

Roy W. Wesley  
Inspector General

Office of the Inspector General

# SEMI-ANNUAL REPORT

## July–December 2017



March 2018

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

# Office of the Inspector General

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Roy W. Wesley  
*Inspector General*

Elva Núñez  
*Assistant Chief Deputy Inspector General*

Shaun R. Spillane  
*Public Information Officer*

March 2018

# Foreword

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This 26th Semi-Annual Report covers the period of July through December 2017. California Penal Code Section 6133 et seq. requires the Office of the Inspector General (OIG) to report semi-annually on its oversight of the Office of Internal Affairs internal investigations and the employee discipline process within the California Department of Corrections and Rehabilitation (CDCR, or the department). This report is a summary of the OIG's monitoring of these areas.

The department has performed well in many areas examined by this report, and it has improved since the last reporting period. In other areas, there remain opportunities for improvement.

The Office of Internal Affairs Central Intake Panel continued its efficient processing of cases in this period, with more than 98 percent of cases processed within the 30-day requirement. There were 979 cases referred to the Office of Internal Affairs. The Office of Internal Affairs opened 910 cases, 93 percent of the total referred, and the OIG accepted 236 of those (26 percent) for monitoring. Of the 979 cases reviewed by the Office of Internal Affairs Central Intake Panel, the OIG agreed with the Office of Internal Affairs' decisions in 87 percent of all cases and in 81 percent of monitored cases. As in prior reporting periods, the largest area of disagreement was peace officer dishonesty cases, discussed further in this report.

The OIG previously noted that the department lacked a policy for assessing the timeliness of investigations. The lack of a reasonable timeliness standard for Office of Internal Affairs special agents to complete investigations remains a problem. At the department's request, the OIG has changed its criteria for reviewing the timeliness of cases. In the past, the OIG used six months from the discovery of the alleged misconduct; now, the OIG uses six months from referral of the matter to the regional Office of Internal Affairs. The largest percentage of delayed investigations continues to be in the central region of the Office of Internal Affairs; the lowest percentage is in the south region. The OIG does not consider the timeliness for completing investigations when assessing the department's overall performance in individual cases.

The OIG is also reporting on a detailed analysis of monitored cases in which the OIG disagreed with the initial scope of the matter or investigation as determined by the Office of Internal Affairs. The OIG continues to disagree with the department on the effect of Labor Code Section 432.7 on employee discipline cases. This report discusses a recent opinion from the Attorney General of California that supports the OIG's position.

This report includes a detailed discussion of the performance of the department's attorneys during hearings before the State Personnel Board (the board). The department litigated 23 discipline cases before the board, which upheld discipline as reflected in the disciplinary action in 13 of those 23 cases.

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).

— ROY W. WESLEY, INSPECTOR GENERAL

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# Discipline Monitoring Activities

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The Discipline Monitoring Unit of the Office of the Inspector General (OIG) is responsible for monitoring the employee discipline process of the California Department of Corrections and Rehabilitation (CDCR or the department). The OIG monitors and assesses the department's most serious internal investigations of alleged employee misconduct, as well as hiring authorities' disciplinary decisions.<sup>1</sup> If a hiring authority sustains any allegations, the OIG continues monitoring the quality of the legal representation for the department in any subsequent appeal. This report is a summary of OIG monitoring activities for both administrative and criminal investigations, as well as an assessment of the disciplinary process.

The OIG performs this assessment pursuant to Penal Code Section 6133. Part of the assessment is based on CDCR's adherence to its own policy, and part is based on the OIG's expert opinion regarding the quality of the investigation, accuracy of the disciplinary findings, and whether the discipline imposed is reasonable and within the department's guidelines.

The OIG reports each administrative case in two separate phases, the Investigative Phase and the Disciplinary Phase. For each phase, there is both a procedural assessment and a substantive assessment. The procedural assessment rates the department's adherence to its own policies. Internal investigations are complex, and the department's policies address many procedural aspects. While the OIG understands that minor procedural errors do not necessarily render an investigation insufficient, major or multiple departures from the process are unacceptable because they eventually cause breakdowns and lead to substantive insufficiencies. The substantive assessment rates whether the investigation accomplished the Investigative Phase goal of providing the hiring authority adequate information to render a decision supported by a preponderance of evidence. The substantive assessment also reflects the OIG's opinions on whether the department attorney performed competently, as well as whether the hiring authority made correct decisions. The opinion of the OIG is that conducting timely, high-quality investigations avoids the necessity for a hiring authority to render a decision based on delayed or incomplete information.

Timely and thorough investigations are the underpinning of effective employee discipline and, as such, continue to be a focus of OIG monitoring. Pursuant to the Department Operations Manual, Section 31140.30, internal investigations "shall be conducted with due diligence and completed in a timely manner in accordance with the law, applicable MOU's [*sic*], and the Office of Internal Affairs' Investigator's Field Guide." The OIG's assessment includes an appraisal of the department's adherence to this directive. The OIG currently determines that an investigation was timely if it was completed within six months of assignment to a regional office. The OIG also looks at some cases in which the Office of Internal Affairs special agents' professionalism and skill had a positive effect.

The Combined Phase appendix (Appendix A) contains those cases in which an administrative investigation has been completed; the hiring authority has rendered decisions regarding the

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<sup>1</sup> Generally, this individual is the warden of an institution, the superintendent of a juvenile facility, or a regional parole administrator of a parole region.

investigation, allegations, and discipline; and those decisions have become final. Cases in which the hiring authority did not sustain any misconduct allegations are also included in the Combined Phase appendix.

The Disciplinary Phase appendix (Appendix B) reports cases once the department decides to impose discipline and after completion of any appeal process.

Both the Disciplinary Phase and Combined Phase appendices include cases in which the Office of Internal Affairs approved direct disciplinary action without a full investigation because it deemed the facts sufficiently established. Sometimes these cases include an interview of the employee who is the subject of the investigation.

Appendices A and B also set forth the penalties imposed. The OIG reports the highest initial and the highest final penalty for each employee's misconduct. The initial penalty is the penalty the hiring authority selected. The final penalty may be different because new information caused a hiring authority to change the penalty or enter into a settlement (an agreement between the department and employee). It also includes a change to the penalty resulting from a State Personnel Board decision after a hearing. The final penalty reported in each case is always the highest penalty imposed for misconduct by any employee under investigation.

