs failed to conduct the investigation with due diligence. The department attorney failed to contact the assigned special agent and confirm the date of discovery within 21 days of being assigned, and failed to provide written confirmation of all critical discussions about the investigative report.</p>	

# NORTH REGION

## Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was May 15, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until July 2, 2012, 49 days after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make any entry into CMS confirming the relevant dates.*
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney did not contact the assigned special agent or monitor to discuss the elements of a thorough investigation within 21 days following assignment to the case.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The Office of Internal Affairs investigation was not conducted with due diligence. The first investigative interview did not take place until 120 days after the case was approved for investigation by OIA Central Intake.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The investigative report was delivered to the hiring authority with less than 21 days remaining before the deadline to take disciplinary action.*

## Disposition

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

## Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-23	12-1174-IR	1. Sexual Misconduct	1. Not Sustained	No Penalty Imposed	No Change

## Incident Summary

Between January 23, 2012, and February 13, 2012, an officer allegedly sexually battered an inmate by grabbing the inmate's buttocks. On March 5, 2012, the same officer allegedly sexually battered the same inmate by grabbing the inmate's breast and buttocks, and kissing the inmate.

## Investigative Assessment

**Rating: Sufficient**

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

## Disposition

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

## Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-01	12-1320-IR	<ol style="list-style-type: none"> <li>1. Failure to Report</li> <li>2. Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Not Sustained</li> <li>2. Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On February 1, 2012, an officer allegedly took control of an inmate's wheelchair, rolled it into a housing unit, and released it, causing the inmate to forcefully strike the wall. The officer also allegedly failed to report the use of force.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-24	12-0827-IR	<ol style="list-style-type: none"> <li>1. Over-Familiarity</li> </ol>	<ol style="list-style-type: none"> <li>1. Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On February 24, 2012, it was alleged an officer was overly familiar with an inmate by sending personal photographs to the inmate.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The special agent did not complete a timely investigation in that the investigation was not completed until 19 days before the deadline to take disciplinary action.

### Assessment Questions

- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?  
*The department attorney did not attend an inmate interview.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The report was completed and submitted to the hiring authority with only 19 days left before the deadline to take disciplinary action.*

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.



## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-07	12-1313-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On March 7, 2012, a sergeant allegedly identified an inmate as an informant in the presence of other inmates thereby jeopardizing the inmate's safety within the institution. The sergeant also allegedly refused to take a report from the inmate concerning damaged property in retaliation for the inmate's refusal to comply with an order to remove paper that was covering the inmate's cell door.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-14	12-1845-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

On March 14, 2012, an officer allegedly failed to ensure that handcuffs were properly secured on a special housing unit inmate before releasing him from a temporary holding cell. The inmate subsequently attacked another inmate. Thereafter, the officer was allegedly dishonest when he reported that he had followed proper restraint procedures by performing a visual check to ensure the restraints were properly in place. The officer was also allegedly dishonest during his interview with the Office of Internal Affairs.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority and department attorney failed to comply with the department's policies and procedures governing the investigative process. The hiring authority delayed referring the matter to the Office of Internal Affairs. The department attorney failed to timely consult with the Office of Internal Affairs and the OIG, and failed to timely assess and modify the deadline for taking disciplinary action.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The date of discovery was March 15, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until July 23, 2012, over four months after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney was assigned August 13, 2012, but did not make an entry into CMS regarding the deadline for taking disciplinary action until October 1, 2012, 50 calendar days after assignment.*
- No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the monitor to discuss the elements of a thorough investigation of the alleged misconduct?  
*The department attorney was assigned August 13, 2012, but did not contact the special agent or the monitor to discuss the elements of a thorough investigation until October 1, 2012, 50 calendar days after assignment.*
- 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 modify the deadline for taking disciplinary action when documents revealed that the department learned of the misconduct earlier than originally thought.*

## NORTH REGION

### Disposition

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

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely serve the disciplinary action. The department attorney failed to provide written confirmation of penalty discussions and provide a draft copy of the disciplinary action to the OIG.

### 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 attorney or disciplinary officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?  
*The department attorney did not provide a copy of the draft disciplinary action to the OIG.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The hiring authority failed to timely serve the disciplinary action. The deadline for taking disciplinary action was March 14, 2013. The hiring authority decided to take disciplinary action on January 30, 2013. However, the officer was not served a letter of intent to take disciplinary action until March 14, 2013, 43 days later, which was the deadline for taking disciplinary action. The disciplinary action was not served until April 12, 2013, 72 days after the decision to take disciplinary action.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-16	12-1311-IR	1. Failure to Report 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	No Change

### Incident Summary

On March 16, 2012, two officers allegedly failed to timely report their own and each other's use of force. On April 12, 2012, one of the officers was allegedly dishonest by failing to report his use of force in a written memorandum regarding the incident of March 16, 2012.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation against one officer for failing to report his use of force and imposed a 10 percent salary reduction for 24 months. The officer did not file an appeal with the State Personnel Board. The hiring authority determined there was insufficient evidence to sustain the allegations against the officer who was allegedly dishonest and failed to report his use of force. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-21	12-0868-IR	1. Sexual Misconduct	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On March 21, 2012, a former sergeant reported to an investigative services unit that between October 1, 2006, and April 19, 2011, a lieutenant allegedly groped her breasts and groin area while on duty. She further alleged that during the same time period, a sergeant forced her to engage in sexual intercourse while on duty.

## NORTH REGION

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department's investigative process sufficiently complied with policies and procedures.	
<b>Disposition</b>	
The hiring authority determined there was insufficient evidence to sustain the allegations and the OIG concurred.	
<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
2012-03-31	12-2356-IR	1. Dishonesty	1. Not Sustained	INITIAL No Penalty Imposed	FINAL No Change

### Incident Summary

Between March 31, 2012, and June 3, 2012, a lieutenant allegedly altered a computerized work schedule tracking system indicating that he was at work on seven days when in fact he was on leave.

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
The department's investigative process sufficiently complied with policies and procedures.	
<b>Disposition</b>	
The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.	
<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
2012-04-14	12-1581-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	INITIAL Letter of Instruction	FINAL No Change

### Incident Summary

On April 14, 2012, an officer allegedly was dishonest with the outside law enforcement regarding his vehicle registration. The officer was also allegedly dishonest in his use of sick leave and allegedly failed to report secondary employment.

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
The department attorney failed to comply with policies and procedures by failing to accurately document the date of discovery and the deadline to take disciplinary action, and by failing to provide substantive feedback addressing the accuracy and clarity of the investigative report.	