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

When a department employee uses deadly force, the Office of Internal Affairs conducts a criminal and an administrative investigation, unless the criminal investigation is conducted by an outside law enforcement agency. Deadly force investigations are reported in Appendix D.

This report provides an assessment of 232 monitored cases (180 Combined Phase (Appendix A), 22 Disciplinary Phase (Appendix B), 17 Criminal Cases (Appendix C), and the department's 13 deadly force investigations (Appendix D)) that closed from July 1 through December 31, 2017. The department alleged administrative misconduct in 213 cases, including cases investigated, cases with only interviews of the employee or employees who were subject of the investigation, and cases in which there were sufficient facts to proceed without an investigation. The remaining 19 cases involved alleged criminal misconduct. In a separate section, the OIG reports on criminal and administrative investigations into uses of deadly force by department employees. There are 13 cases reported in this section (11 administrative and 2 criminal).

The reported cases are those that concluded during this period. To protect the integrity of the process, the OIG only reports those cases after all proceedings are final.

# The Employee Discipline Process

Whenever a hiring authority reasonably believes employee misconduct may have occurred, he or she is responsible for timely requesting an investigation or approval for direct action from the Office of Internal Affairs.<sup>2</sup> The hiring authority refers the matter to the Office of Internal Affairs Central Intake Unit. The Office of Internal Affairs subsequently determines whether an internal investigation is warranted, whether enough information exists for the department to proceed without an investigation, whether an interview of the employee(s) is necessary, or whether there is no reasonable belief misconduct has occurred. The OIG participates in the Office of Internal Affairs Central Intake Panel meetings to monitor the process, provide recommendations regarding panel determinations, and determine which cases we will monitor.

The following table is the OIG guide for determining which cases we accept for monitoring.

<i>Madrid-Related</i> Criteria <sup>3</sup>	OIG Monitoring Threshold
Use of Force	Use of force resulting in, or which could have resulted in, serious injury or death or discharge of a deadly weapon.
Dishonesty	Perjury; material misrepresentation in an official law enforcement report; failure to report a use of force resulting in, or which could have resulted in, serious injury or death; or material misrepresentation during an internal affairs investigation.
Obstruction	Intimidating, dissuading, or threatening witnesses; retaliation against an inmate or against another person for reporting misconduct; or the destruction or fabrication of evidence.
Sexual Misconduct	Sexual misconduct prohibited by Penal Code Section 289.6.
High Profile	Cases involving alleged misconduct by high-ranking department officials; misconduct by any employee causing significant risk to institutional safety and security, or for which there is heightened public interest, or resulting in significant injury or death to an inmate, ward, or parolee (excluding medical negligence).
Abuse of Position or Authority	Unorthodox punishment or discipline of an inmate, ward, or parolee; or purposely or negligently creating an opportunity or motive for an inmate, ward, or parolee to harm another inmate, staff, or self, i.e., suicide.
Criminal Conduct	Trafficking of items prohibited by the Penal Code or criminal activity that would prohibit a peace officer, if convicted, from carrying a firearm (all felonies and certain misdemeanors such as those involving domestic violence, brandishing a firearm, and assault with a firearm).

<sup>2</sup> The Office of Internal Affairs may also open a case on its own, without a hiring authority's referral.

<sup>3</sup> *Madrid v. (Gomez) Cate*, 889 F. Supp. 1146 (N.D. Cal. 1995).



We monitor the cases with the most serious allegations of misconduct. For the July through December 2017 period, we accepted for monitoring 26 percent of the cases opened by the Office of Internal Affairs. Once we accept a case for monitoring, we monitor the case through the entire process. If the Office of Internal Affairs conducts an investigation, the assigned OIG attorney, a Special Assistant Inspector General, monitors the investigation. The investigators and the department attorney, if one is designated, consult with the OIG attorney throughout the process.

When the investigation is complete, the hiring authority is required to review the investigative report within 14 days of receipt. Policy requires the hiring authority to consult with the assigned OIG attorney regarding the findings and disciplinary decisions. If the OIG attorney believes the hiring authority's decision is unreasonable, the OIG may elevate the matter to a higher level through an executive review process.<sup>4</sup>

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

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

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<sup>4</sup> Department Operations Manual, Section 33030.14.

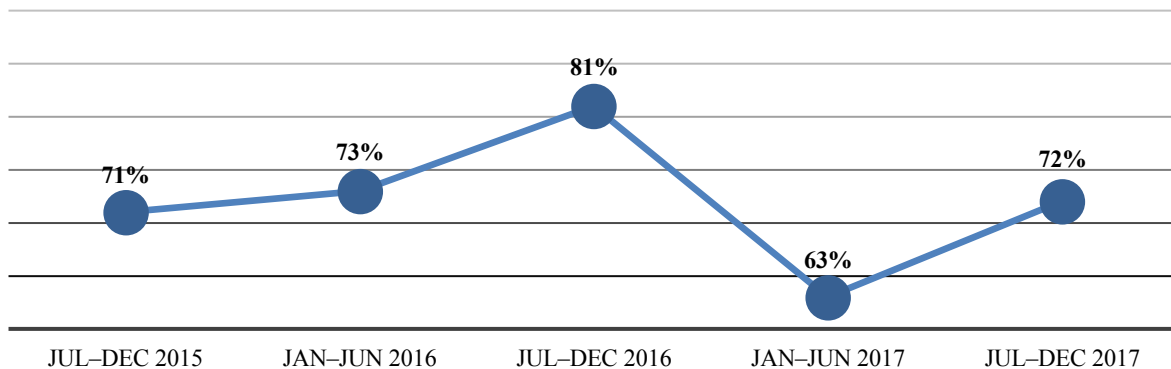
# Monitoring the Investigative Phase

The Investigative Phase begins when the hiring authority submits a case to the Office of Internal Affairs or the Office of Internal Affairs opens a case on its own. The Investigative Phase ends when the hiring authority determines whether the investigation is sufficient and whether to sustain any of the allegations. This phase involves hiring authorities, Office of Internal Affairs special agents, and department attorneys, when assigned.<sup>5</sup> The hiring authority, Office of Internal Affairs special agents, and department attorneys each contribute to the sufficiency of this phase; their performance is discussed in separate sections of this report.

The process begins when the hiring authority requests the Office of Internal Affairs conduct an administrative or criminal investigation, interview the affected employee, or authorize disciplinary action without an investigation. The hiring authority must refer all matters to the Office of Internal Affairs within 45 days of learning of potential misconduct. Meeting this referral time frame is critical to a timely decision on whether to impose discipline.