# NORTH REGION

## Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney made an entry into CMS. However, he merely stated the date of the incident. He did not accurately state the date of discovery nor did he make any entry indicating the deadline for taking disciplinary action.*
- Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?  
*The draft report was sent to the department attorney on January 10, 2013; however, the department attorney did not document in CMS that the report was reviewed and did not provide appropriate substantive feedback addressing the thoroughness and clarity of the report.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*

## Disposition

The hiring authority determined there was sufficient evidence to sustain the allegation of failure to report secondary employment and issued a letter of instruction. The hiring authority determined there was insufficient evidence to sustain the allegations of dishonesty. The OIG concurred with the hiring authority's determinations.

## Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-27	12-2505-IR	1. Unreasonable Use of Force	1. Not Sustained	No Penalty Imposed	No Change

## Incident Summary

On April 27, 2012, an officer allegedly utilized unreasonable force when he used pepper spray on a ward who refused to submit to handcuffs after the ward disrupted class, argued with the teacher, refused to follow lawful commands, and caused an alarm and response by several officers. It was further alleged the officer used unreasonable force when he raised his right leg to stop the ward who was advancing toward him with fists clenched in an aggressive threatening manner.

## Investigative Assessment

**Rating: Sufficient**

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

## Disposition

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

## Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-30	12-1997-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Transportation and Sale of Marijuana</li> <li>3. Theft of PG&amp;E Electrical Power</li> <li>4. Cultivation of Marijuana</li> </ol>	<ol style="list-style-type: none"> <li>1. Not Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On April 30, 2012, an officer was allegedly involved in the transportation and sale of marijuana in the state of New York. It was further alleged that since May 31, 2011, the officer had been cultivating marijuana on his residential property. On May 31, 2012, it was alleged that an officer had altered his residential electrical power connection to divert power prior to the meter to receive power that was not monitored or paid for and was illegally growing marijuana. It was further alleged that the officer was dishonest when he told outside law enforcement that he had no knowledge of the electrical bypass or the illegal marijuana being cultivated on his property.

### Investigative Assessment

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

Rating: **Sufficient**

### Disposition

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

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: **Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-12	12-1694-IR	<ol style="list-style-type: none"> <li>1. Misuse of Authority</li> <li>2. Discourteous Treatment</li> <li>3. Weapons</li> </ol>	<ol style="list-style-type: none"> <li>1. Not Sustained</li> <li>2. Not Sustained</li> <li>3. Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On May 12, 2012, while off duty, an officer was allegedly discourteous to his father when he entered into an argument that escalated into a physical altercation. The officer also allegedly misused his badge to gain unauthorized entry into a locked gated private residential community and was carrying a weapon without authorization.

### Investigative Assessment

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

Rating: **Sufficient**

### Disposition

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

### Disciplinary Assessment

Overall, the department sufficiently complied with policies and procedures.

Rating: **Sufficient**

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-13	12-1526-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Over-Familiarity</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	Resignation

### Incident Summary

On May 13, 2012, an officer was allegedly overly familiar with an inmate when she provided the inmate individual religious instruction on an exercise yard where other inmates were present thereby jeopardizing the safety and security of inmates and the institution. The officer also allegedly neglected her duties by knowingly introducing an unauthorized book into the institution and giving it to the inmate. The officer was allegedly dishonest during her investigative interview when she claimed that a sergeant gave her permission to bring the book into the institution.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and after consolidating sustained allegations from another investigation, determined dismissal was the appropriate penalty. The OIG concurred. The officer resigned after the disciplinary action was served but before the disciplinary action became effective. A letter indicating the officer resigned under adverse circumstances was placed in her official personnel file.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-17	12-1747-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On May 17, 2012, a lieutenant allegedly pre-constructed a statement and assigned the statement to an inmate before the inmate had participated in the hearing. It was further alleged that on June 25, 2012, the lieutenant submitted documentation indicating that he conducted a hearing with another inmate when no hearing was conducted. It was also alleged that the lieutenant was negligent on March 26, 2012, when he allegedly delayed the final processing of an inmate's documentation of loss of privileges so that the inmate could attend his scheduled family visit on April 20, 2012.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-18	12-1703-IR	<ol style="list-style-type: none"> <li>Sexual Misconduct</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

On May 18, 2012, an off-duty officer allegedly provided alcohol to several minors who were at his residence for an eighth grade graduation party. It was further alleged that the officer videotaped a minor while she showered at his residence and engaged in sexual acts with her.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined dismissal was the appropriate penalty. However, the officer resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-25	12-2456-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On May 25, 2012, an officer was allegedly discourteous to an inmate by making a derogatory comment. The officer was also allegedly dishonest in an official appeal inquiry when he denied making the derogatory comment.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-27	13-0655-IR	<ol style="list-style-type: none"> <li>Misuse of State Equipment or Property</li> <li>Theft</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

Between May 27, 2012, and March 1, 2013, two youth counselors allegedly purchased several pornographic videos utilizing the department's digital television receiver and had the charges billed to the department.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority waited nine months after discovering the alleged misconduct before referring the matter to OIA Central Intake for investigation.

# NORTH REGION

## Assessment Questions

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

*The department learned of the misconduct on July 1, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 5, 2013, 279 days later.*

## Disposition

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

## Disciplinary Assessment

**Rating: Sufficient**

The department sufficient complied with policies and procedures.

## OIG Recommendation

The OIG and department attorney joined in recommending that the hiring authority restrict or block access to pornographic or X-rated movies on any of the institution's televisions and cable boxes. The hiring authority has already implemented changes. The cable box has been removed from the officers' quarters. The two remaining boxes in the youth dorm recreation room and in the youth gym require an access code and only the supervisors have the access code, which is changed periodically.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-11	12-1748-IR	<ol style="list-style-type: none"> <li>Discourteous Treatment</li> <li>Dishonesty</li> <li>Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	Suspension	No Change

## Incident Summary

On June 11, 2012, it was reported that an off-duty officer allegedly vandalized a mailbox and personal vehicle belonging to an outside law enforcement officer, delivered a package and letter containing offensive statements to the officer's residence, took items belonging to the officer, and made false or misleading statements during an investigation conducted by outside law enforcement.

## Investigative Assessment

**Rating: Sufficient**

Overall, the department complied with policies and procedures.

## Disposition

The hiring authority sustained the allegation of discourteous treatment but determined there was insufficient evidence to sustain the allegations of dishonesty, vandalism, and theft. The officer was served with a two working-day suspension. After the *Skelly* hearing, the department entered into a settlement agreement whereby the department agreed to remove the disciplinary action from the officer's official personnel file in one year as opposed to the customary three years and the officer agreed not to file an appeal with the State Personnel Board. The OIG agreed with the hiring authority's determinations and the settlement. The OIG concurred because the officer accepted responsibility for his actions, expressed remorse, and the penalty of a two working-day suspension was not reduced.

## Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The department attorney failed to provide the hiring authority and the OIG written confirmation of the penalty discussions and failed to prepare a sufficient disciplinary action.



# NORTH REGION

## Assessment Questions

- Did the department attorney provide to the HA and OIG written confirmation of penalty discussions?  
*The department attorney did not provide the hiring authority or the OIG 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 was not appropriately drafted as described by the department's policies and procedures. The draft did not allege the facts with sufficient specificity to meet the requirements of controlling case law.*
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?  
*The disciplinary action served on the employee was not appropriately drafted as described by the department's policies and procedures as it failed to allege the facts with sufficient specificity to meet the requirements of controlling case law.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-02	13-0569-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

## Incident Summary

On July 2, 2012, a youth counselor allegedly warned wards that a search would be conducted. On July 3, 2012, the youth counselor allegedly inappropriately confiscated wards' personal property. The youth counselor was also allegedly discourteous to three other employees by making lewd and disparaging remarks about them to wards.

## Investigative Assessment

**Rating: Insufficient**

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

## Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on July 10, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 14, 2013, 221 days later.*
- Did OIA Central Intake make a determination regarding the case within 30 calendar days?  
*OIA Central Intake received the request for investigation on February 25, 2013, did not take action until April 17, 2013, 51 days later.*

## Disposition

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

## Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-08-15	12-2535-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Dismissal	Resignation

## Incident Summary

On August 15, 2012, an off-duty officer was allegedly dishonest with outside law enforcement officers who were conducting a domestic violence investigation. The off-duty officer initially claimed that her boyfriend, a fellow off-duty officer, physically battered her and vandalized her vehicle, leading to his arrest. Several months later, during a video-taped recording, she recanted these allegations.

## NORTH REGION

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
The department's investigative process sufficiently complied with policies and procedures.	
<b>Disposition</b>	
The hiring authority determined there was insufficient evidence to sustain the allegation that the officer was dishonest during the initial criminal investigation. However, the hiring authority determined there was sufficient evidence to sustain the allegation that the officer was dishonest when she recanted her statement provided during the criminal investigation. After consolidating sustained allegations from another investigation, the hiring authority determined dismissal was the appropriate penalty. The officer resigned after the disciplinary action was served, but before the dismissal became effective. A letter indicating the officer resigned under adverse circumstances was placed in her official personnel file.	
<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-10-08	12-2774-IR	1. Dishonesty	1. Sustained	Dismissal	No Change

### Incident Summary

Between October 8, 2012, and February 9, 2013, an officer allegedly falsely claimed that he had a medical appointment on five separate occasions to avoid mandatory overtime. It was also alleged that the officer forged five other physician's notes. The officer also allegedly provided false or misleading statements during his interview with the Office of Internal Affairs.

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department's investigative process sufficiently complied with policies and procedures.	
<b>Disposition</b>	
The hiring authority determined that there was sufficient evidence to sustain all of the allegations and dismissed the officer. The OIG concurred with the hiring authority's findings. The officer did not file an appeal.	
<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-02	12-2851-IR	1. Other Failure of Good Behavior	1. Not Sustained	No Penalty Imposed	No Change

### Incident Summary

On November 2, 2012, a lieutenant allegedly asked an officer to post his union campaign flyers in an entrance building at the institution in violation of departmental policy. When the officer explained that she would have to get permission prior to posting the flyers, the lieutenant allegedly laid money on the flyers in an attempt to get the officer to post the flyers without first obtaining permission.

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
The department's investigative process sufficiently complied with policies and procedures.	
<b>Disposition</b>	
The hiring authority determined there was insufficient evidence to sustain the allegation. The OIG concurred with the hiring authority's determination.	
<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
The department's disciplinary process sufficiently complied with policies and procedures.	

## NORTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-11-06	12-2701-IR	<ol style="list-style-type: none"> <li>Over-Familiarity</li> <li>Insubordination</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

It was alleged on November 6, 2012, a chief medical officer had been overly familiar with an inmate. The inmate had the chief medical officer's personal telephone number and home address. In addition, the chief medical officer allegedly failed to inform the hiring authority, in writing, that he had contact with the inmate after he had been released on parole. The chief medical officer was allegedly insubordinate because he refused to be interviewed by the Office of Internal Affairs during the investigation.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined that dismissal was the appropriate penalty. However, the chief medical officer retired prior to the completion of the investigation; therefore, the disciplinary action was not taken. A letter indicating he retired under adverse circumstances was placed in his official personnel file.

### Disciplinary Assessment

**Rating: Sufficient**

The department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-07	13-0486-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Contraband</li> <li>Over-Familiarity</li> <li>Misuse of State Equipment or Property</li> <li>Alteration of Evidence</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

On March 7, 2013, an officer allegedly attempted to introduce contraband, including numerous mobile phones and drugs, into the institution for financial gain. The officer was also allegedly overly familiar with inmates and the families and acquaintances of inmates, and dishonest during the investigative interview. In addition, the officer allegedly altered his uniform to facilitate the introduction of contraband and altered evidence after the investigative interview.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-04-01	12-1076-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Sexual Misconduct</li> <li>Contraband</li> <li>Over-Familiarity</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

Between April 1, 2009, and December 31, 2010, a supervising cook allegedly engaged in at least two acts of sexual misconduct with an inmate resulting in a child being born in September 2011, and exchanged mail and mobile phone communications with the inmate. Between April 1, 2012, and May 4, 2012, the supervising cook allegedly introduced mobile phones and tobacco into the institution for inmates. The supervising cook was also allegedly dishonest to the Office of Internal Affairs when she denied bringing contraband into the institution.

### Investigative Assessment

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

**Rating: Sufficient**

### Disposition

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty; however, the supervising cook resigned prior to the completion of the investigation. Disciplinary action was not taken. The OIG concurred. A letter indicating the supervising cook resigned under adverse circumstances was placed in her official personnel file.

### Disciplinary Assessment

The department sufficiently complied with policies and procedures.

**Rating: Sufficient**

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2009-12-01	12-2179-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Sexual Misconduct</li> <li>Over-Familiarity</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

Between December 1, 2009, and June 30, 2012, a parole agent allegedly engaged in sexual activity with three parolees and allowed one of the parolees to live at his home. The parole agent also allegedly communicated with multiple inmates and parolees, and failed to report his contacts to his hiring authority. Additionally, the parole agent was allegedly dishonest to the Office of Internal Affairs when he denied having sexual contact with parolees.

### Investigative Assessment

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

**Rating: Sufficient**

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations; however, the parole agent resigned before disciplinary action could be imposed. A letter indicating the parole agent resigned under adverse circumstances was placed in his official personnel file. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

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

**Rating: Sufficient**

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-05-01	12-1081-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Insubordination</li> <li>3. Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

Between May 1, 2010, and March 11, 2012, a parole agent allegedly made false entries in caseload rosters, failed to maintain proper records of supervision, failed to conduct required home visits, and failed to collect drug tests related to three parolees under his supervision. From May 1, 2010, through January 30, 2012, the parole agent also allegedly failed to complete a required transfer of supervision request for one of the parolees. On January 22, 2013, the parole agent allegedly failed to respond to the Office of Internal Affairs for an interview after being ordered to do so.