During the reporting period of January through June 2017, hiring authorities timely referred 63 percent of reported cases monitored by the OIG. For the period of July through December 2017, hiring authorities improved and timely referred 72 percent of reported cases monitored by the OIG. The chart below shows the timeliness of referrals statewide for the five most recent reporting periods.

**Chart 1. Percent of Monitored Cases Referred to the Office of Internal Affairs by the Hiring Authority within 45 Days**



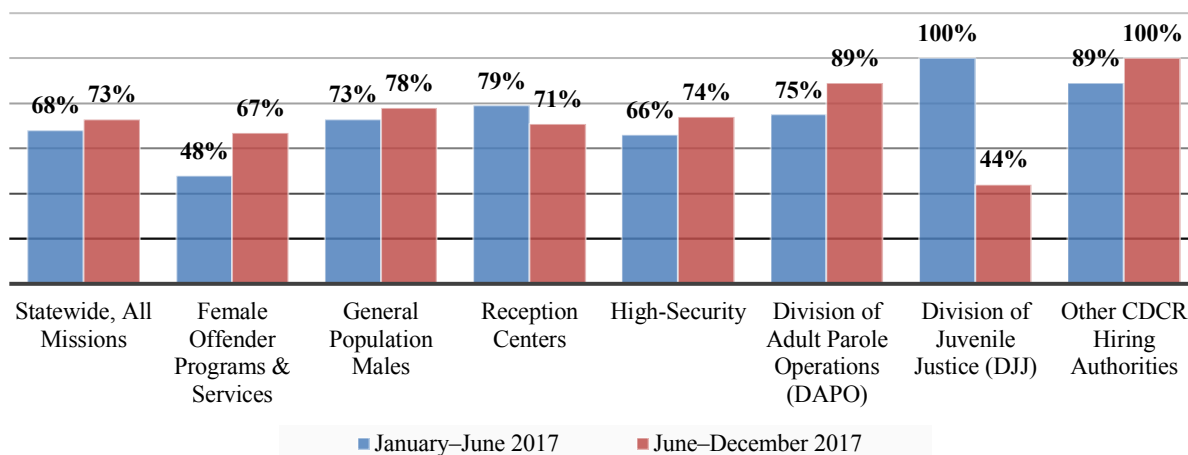
<sup>5</sup> Not every case is assigned to a department attorney in the Investigative Phase. Investigators from the Office of Internal Affairs are referred to as “special agents.”

Adult institutions are grouped by mission. The OIG reviews the timeliness of hiring authority referrals by mission because each hiring authority is responsible for timely referrals and because the department groups institutions by mission, with a separate associate director assigned to each mission type. The principal missions are Female Offender Programs and Services/Special Housing, General Population Males, Reception Centers, and High Security.

The Office of Internal Affairs also receives referrals from hiring authorities from the Division of Adult Parole Operations (DAPO), the Division of Juvenile Justice (DJJ), and other department divisions and offices.

The timeliness of referrals has improved overall, from 68 percent in the previous reporting period to 73 percent in the current one. Reception Center institutions' performance declined slightly from 79 percent timely referrals to 71 percent. The Division of Juvenile Justice's timely referrals declined markedly from 100 percent last reporting period to 44 percent, but that comparison is somewhat misrepresentative because the OIG reported only one Division of Juvenile Justice case in the prior period; however, in the current period, five out of nine reported cases were referred more than 45 days after the hiring authority discovered the misconduct.

**Chart 2. Timeliness of Hiring Authority Referrals by Mission**



Usually, the Office of Internal Affairs returns the case to the hiring authority to take disciplinary action without an investigation or employee interview. In other cases, the Office of Internal Affairs conducts an investigation, and, in some cases, the Office of Internal Affairs interviews the employee(s) suspected of misconduct. Hiring authorities do not make findings in criminal cases. The Office of Internal Affairs refers criminal investigations to prosecuting agencies for filing consideration when there is sufficient evidence an employee committed a criminal offense.

For administrative cases, the hiring authority is required to confer with the department attorney (if one is assigned) and the OIG (for monitored cases) within 14 days and determine whether the investigation or evidence is sufficient to allow a determination as to which finding is appropriate. There are four possible findings, as follows: *sustained* (the evidence proves the truth of the allegation by a preponderance); *not sustained* (there is insufficient evidence to prove the truth of the allegation); *unfounded* (the evidence conclusively disproves the allegation); and *exonerated*

(the employee performed the alleged act(s) but was justified; therefore, the act(s) were not misconduct).

If the investigation is not sufficient to allow a determination, the hiring authority must decide whether to return the matter to the Office of Internal Affairs for additional investigation. This is done in consultation with the department attorney and the OIG. Factors affecting the decision to return a case for further investigation include the time remaining to take disciplinary action and the potential availability of additional evidence. Late referrals by the hiring authority, delayed action by the Office of Internal Affairs Central Intake Unit, untimely investigation by the Office of Internal Affairs special agents, or delay by the hiring authority in conducting the findings and penalty conference may result in insufficient time to conduct additional investigation before the time limit to take disciplinary action expires. The OIG monitors timeliness in these areas in order to identify the source and cause of delays.

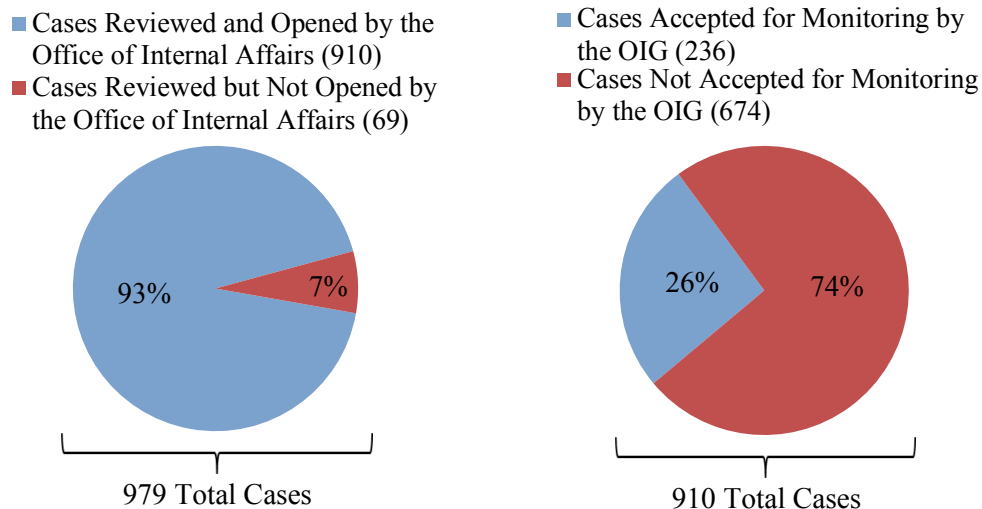
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# Monitoring the Office of Internal Affairs Central Intake Panel

Pursuant to the Department Operations Manual, Section 31140.3, the Office of Internal Affairs Central Intake Panel (panel) is a group of stakeholders led by the Office of Internal Affairs that ensures that all referred allegations of employee misconduct are consistently evaluated. Individuals who participate regularly in the panel include, but are not limited to, the Deputy Director of the Office of Internal Affairs, or designee; the Assistant Chief Deputy Inspector General, or designee; the Chief Counsel of the Employee Advocacy and Prosecution Team, or designee; assigned special agents; and other pertinent departmental representatives. The Deputy Director has the authority to initiate internal affairs investigations without referrals from a hiring authority and is ultimately responsible for the acceptance or rejection of all cases reviewed by the panel.

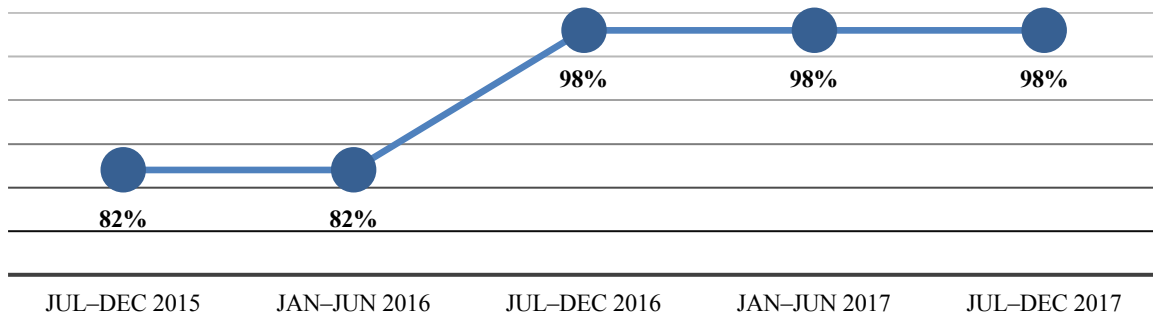
The panel meets weekly to review referrals for investigation submitted from throughout the department. OIG attorneys review the referrals and attend each weekly meeting. OIG attorneys provide recommendations to the department regarding whether the department should investigate matters and the level of investigation needed, and identify those cases the OIG will monitor. In the six-month reporting period of July through December 2017, the OIG reviewed 979 cases forwarded to the Office of Internal Affairs for evaluation. The Office of Internal Affairs opened 910 of those cases, or 93 percent. Of the 910 cases the Office of Internal Affairs opened, the OIG accepted 236 cases for monitoring, or 26 percent (Chart 3).

**Chart 3. Cases Opened by the Office of Internal Affairs and Accepted for OIG Monitoring**



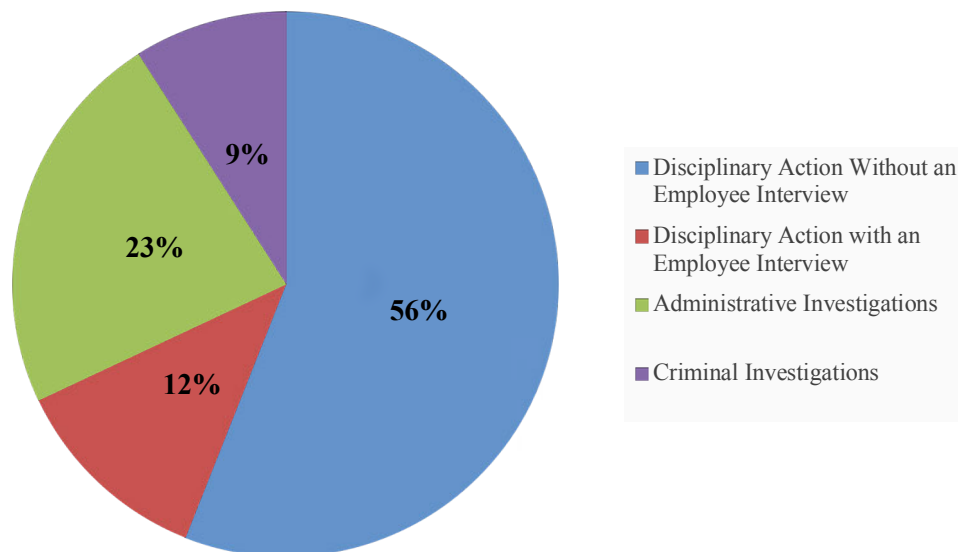
Departmental policy requires the Office of Internal Affairs to make a determination regarding the case within 30 days of referral. This is the third consecutive reporting period in which the Office of Internal Affairs has made a determination on more than 98 percent of the cases it reviewed within 30 days. Chart 4 reflects the trend for timely determinations during the past five reporting periods. A timely initial determination by the Office of Internal Affairs is critical to completing a timely investigation, and it has demonstrated proficiency in this area.