### Investigative Assessment

**Rating: Insufficient**

The department failed to comply with the policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The department attorney failed to timely make an entry into CMS regarding the deadline for taking disciplinary action, failed to provide adequate legal consultation regarding possible tolling of the deadline for taking disciplinary action, and failed to review and provide appropriate substantive feedback regarding the draft investigative report. The special agent failed to conduct the investigation with due diligence, failed to timely complete the investigation, and failed to draft a thorough investigative report.

## SOUTH REGION

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on March 2, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 25, 2012, 54 days after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney was assigned on May 23, 2012, but did not make an entry into CMS regarding the deadline for taking disciplinary action until July 10, 2012, 48 days after assignment.*
- 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?  
*Despite requests by the special agent and recommendations by the OIG to review the law related to the Family Medical Leave Act and its impact on possible tolling of the deadline for taking disciplinary action, the department attorney failed to conduct any legal research or provide any legal analysis of the issue.*
- 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 review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?  
*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?  
*The investigative report failed to include an allegation addressing the parole agent's failure to comply with an order to attend an interview at the Office of Internal Affairs.*
- Was the final investigative report thorough and appropriately drafted?  
*The final investigative report failed to include an allegation addressing the parole agent's failure to comply with an order to attend an interview at the Office of Internal Affairs.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*The special agent was assigned to the case on May 31, 2012, but no interviews were conducted until October 18, 2012, more than four months after assignment.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The investigation was completed and submitted to the hiring authority with only 21 days left before the deadline for taking disciplinary action.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and determined that dismissal was the appropriate penalty. The OIG concurred. However, the parole agent retired before the disciplinary action could be imposed. A letter indicating the parole agent retired under adverse circumstances was placed in his official personnel file.

### Disciplinary Assessment

**Rating: Insufficient**

The department attorney failed to comply with the department's policies and procedures governing the disciplinary process. The department attorney failed to attend the findings and penalty conference, failed to provide any legal consultation to the hiring authority regarding the findings and penalty, and failed to prepare a thorough draft disciplinary action.

# SOUTH REGION

## Assessment Questions

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

*The department attorney did not participate in and did not consult with the hiring authority regarding the sufficiency of the investigation and investigative findings. The department attorney, due to scheduling conflicts, indicated that she was not available to participate. The hiring authority chose to proceed without the department attorney to avoid the risk of missing the deadline for taking disciplinary action.*
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?

*The department attorney did not participate in and did not consult with the hiring authority regarding the disciplinary determinations. The department attorney, due to scheduling conflicts, indicated that she was not available to participate. The hiring authority chose to proceed without the department attorney to avoid the risk of missing the deadline for taking disciplinary action.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?

*The draft disciplinary action failed to include numerous facts that supported the sustained allegations.*
- Did the department attorney or disciplinary officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase, until all proceedings were completed, except for those related to a writ?

*The department attorney failed to participate in the findings and penalty conference due to scheduling conflicts. The hiring authority chose to proceed without the department attorney to avoid the risk of missing the deadline for taking disciplinary action.*
- Was the disciplinary phase conducted with due diligence by the department?

*The hiring authority received the investigative report on January 31, 2013, just 21 days before the deadline for taking disciplinary action. The hiring authority requested an expedited findings and penalty conference to avoid missing the deadline for taking disciplinary action. The assigned department attorney, due to scheduling conflicts, indicated that she was unavailable until just days before the deadline for taking disciplinary action. The hiring authority conducted the findings and penalty conference without the presence of a department attorney. Although provided with notice, no other department attorney participated.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-06-16	12-0957-IR	1. Neglect of Duty	1. Sustained	Training	No Change

## Incident Summary

Between June 16, 2010, and December 24, 2011, five parole agents and two supervising parole agents allegedly failed to properly supervise a parolee by failing to require the parolee to comply with conditions of parole that he have no contact with the victim of his domestic violence crime and that he complete a treatment program for domestic violence offenders. The alleged failure to properly supervise the parolee came to light on December 24, 2011, after the parolee allegedly murdered the domestic violence victim.

## Investigative Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the investigative process. The department attorney failed to confirm relevant dates and failed to timely provide an appropriate legal analysis of the deadline for taking disciplinary action, and the special agent failed to timely conduct the investigation.

## Assessment Questions

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

*The department attorney did not make any entry into CMS confirming relevant dates. Also, the deadline for taking disciplinary action was not initially apparent from the facts of the case. Despite repeated requests to the department attorney by the OIG and the special agent, the department attorney failed to timely provide a satisfactory legal analysis of the deadline for taking disciplinary action.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?

*The special agent was assigned to the case on May 11, 2012, but did not conduct initial witness interviews until July 31, 2012, 81 days after assignment. Delays in the investigation were caused, in part, by extensive delays in obtaining a firm opinion from the department attorney regarding the deadline for taking disciplinary action. The determination of the deadline for taking disciplinary action determined who would remain a subject and who would need to be interviewed.*

## SOUTH REGION

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations against four parole agents and a supervising parole agent for neglect of duty and imposed training for three of the parole agents, imposed a 5 percent salary reduction for three months as to the other parole agent, and served a letter of reprimand on the supervising parole agent. The hiring authority determined there was insufficient evidence to sustain allegations against the fifth parole agent and the other supervising parole agent. The OIG concurred with the hiring authority's determinations. The supervising parole agent filed an appeal with the State Personnel Board. However, it was later determined that the disciplinary actions for both the parole agent and the supervising parole agent were not properly served before the deadline to take disciplinary action. Both of the disciplinary actions were withdrawn by the hiring authority before any proceedings before the State Personnel Board took place. The parole agent and supervising parole agent were then served with letters of expectation. Due to the untimely service of the disciplinary actions, the OIG concurred.

### Disciplinary Assessment

**Rating: Insufficient**

The hiring authority and the department attorney failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to serve the letters of intent and the disciplinary action before the deadline for taking disciplinary action. Both the draft and final disciplinary actions prepared by the department attorney for the supervising parole agent failed to accurately reflect the factual misconduct the hiring authority found.

### Assessment Questions

- Was the CDCR Form 403 documenting the penalty properly completed?

*The CDCR Form 403 was not properly completed. The form did not accurately reflect the aggravating and mitigating factors found by the hiring authority.*

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

*The draft disciplinary action for the supervising parole agent did not allege the specific misconduct the hiring authority sustained. The specific misconduct alleged was failure to conduct a case review, but the hiring authority sustained a failure to document removal of special conditions and failure to properly review casework and supervise a parole agent.*

- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?