**Chart 4. Percent of Cases with Timely Determinations by the Office of Internal Affairs Central Intake Panel**



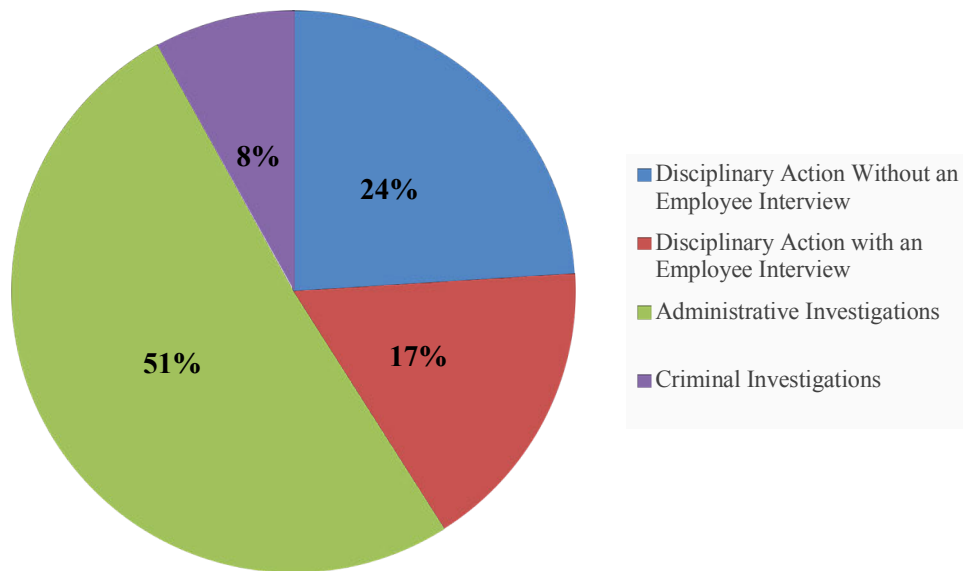
Most of the cases opened by the Office of Internal Affairs, 56 percent, were returned to the hiring authority for action without an investigation or employee interview. Of the remaining cases, 9 percent were opened as criminal investigations, 12 percent were opened for an employee interview prior to taking action, and 23 percent were opened as administrative investigations (Chart 5).

**Chart 5. Types of Cases Opened by the Central Intake Panel**



The breakdown is different for monitored cases. This is because the OIG only monitors the most serious cases and a much higher percentage require a full investigation. The OIG monitored the investigative phase in 232 cases closed during this reporting period. Of those cases, 51 percent required an administrative investigation, 8 percent required a criminal investigation, 17 percent required an interview of the affected employee, and, in 24 percent, there was sufficient information to make findings and disciplinary determinations without any investigation. Chart 6 illustrates the disposition by case type of all OIG-monitored cases during this reporting period.

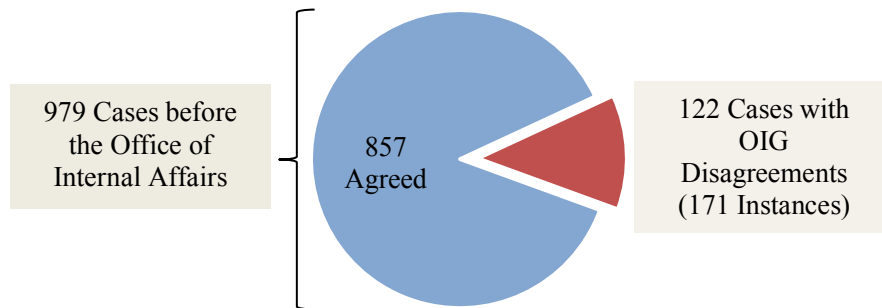
**Chart 6. *Types of OIG-Monitored Cases***



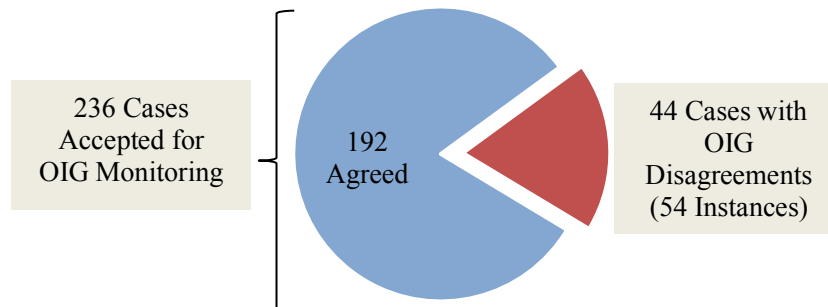
## OFFICE OF INTERNAL AFFAIRS CENTRAL INTAKE PANEL DISAGREEMENT CASES

The Office of Internal Affairs may reject a case because there is no reasonable belief misconduct has occurred; return the case to the hiring authority to take action without an investigation; return the case to the hiring authority to take action after an interview of the subject(s) of the investigation; or open an administrative or criminal investigation. The OIG agreed with the Office of Internal Affairs' determination in 857 cases, or 88 percent, of the 979 cases reviewed by the panel. Disagreements were typically because of faulty or incomplete analysis by the Office of Internal Affairs. Office of Internal Affairs special agents' speculative opinions as to motivation behind potential misconduct still negatively influence decisions. The Office of Internal Affairs is often satisfied to address the surface misconduct identified by the referring hiring authority, showing unwillingness to look deeper at failure of supervision, other contributing causes, or misconduct of wider scope than initially identified by the hiring authority.