*The disciplinary action served on the supervising parole agent did not allege the specific misconduct the hiring authority sustained. The specific misconduct alleged was failure to conduct a case review, but the hiring authority sustained a failure to document removal of special conditions and failure to properly review casework and supervise a parole agent.*

- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?

*The hiring authority received the investigative report on November 13, 2012, but the decision to take disciplinary action was not made until December 13, 2012, 30 days after receipt of the investigative report because the department attorney was not available and no other department attorney was assigned to handle the matter. The OIG and the hiring authority requested that the meeting to decide discipline be held in a timely fashion because the deadline for taking disciplinary action was December 19, 2012. The decision to take disciplinary action occurred on December 13, 2012. Letters of intent to take disciplinary action against the parole agent and the parole agent II were sent on December 20, 2012, one day after the deadline for taking disciplinary action. The decision to take disciplinary action occurred on December 13, 2012, but the disciplinary action for one parole agent was served on January 17, 2013, 35 days after the decision to take disciplinary action. The disciplinary action for the supervising parole agent was initially delivered on January 17, 2013, 35 days after the decision to take disciplinary action, to a previous address where the supervising parole agent no longer lived despite the supervising parole agent having provided a timely change of address. The hiring authority re-served the disciplinary action on the supervising parole agent on January 31, 2013, 49 days after the decision to take disciplinary action.*

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

*The department attorney failed to timely provide the draft disciplinary actions to the OIG allowing sufficient time for review. The hiring authority failed to serve the letters of intent to take disciplinary action before the deadline despite the direction from the department attorney to send the letters earlier. The hiring authority initially delivered the disciplinary action for the supervising parole agent at a former address despite being properly and timely notified by the supervising parole agent of a new address.*



## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2010-08-12	12-0455-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

From August 12, 2010, through June 11, 2011, a supervising program technician and a program technician allegedly falsified their time sheets, and a parole administrator neglected to properly supervise and review the submission of the time sheets.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs and hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not refer the matter to the Office of Internal Affairs until 117 days after the date of discovery. The investigation regarding the parole administrator was not timely completed and the report was not provided to the department attorney and the OIG with sufficient time to assess the investigation prior to it being sent to the hiring authority. The department attorney and the OIG received the draft report 10 days before the deadline for taking disciplinary action.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on September 9, 2011, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 4, 2012, 117 days after the date of discovery.*
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the OIG to allow for feedback before it was forwarded to the HA or prosecuting agency?  
*The deadline for taking disciplinary action on the parole administrator was September 9, 2012. The draft report was not forwarded to the OIG until August 30, 2012, 10 days before the deadline. Due to the complexity of the report and the number of allegations, this was insufficient time for adequate review.*
- Upon completion of the investigation, was a draft copy of the investigative report timely forwarded to the department attorney to allow for feedback before it was forwarded to the HA or prosecuting agency?  
*The deadline for taking disciplinary action on the parole administrator was September 9, 2012. The draft report was not forwarded to the department attorney until August 30, 2012, 10 days before the deadline. Due to the complexity of the report and the number of allegations, this was insufficient time for adequate review.*

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-02-01	12-2118-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> </ol>	Salary Reduction	No Change

### Incident Summary

From February 1, 2011, through July 11, 2012, a high-risk sex offender parolee lived next door to a high school in violation of the prohibition that he not reside within 200 feet of a school. Two different parole agents supervised the parolee during the 17 months and two different supervising parole agents were responsible for the case work of the parole agents. It was alleged that none of the four parole agents took steps to ensure the parolee was in compliance with the terms of his parole.

### Investigative Assessment

**Rating: Sufficient**

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

## SOUTH REGION

### Disposition

The hiring authority sustained an allegation of neglect of duty against one of the parole agents and determined the appropriate penalty to be a 5 percent salary reduction for 12 months. The parole agent resigned before disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in her official personnel file. The hiring authority did not sustain the allegation against the other parole agent because at the time he was responsible for the supervision of the parolee, the department had issued a directive prohibiting enforcement of the residency restriction in the county in which the parolee resided. The hiring authority did not sustain the allegations against the supervising parole agents because neither of them supervised the parole agent that was neglectful. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2011-12-11	12-2115-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Failure to Report</li> <li>3. Neglect of Duty</li> <li>4. Other Failure of Good Behavior</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

On December 11, 2011, an officer allegedly failed to report that he used force in apprehending a private citizen at a mental health hospital. A sergeant also allegedly failed to report that use of force, failed to instruct the officer to complete a report regarding the use of force, failed to complete a report regarding drugs found on the private citizen, and was allegedly dishonest to the Office of Internal Affairs on September 25, 2012, and December 5, 2012.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority and Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not refer the matter to the Office of Internal Affairs for more than five months after the date of discovery, and the Office of Internal Affairs failed to make a timely determination on the request.

### Assessment Questions

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

*The department learned of the misconduct on February 21, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 24, 2012, more than five months after the date of discovery.*

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

*OIA Central Intake received the request for investigation on July 24, 2012, but did not take action until September 5, 2012, 43 days after the receipt of the request.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain the allegations and served a letter of reprimand on the officer and imposed dismissal on the sergeant. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board, retired from the department, and later decided to withdraw his appeal. The officer filed an appeal, but agreed to withdraw it in exchange for a settlement agreement which reduced his penalty from a letter of reprimand to a letter of instruction. The department agreed to a settlement because it failed to take disciplinary action against the officer prior to the expiration of the deadline for taking disciplinary action. Based on the circumstances, the OIG agreed with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to timely consult with the OIG and department attorney regarding the investigative findings and disciplinary determinations. The department attorney failed to appropriately determine the deadline for taking disciplinary action resulting in the hiring authority failing to take disciplinary action prior to the expiration of the deadline to take disciplinary action. As a result, the department entered into a settlement agreement reducing the nature of the penalty from disciplinary to corrective action.

# SOUTH REGION

## Assessment Questions

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

*The department attorney failed to appropriately determine the deadline for taking disciplinary action. As a result, the date for taking disciplinary action expired and the hiring authority entered into a settlement agreement, reducing the nature of the penalty from disciplinary to corrective 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 January 10, 2013. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until February 22, 2013, 43 days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 10, 2013. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until February 22, 2013, 43 days after receipt of the case.*
- Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?

*The department attorney failed to appropriately determine the deadline for taking disciplinary action as to the officer, and consequently, the department entered into a settlement agreement with the officer reducing the penalty from disciplinary to corrective action.*
- If there was a settlement agreement, was the settlement consistent with the DOM factors?