**Chart 7. All Cases in Which the OIG Disagreed with the Office of Internal Affairs**

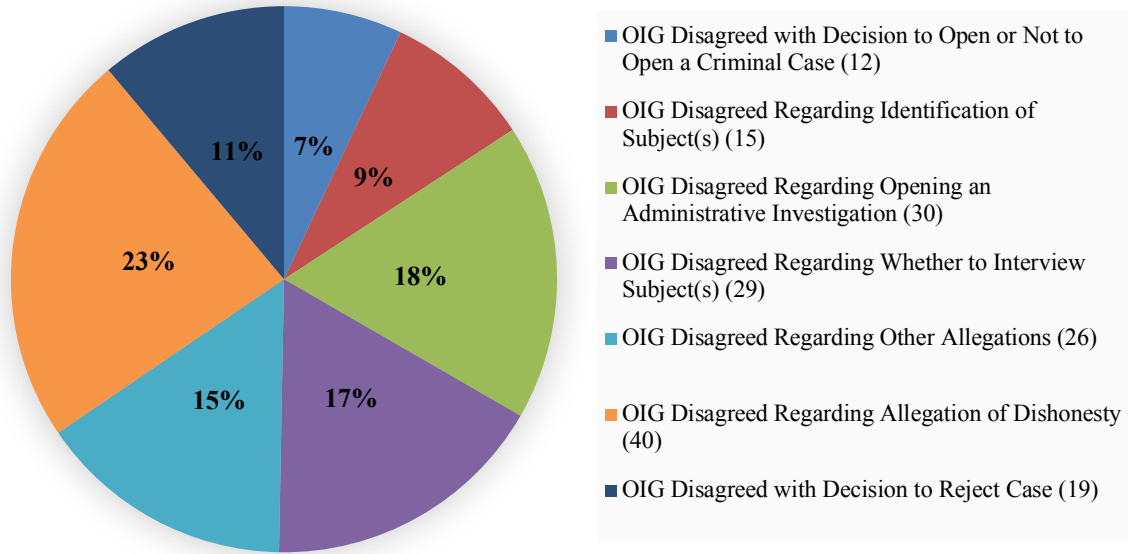


**Chart 8. OIG-Monitored Cases in Which the OIG Disagreed with the Office of Internal Affairs**

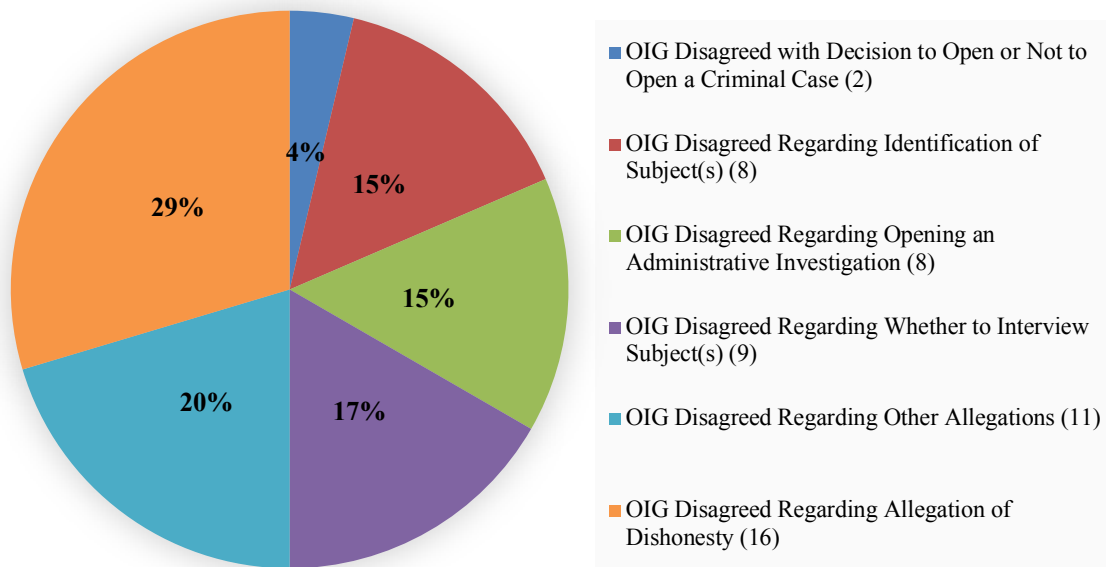




**Chart 9. Reasons the OIG Disagreed with the Office of Internal Affairs, All Cases**



**Chart 10. Reasons the OIG Disagreed with the Office of Internal Affairs, OIG-Monitored Cases**



Of the 122 cases considered by the panel in which the OIG disagreed, or 12 percent, the most common cause of disagreement was the Office of Internal Affairs’ decision not to add a dishonesty allegation (40 cases). Other disagreements arose from the Office of Internal Affairs’ rejection of OIG recommendations for an investigation, recommendations for an interview of the employee in cases in which a full investigation was not authorized, and recommendations for adding additional subjects and adding allegations other than dishonesty. The OIG disagreed with the Office of Internal Affairs’ determination in a greater percentage of monitored cases. Monitored cases are generally those involving more serious misconduct. The OIG disagreed with the Office of Internal Affairs’ determination in 44 out of 236 monitored cases opened during this reporting period (19 percent), and again, the addition of a dishonesty allegation was the most

common reason for disagreement; this reason applied in 16 monitored cases (7 percent) and was the basis for 36 percent of the disagreement cases. Disagreement cases reported for this period are analyzed later in this report.

From July to December 2017, the Office of Internal Affairs rejected the OIG recommendation to open an investigation or interview the employee(s) in 58 cases. The Office of Internal Affairs rejected 19 of the 58 cases outright, depriving the hiring authority of the ability to impose discipline for identified misconduct. The OIG disagreements with decisions by the Office of Internal Affairs included 29 cases the OIG recommended for administrative investigation; 29 cases recommended for an employee interview; 40 cases with evidence to support adding dishonesty allegations; 12 cases that should have been opened as criminal investigations; 4 cases in which evidence supported investigating a code of silence; and 4 cases in which additional employees were implicated in the misconduct.<sup>6</sup>

The OIG analyzed 33 cases reported in this period in which the OIG disagreed with the Office of Internal Affairs' decision. In six of the cases, the OIG did not identify any actual or potential harm to the outcome, ultimately vindicating the Office of Internal Affairs' decisions.

In 27 of the monitored cases in which the OIG disagreed with the Office of Internal Affairs, or 82 percent, the Office of Internal Affairs' failure to accept the OIG recommendation affected the quality of the outcome. This is 13 percent of the cases reported for this period.

Included in this report is a representative sample of the disagreement cases. The OIG often recommends an investigation to gather facts because clearing an employee of suspected misconduct is as important as holding employees accountable for their actions. The following are cases that illustrate the OIG's disagreements with the Office of Internal Affairs:

- In one case, the Office of Internal Affairs rejected the OIG recommendation to add dishonesty allegations against a captain and three officers. The captain wrote two inconsistent reports regarding a single use-of-force incident, and the officers wrote reports omitting the force each officer witnessed. The failure to conduct an investigation prevented the hiring authority from addressing potential dishonesty or learning whether there was a reasonable explanation for the apparent discrepancy.
- The OIG did not concur with the Office of Internal Affairs' decision not to open an investigation because witnesses gave conflicting accounts of events. An investigation would have clarified and resolved the conflicts. The hiring authority was not able to address misconduct because the lack of an investigation deprived the hiring authority of evidence necessary to prove misconduct, or to make a credibility determination that might have supported the officer's version of the events.
- The OIG did not concur with the Office of Internal Affairs' decisions to not open an investigation and to not add a dishonesty allegation for a sergeant, who omitted a critical fact from his report. An investigation would have provided sufficient evidence to address

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<sup>6</sup> The number of disagreements is not the same as the number of cases with disagreements because there was more than a single disagreement in some cases and only significant disagreements are discussed.

the misconduct with disciplinary action or a reasonable explanation for the material omission.