*Because the hiring authority failed to take disciplinary action against the officer prior to the deadline, the hiring authority entered into the settlement agreement changing the nature of the penalty from disciplinary to corrective action. Therefore, the settlement was not consistent with policies and procedures.*
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?

*The department attorney did not complete a CDC Form 3021.*
- Was the disciplinary phase conducted with due diligence by the department?

*The department failed to conduct the investigative findings and disciplinary determinations in a timely manner. In addition, the department served the officer with the disciplinary action, but later determined that the deadline for taking disciplinary action had expired.*

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-01	12-2610-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Unfounded</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

Between January 1, 2012, and May 31, 2012, a lieutenant and an officer allegedly failed to work their full shifts and falsified their corresponding timesheets.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority, Office of Internal Affairs, and department attorney failed to comply with the department's policies and procedures governing the investigative process. The hiring authority did not submit a request for investigation to the Office of Internal Affairs until 259 days after the date of discovery. The Office of Internal Affairs did not complete the investigation until 23 days before the deadline for taking disciplinary action. The department attorney incorrectly evaluated the deadline for taking disciplinary action, failed to attend any investigative interviews, and did not provide the special agent with feedback regarding the investigative report.

# SOUTH REGION

## Assessment Questions

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

*The department learned of the misconduct on January 31, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 16, 2012, 259 days after the date of discovery.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?

*The department attorney's analysis for the deadline for taking disciplinary action was incorrect by five months. The department attorney indicated the deadline for taking disciplinary action was June 21, 2013, when the deadline was actually January 30, 2013. Based on the OIG's recommendation the department attorney correctly reassessed the deadline ensuring that the investigation would be completed timely.*
- Did the department attorney attend investigative interviews for key witnesses to assess witness demeanor and credibility?

*The department attorney did not attend any investigative 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 did not timely review the report and provide appropriate substantive feedback.*
- Did the department attorney provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG?

*The department attorney did not provide written confirmation summarizing all critical discussions about the investigative report to the special agent with a copy to the OIG.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?

*The deadline for taking disciplinary action was January 30, 2013. The investigation was completed on January 7, 2013, only 23 days before the deadline for taking disciplinary action.*
- Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the investigative phase?

*The department attorney did not substantively participate or provide real-time consultation with the OIG throughout the investigative phase.*

## Disposition

For the lieutenant, the hiring authority determined that the investigation conclusively proved the misconduct did not occur. For the officer, the hiring authority determined the investigation conclusively proved that he did not falsify his time sheet on two occasions. The hiring authority further determined that there was insufficient evidence to prove that the officer left camp prior to the end of his shift without his supervisor's approval. The OIG concurred with the hiring authority's determinations.

## Disciplinary Assessment

**Rating: Sufficient**

Overall, the department sufficiently complied with policies and procedures.

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-01-20	12-2181-IR	<ol style="list-style-type: none"> <li>Neglect of Duty</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Unfounded</li> <li>Unfounded</li> </ol>	No Penalty Imposed	No Change

## Incident Summary

On January 20, 2012, three officers allegedly refused to provide assistance to and obtain medical treatment for a transgender inmate who was allegedly battered by his cellmate for approximately six hours. Two of the officers also allegedly referred to the transgender inmate in derogatory terms.

## SOUTH REGION

<b>Investigative Assessment</b>	<b>Rating: Insufficient</b>
<p>The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs and OIA Central Intake failed to make an appropriate initial determination regarding the case. OIA Central Intake initially rejected the request for investigation even though the aggressor inmate initially admitted to his conduct and corroborated the statement of the transgender inmate. The case was subsequently approved for an investigation after the recommendation of the OIG.</p>	

<b>Assessment Questions</b>
<ul style="list-style-type: none"> <li>Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery? <i>The date of discovery was February 8, 2012; however, the hiring authority did not refer the matter to the Office of Internal Affairs until August 7, 2012, 181 days after the date of discovery.</i></li> <li>Did OIA Central Intake make an appropriate initial determination regarding the case? <i>The OIA Central Intake initially rejected the case for investigation even though the aggressor inmate initially admitted to his conduct and corroborated the statement of the transgender inmate.</i></li> <li>Would the appropriate initial determination or reconsideration determination have been made by OIA Central Intake and/or OIA Chief without OIG intervention? <i>The OIA Central Intake initially rejected the case for investigation. The OIG recommended opening the case to determine whether misconduct occurred.</i></li> </ul>

<b>Disposition</b>
<p>The hiring authority determined that the investigation conclusively proved the alleged misconduct did not occur. The OIG concurred with the hiring authority's determination.</p>

<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
<p>Overall, the department sufficiently complied with policies and procedures.</p>	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-02-12	12-1416-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Disclosure of Confidential Information</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Not Sustained</li> </ol>	Salary Reduction	Suspension

<b>Incident Summary</b>
<p>On February 12, 2012, an officer allegedly revealed confidential information to another officer, his father, regarding allegations that a female officer was having sex with an inmate. The first officer was allegedly dishonest to a captain on two occasions regarding the incident. Rather than notify a supervisor, the other officer allegedly disclosed the allegation to the female officer and was allegedly dishonest to a captain about the incident. A sergeant drafted a confidential memorandum regarding the same allegation, but allegedly revealed the contents of the memorandum to the female officer. On February 21, 2012, the sergeant was allegedly dishonest to the captain when he asserted that he had not questioned inmates regarding whether the female officer was introducing drugs into the institution.</p>

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

<b>Disposition</b>
<p>The hiring authority determined there was sufficient evidence to sustain the allegation that the officer made false statements to a captain, but did not sustain any other allegations against him, the other officer, or the sergeant. The officer received a 10 percent salary reduction for 13 months. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the officer and agreed to allow the officer to serve a 14 working-day suspension in addition to a 10 percent salary reduction for six months, with the total monetary reduction to the officer remaining the same. The OIG concurred with the settlement because it did not alter the total amount of the monetary penalty imposed.</p>

## SOUTH REGION

### Disciplinary Assessment

Rating: **Insufficient**

The department failed to comply with policies and procedures governing the disciplinary process. The hiring authority failed to conduct the investigative findings and disciplinary determinations in a timely manner. The department attorney failed to provide appropriate legal consultation to the hiring authority regarding disciplinary determinations. The hiring authority failed to select the appropriate employee disciplinary matrix charges and causes for discipline. As a result, the penalty imposed on the officer was lower than appropriate.