- In another case, a captain dismissed a rules violation filed against an inmate without providing adequate justification. The hiring authority was not able to make a disciplinary finding because the Office of Internal Affairs would not authorize an interview of the captain as requested by the OIG. The OIG recommended interviewing the captain to find out why he dismissed a rules violation disciplinary action against an inmate. This interview would have allowed the hiring authority to determine whether the captain misused his authority as alleged.
- The OIG recommended adding a dishonesty allegation and interviewing an officer about statements the officer made to outside law enforcement that contradicted statements made by another witness. The Office of Internal Affairs did not approve the interview or add a dishonesty allegation. The Office of Internal Affairs also denied two additional requests from the hiring authority and department attorney that the officer, his girlfriend, and the arresting officer be interviewed. The failure to conduct interviews prevented the hiring authority from properly evaluating the alleged misconduct.
- The OIG did not concur with the Office of Internal Affairs' decision to add a sergeant as a subject of the investigation because there was insufficient evidence the sergeant violated a clear and lawful order and the sergeant was one of the parties who reported the alleged misconduct. After the Office of Internal Affairs completed its investigation, the hiring authority did not find the sergeant engaged in misconduct. The harm to the department stems from placing a sergeant under investigation for more than ten months despite a lack of information indicating the sergeant engaged in misconduct.
- The OIG did not concur in another case because the Office of Internal Affairs did not open an investigation, add additional officers, or add a dishonesty allegation despite the evidence indicating multiple officers engaged in potential misconduct, the subject officer falsely documented the institutional count, and multiple factual questions were in need of resolution. The department's failure to investigate as recommended by the OIG prevented the hiring authority from addressing the full scope of the potential misconduct or clearing the subject officers.
- The OIG did not concur with the Office of Internal Affairs' decision to not open an administrative investigation, interview an officer, or add a dishonesty allegation even though witnesses contradicted the officer's statements. The department's failure to open an investigation as recommended by the OIG prevented the hiring authority from fully addressing the officer's potential dishonesty and discourteous treatment of inmates or developing evidence to exonerate the officer.
- The OIG did not concur with the Office of Internal Affairs' decision to not approve an interview of an officer regarding an allegation that he tested positive for a barbiturate. After the hiring authority placed the officer on administrative time off and then dismissed him, the hiring authority learned the officer had a prescription for the barbiturate. If the department had interviewed the officer as the OIG recommended, the cost to the department and to the officer could have been avoided.

In many cases, the department attorney and the OIG attorney agreed on a recommendation, but the Office of Internal Affairs special agents, who are not attorneys and have no litigation experience, rejected the OIG attorney's and the department attorney's legal analysis and recommendations. The following are examples of cases in which the Office of Internal Affairs rejected joint recommendations by its own department attorney and the OIG attorney:

- An inmate informant, who had previously provided reliable information, gave detailed information to the department about an officer's gang affiliation and the officer introducing contraband into an institution for inmate use and personal gain. The department attorney and the OIG recommended that the Office of Internal Affairs open an investigation. Instead, the Office of Internal Affairs rejected the case.
- An inmate reported an officer told him to stop filing appeals and threatened to falsely accuse the inmate of assaulting staff. The department attorney and the OIG recommend that the Office of Internal Affairs open an investigation. The Office of Internal Affairs rejected the case.
- A ward reported that an officer was sharing confidential information about the ward with other wards, putting him in danger. The department attorney and the OIG recommended opening an investigation. The Office of Internal Affairs rejected the case.
- A civilian witness called to report a man brandishing a gun. The witness reported the license plate number of the car and identified the driver as male. The time and location of the incident were consistent with the male officer's likely route to work, and the officer worked on the day in question. The department attorney and the OIG recommended that the Office of Internal Affairs open an investigation. Instead, the Office of Internal Affairs rejected the case.
- After an institution confiscated 135 mobile phones from inmates in one institution, an inmate identified a counselor and three officers as those responsible for introducing the mobile phones. The department attorney and the OIG recommended that the Office of Internal Affairs open an investigation. The Office of Internal Affairs rejected the case.
- Officers found a confidential 32-page inmate waiting list report in an inmate's cell. The user identification on the report identified the accounting technician whose user account was used to print the report. The department attorney and the OIG recommended opening an investigation to determine how the inmate came to be in possession of the confidential report. The Office of Internal Affairs, however, rejected the case.

The OIG recommends the department change its policy so that when the department attorney from its Employment Advocacy and Prosecution Team, or the OIG attorney, requests an investigation or an interview of an employee in connection with suspected misconduct, that request should be granted.<sup>7</sup>

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<sup>7</sup> The Employment Advocacy and Prosecution Team (EAPT) is a group of attorneys from CDCR's Office of Legal Affairs responsible for litigating disciplinary actions against department employees. The EAPT does not litigate all disciplinary cases involving department employees. Generally, higher-level or more serious cases are assigned or

Furthermore, there are 2 senior special agents and 12 special agents assigned to Office of Internal Affairs Central Intake Unit. The OIG recommends that these special agents, who are already familiar with cases based on their analysis before presenting the cases to the panel, be assigned to conduct employee interviews when an employee interview, but not a full investigation, is approved. This will liberate special agents assigned to regional teams to conduct the additional investigations as authorized. Currently, Office of Internal Affairs Central Intake Unit special agents initially analyze each case and, if an employee interview or investigation is authorized, the case is subsequently assigned to a regional special agent to learn anew and conduct the employee interview or investigation.

In addition, the Office of Internal Affairs Central Intake Unit special agents currently draft allegations for cases to be investigated by the Office of Internal Affairs and cases approved for direct disciplinary action. The OIG recommends delegating drafting of allegations for cases to be investigated and for cases in which an employee interview is authorized to the assigned regional special agent to be done in consultation with the department attorney (designated cases) and the OIG (monitored cases). The assigned regional special agent, not the special agent from the Central Intake Unit, is the special agent who will actually conduct the investigation or employee interview and should, therefore, have the responsibility for drafting the allegations. These workload shifts would provide the Office of the Internal Affairs the ability to conduct the additional investigations and interviews recommended by stakeholders during the Office of Internal Affairs Central Intake Panel meetings without having to increase the number of special agents assigned to the Office of Internal Affairs.