### 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 December 27, 2012. The hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until January 29, 2013, 33 days after receipt of the case.*
- Did the HA timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 27, 2012. The hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until January 29, 2013, 33 days after receipt of the case.*
- Did the department attorney provide appropriate legal consultation to the HA regarding disciplinary determinations?  
*The department attorney failed to identify a critical disciplinary category resulting in a lower penalty imposed on the officer than if the additional category had been included.*
- Did the HA, who participated in the disciplinary conference, select the appropriate Employee Disciplinary Matrix charges and causes for discipline for each sustained allegation?  
*The hiring authority failed to identify a critical disciplinary category resulting in a lower penalty imposed on the officer than if the additional category had been included.*
- Did the HA, who participated in the disciplinary conference, select the appropriate penalty based on the sustained allegations?  
*The hiring authority did not select the appropriate employee disciplinary matrix charges and causes for discipline for each sustained allegation and, as a consequence, the penalty level imposed on the officer was lower than it would have been had the additional category been included.*
- Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?  
*The draft disciplinary action failed to include the critical disciplinary category of providing false or misleading statements in an official report.*
- Was the disciplinary action served on the employee(s) appropriately drafted as described in the DOM?  
*The disciplinary action served was not appropriately drafted as it failed to include a critical disciplinary category of providing false or misleading statements in an official report.*
- If the case settled, did the department attorney or disciplinary officer properly complete the CDC Form 3021?  
*Neither the department attorney nor the disciplinary officer completed a CDC Form 3021.*
- Was the disciplinary phase conducted with due diligence by the department?  
*The department failed to conduct the investigative findings and disciplinary determinations in a timely manner.*

## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-03-06	12-0977-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Neglect of Duty</li> <li>3. Misuse of Authority</li> <li>4. Misuse of State Equipment or Property</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Not Sustained</li> <li>4. Not Sustained</li> </ol>	Suspension	Modified Suspension

### Incident Summary

On March 6, 2012, a parole agent, while on duty, allegedly conducted homeowner association business by going to the home of a private citizen to discuss an issue about trees. The parole agent wore his badge and gun, allegedly attempting to intimidate the homeowner. On the same day, the parole agent was allegedly dishonest when he explained to his supervisors that he was late to work because there was a major gas leak at the community swimming pool. The parole agent had also allegedly conducted homeowner business during work hours on January 17, 2012, but falsely stated on his January time sheet and mileage log that he conducted state business all day on January 17, 2012. The parole agent also allegedly conducted homeowner business during work hours on July 26, 2012, and submitted a false time sheet indicating he worked a full eight-hour shift. The parole agent also allegedly failed to formally notify his hiring authority that he was engaged in outside activities that conflicted with his regularly scheduled work hours.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority sustained the allegations that the parole agent conducted homeowner association business on January 17, 2012, March 6, 2012, and June 26, 2012, during regularly scheduled work hours, and that he falsified his January 2012 mileage log. The hiring authority also sustained the allegation that the parole agent wore his departmental badge and gun while conducting homeowner business. The hiring authority determined there was insufficient evidence to sustain the allegations that the parole agent attempted to intimidate the homeowners, was dishonest to his supervisors, maintained secondary employment without advising the hiring authority, or falsified his time sheets for January and March 2012. The parole agent was suspended for 60 working days. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. The department entered into a settlement agreement with the parole agent reducing the suspension to 55 working days and the agent withdrew his appeal. The OIG found the settlement to be reasonable because the final penalty was within departmental policy for the misconduct.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-04-01	12-2121-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> <li>3. Neglect of Duty</li> <li>4. Misuse of State Equipment or Property</li> <li>5. Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Sustained</li> <li>5. Not Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

From April 1, 2012, through April 30, 2012, a parole agent allegedly arranged the purchase of household property from a parolee to another party. On April 21, 2012, the parole agent allegedly used a state mobile phone to facilitate the transfer of the property. On July 3, 2012, the parole agent allegedly recommended special conditions of parole that were not reasonably related to any commitment offense or conduct of the parolee. On July 5, 2012, a supervising parole agent allegedly failed to ensure that proper special conditions of parole were placed on the parolee. On July 23, 2012, the parole agent allegedly used profanity toward and threatened to arrest a citizen if she did not move from the home of her parolee boyfriend. On January 18, 2013, the parole agent was allegedly dishonest to the Office of Internal Affairs regarding the purchase of the parolee's property and as to who initiated phone contact regarding the purchase. From April 27, 2012, to January 22, 2013, a disciplinary officer failed to timely pursue the allegations relating to the parole agent arranging the purchase of parolee property.



## SOUTH REGION

### Investigative Assessment

Rating: **Insufficient**

The Office of Internal Affairs, department attorney, and hiring authority failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to confer with the OIG prior to finalizing the investigative plan, failed to include allegations in the investigative report regarding additional misconduct identified through the investigative process, and failed to complete the investigation in a timely manner. The department attorney failed to timely enter required information into the case management system regarding the deadline for taking disciplinary action.

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The hiring authority learned of the misconduct on April 27, 2012, but did not refer the matter to the Office of Internal Affairs until August 17, 2012, 112 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 confer with the OIG prior to finalizing the investigative plan.*
- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not make an entry into CMS within 21 days of assignment confirming the date of the incident or the date of discovery, but did make an entry confirming the deadline for taking disciplinary action.*
- Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?  
*Despite recommendations by the OIG and department attorney, the Office of Internal Affairs failed to include allegations against two additional department employees who committed misconduct even though misconduct was identified through the investigative process.*
- Was the final investigative report thorough and appropriately drafted?  
*The Office of Internal Affairs, despite recommendations by the OIG and department attorney to the contrary, chose not to include allegations against the two department employees whose misconduct was identified through the investigative process.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline for taking disciplinary action was April 27, 2013, but the investigative report was not completed and submitted to the hiring authority until April 5, 2013, only 22 days before the deadline for taking disciplinary action.*

### Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations against the parole agent except the allegations of discourteous treatment to the parolee's girlfriend, and determined that dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. The parole agent resigned before disciplinary action could be imposed. A letter indicating the parole agent resigned under adverse conditions was placed in her official personnel file. The hiring authority also determined there was sufficient evidence to sustain the allegations against the supervising parole agent and the disciplinary officer, and took corrective action against each. The OIG concurred.

### Disciplinary Assessment

Rating: **Sufficient**

Overall, the department sufficiently complied with policies and procedures.



## SOUTH REGION

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-01	13-0565-IR	<ol style="list-style-type: none"> <li>1. Contraband</li> <li>2. Over-Familiarity</li> <li>3. Insubordination</li> <li>4. Sexual Misconduct</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

Between May 1, 2012, and December 20, 2012, an officer allegedly engaged in sexual misconduct with two inmates, requested that an inmate show him her breasts, visited with and bought presents for the family members of an inmate, obtained phone numbers of inmate family members, and provided inmates with movies, tobacco, candy, and soft drinks. On December 20, 2012, the officer allegedly discussed the investigation with a lieutenant after he was directed not to do so.

### Investigative Assessment

**Rating: Insufficient**

The Office of Internal Affairs and department attorney failed to comply with the department's policies and procedures governing the investigative process. The Office of Internal Affairs failed to timely complete the investigation and the department attorney failed to enter required information confirming the deadline for taking disciplinary action into the case management system.

### Assessment Questions

- Within 21 calendar days, did the department attorney make an entry into CMS accurately confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?  
*The department attorney did not enter any information into CMS confirming relevant dates.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The deadline for taking disciplinary action was May 16, 2013. The investigation was not completed until May 6, 2013, 10 days before the expiration of the deadline for taking disciplinary action.*

### Disposition

The hiring authority sustained all but one of the allegations pertaining to over-familiarity. Also sustained were allegations of introduction of contraband and insubordination. The hiring authority determined there was insufficient evidence to sustain the allegations of sexual misconduct with inmates. The hiring authority determined dismissal was the appropriate penalty; however, the officer retired prior to the completion of the investigation and therefore, disciplinary action was not taken. The OIG concurred with the hiring authority's decisions. A letter indicating the officer retired under adverse circumstances was placed in his official personnel file.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-10	12-1805-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Unreasonable Use of Force</li> </ol>	<ol style="list-style-type: none"> <li>1. Not Sustained</li> <li>2. Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On May 10, 2012, an officer allegedly grabbed an inmate and threw him to the ground after the inmate called the officer a derogatory term. The officer and two other officers were allegedly dishonest in their reports regarding the incident.

### Investigative Assessment

**Rating: Insufficient**

The hiring authority and the Office of Internal Affairs failed to comply with the department's policies and procedures governing the investigative process. The hiring authority failed to timely refer the matter to the Office of Internal Affairs. The Office of Internal Affairs failed to diligently investigate the case and completed the investigation only 16 days before the deadline for taking disciplinary action.

## SOUTH REGION

### Assessment Questions

- Was the matter referred to OIA as soon as reasonably practical, within 45 calendar days of the date of discovery?  
*The department learned of the misconduct on May 10, 2012, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 2, 2012, 53 days after the date of discovery.*
- Was the OIA investigation, or subject only interview, conducted with due diligence?  
*Although the initial interviews were conducted in a timely fashion, nearly four months passed without any investigative work, causing the investigation to be completed only 16 days before the deadline for taking disciplinary action.*
- Was the investigation, or subject interview, completed at least 35 days before the deadline to take disciplinary action?  
*The investigative report was completed and submitted to the hiring authority only 16 days before the deadline for taking disciplinary action.*

### Disposition

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

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-05-24	12-1855-IR	<ol style="list-style-type: none"> <li>Insubordination</li> <li>Neglect of Duty</li> <li>Dishonesty</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On May 24, 2012, a parole agent allegedly submitted a falsified time sheet claiming seven hours in overtime when he did not work those hours and failed to timely request permission to work overtime. Additionally, the parole agent, who was assigned to a GPS unit, refused to answer his state-issued mobile phone after work hours and encouraged other parole agents in the unit to do the same. Finally, the parole agent was allegedly insubordinate when he refused an order to submit to an investigative interview.

### Investigative Assessment

**Rating: Sufficient**

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

### Disposition

The hiring authority determined there was sufficient evidence to sustain all allegations, except the allegation that the parole agent falsified time sheets. The parole agent retired before the completion of the investigation; therefore, no disciplinary action was imposed. A letter indicating the parole agent retired pending disciplinary action was placed in his official personnel file. The OIG concurred with the hiring authority's determinations.

### Disciplinary Assessment

**Rating: Sufficient**

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

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-06-02	12-2319-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Neglect of Duty</li> </ol>	<ol style="list-style-type: none"> <li>Not Sustained</li> <li>Not Sustained</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On June 2, 2012, a youth counselor was allegedly dishonest when he wrote in a report that a ward punched him in the face and then took his keys. Another officer reported the ward did not punch the youth counselor in the face before taking the keys. Instead, it was after the ward had taken the keys and the youth counselor was trying to retrieve the keys that the ward punched the youth counselor. The youth counselor also allegedly failed to follow policy when releasing the ward from his room.

## SOUTH REGION

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department's investigative process sufficiently complied with policies and procedures.	
<b>Disposition</b>	
The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.	
<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2012-07-12	12-2114-IR	<ol style="list-style-type: none"> <li>Dishonesty</li> <li>Other Failure of Good Behavior</li> <li>Discourteous Treatment</li> </ol>	<ol style="list-style-type: none"> <li>Sustained</li> <li>Sustained</li> <li>Sustained</li> </ol>	Dismissal	No Change

### Incident Summary

On July 12, 2012, an officer was allegedly involved in a fight with his ex-girlfriend's boyfriend at a local bar and made discourteous statements to both of them. The officer subsequently authored a memorandum which allegedly contained information contrary to statements made by several witnesses and reported in the police report.

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department's investigative process sufficiently complied with policies and procedures.	
<b>Disposition</b>	
The hiring authority determined there was sufficient evidence to sustain all allegations except the allegation that the officer was dishonest regarding the location of the altercation in a memorandum to the hiring authority, and determined that dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the officer resigned before the disciplinary action could be imposed. A letter indicating the officer resigned under adverse circumstances was placed in his official personnel file.	
<b>Disciplinary Assessment</b>	<b>Rating: Sufficient</b>
The department's disciplinary process sufficiently complied with policies and procedures.	

Incident Date	OIG Case Number	Allegations	Findings	Penalty	
				INITIAL	FINAL
2013-03-04	13-0603-IR	<ol style="list-style-type: none"> <li>Other Failure of Good Behavior</li> <li>Attendance - Unexcused Absence</li> </ol>	<ol style="list-style-type: none"> <li>N/A</li> <li>N/A</li> </ol>	No Penalty Imposed	No Change

### Incident Summary

On March 4, 2013, an officer was arrested and charged with the murder of his two-year-old son who allegedly died due to acute and chronic abusive head trauma on January 16, 2003. Additionally, from March 5, 2013, through March 15, 2013, the officer was allegedly absent from work without authorization.

<b>Investigative Assessment</b>	<b>Rating: Sufficient</b>
Overall, the department's investigative process sufficiently complied with policies and procedures.	
<b>Disposition</b>	
Following the officer's arrest in 2003, the district attorney's office determined there was insufficient evidence to prosecute the officer at that time and, consequently, the department took no disciplinary action against the officer. After the officer was arrested again in 2013, OIA Central Intake originally approved an investigation in this matter but, after reconsideration, rejected the case. The OIG concurred with the rejection. However, the officer was non-punitively terminated from the department for being absent without leave from work.	

## SOUTH REGION

Disciplinary Assessment

Not applicable.

Rating:



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**OFFICE OF THE INSPECTOR GENERAL**

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INSPECTOR GENERAL

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**STATE OF CALIFORNIA**  
October 2013