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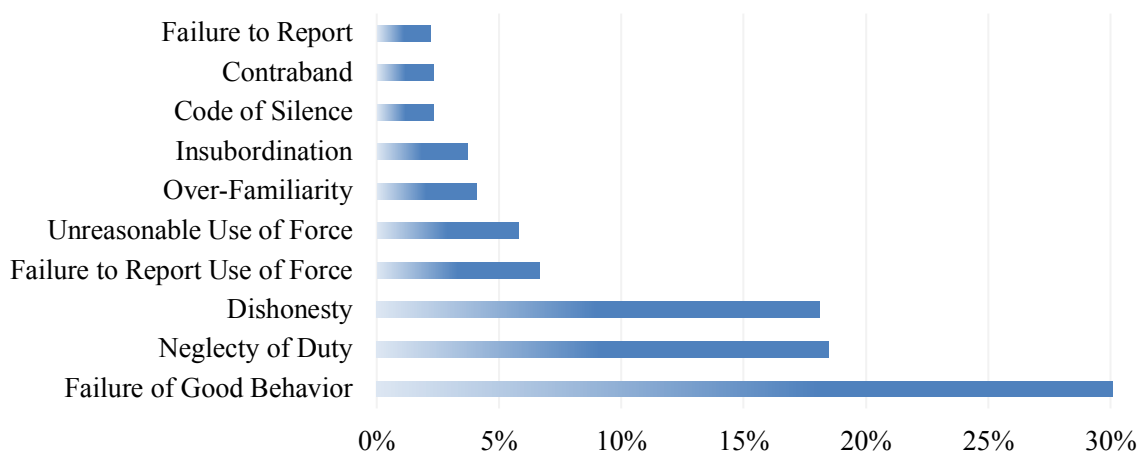
“designated” to be litigated by EAPT, while employee relations officers (generally non-attorneys) litigate the less-serious employee discipline cases.

## ALLEGATION TYPE DISTRIBUTION

The OIG continues to focus a large portion of its monitoring activities on cases involving core *Madrid* issues.<sup>8</sup> These allegations involve unreasonable use of force, dishonesty, code of silence, and failure to report misconduct. Cases involving alleged misconduct by peace officers are given priority for monitoring. In this reporting period, we monitored cases involving 280 peace officers, representing 92 percent of all subjects reported in the monitoring tables.

Chart 11 below provides a summary of the allegations, both core *Madrid* allegations and other non-criminal types, for the cases being reported. A single case may contain multiple allegations of misconduct or allege misconduct by more than one employee. Therefore, the number of allegations exceeds the number of cases monitored. Chart 11 reflects the percentage of the specific categories when compared to the total number of allegations and allegation distribution for the cases the OIG monitored and reported during the July through December 2017 reporting period, excluding criminal investigation cases.

**Chart 11. Allegations in Cases Monitored and Closed by the OIG**



<sup>8</sup> *Madrid v. (Gomez) Cate*, 889 F. Supp. 1146 (N.D. Cal. 1995).

# Monitoring the Investigative Phase

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The OIG monitors and provides transparency for the entire investigative phase for both administrative and criminal investigations. The OIG monitoring encompasses all participants in this process: the department hiring authorities, Office of Internal Affairs special agents, and department attorneys from the Office of Legal Affairs Employment Advocacy and Prosecution Team. Any or all of the participants' performance may contribute to the OIG's rating. The OIG rates the department as a whole and cautions the reader not to assume an *insufficient* rating is aimed at any one participant. Monitoring includes providing recommendations in real time regarding the scope of the investigation, attending interviews, reviewing evidence and investigative reports, as well as monitoring the timeliness of the investigative process. As noted previously, pursuant to Penal Code Section 6133, the OIG reports its expert opinion regarding the quality of the investigation as a whole as well as the department's compliance with policy.

## SPECIAL AGENTS' PERFORMANCE

In this reporting period, there were 158 cases in which Office of Internal Affairs special agents conducted criminal or administrative investigations or interviewed employees suspected of engaging in misconduct. The OIG assessed the special agents' consultation, planning, preparation, and thoroughness of interviews and investigation reports as *sufficient* more than 97 percent of the time in those cases.<sup>9</sup> Although the OIG assessed the special agents' performance in four cases as being less than thorough, those investigations did not cause harm to the disciplinary process such that a hiring authority was prevented from accurately identifying misconduct or imposing discipline. Overall, the effectiveness and quality of the investigative work done by Office of Internal Affairs special agents was proficient. The following examples illustrate the excellent investigative work of which the Office of Internal Affairs special agents are capable.

- An officer allegedly accessed confidential inmate information and engaged in an overly familiar personal relationship with an inmate. The hiring authority placed the officer on administrative leave and requested an investigation. The Office of Internal Affairs assigned a special agent who conducted a thorough investigation leading to dismissal of the officer in less than three months. The timeliness and quality of the investigation were excellent.
- A lieutenant allegedly engaged in an overly familiar relationship with an inmate by exchanging text messages, telephone calls, and photographs. A special agent used an innovative technique to prove the lieutenant watched a sexually-oriented video depicting the inmate on a mobile device. The investigation supported the hiring authority's dismissal of the lieutenant, with the State Personnel Board upholding the dismissal.
- After an officer was arrested for allegedly driving while under the influence of alcohol, the hiring authority requested authorization to take disciplinary action and for an

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<sup>9</sup> The rating of the special agents' performance (97 percent) was higher than the overall assessment of investigative phase cases, which includes assessment of the hiring authorities and department attorneys.

interview of the officer. The special agent assigned to conduct the interview followed up on information provided by the officer and discovered the officer engaged in other misconduct by failing to report his driver's license suspension and his arrest for illegal hunting. The additional information supported the hiring authority's decision to dismiss the officer.

## **TIMELINESS OF THE INVESTIGATION AND DISCIPLINE PROCESS**

A core *Madrid* concern was the department's failure to timely complete investigations, often resulting in the time limit for taking disciplinary action precluding the imposition of discipline. Failure to meet the time limit for taking disciplinary action is now rare in monitored cases. Prompt and effective disciplinary action requires the hiring authority to timely identify and refer potential misconduct; the Office of Internal Affairs must timely and properly scope the action; the special agents must timely and thoroughly complete investigations; and the department attorneys must provide hiring authorities and special agents with competent legal advice. Finally, hiring authorities must timely act to make findings and impose consequences commensurate with the misconduct and that are within the department's guidelines.

The OIG assesses the timeliness of each stakeholder's completion of its part of the process, using the Department Operations Manual as a guide. Once potential staff misconduct is identified, hiring authorities must refer the matter to the Office of Internal Affairs within 45 days. The Office of Internal Affairs must act on the referral within 30 days. If the matter is approved for disciplinary action without an investigation or interview of the employee, the matter is returned to the hiring authority who then has 14 days to convene the findings and penalty conference and make disciplinary findings. If any of the allegations are sustained, the hiring authority will take corrective action or impose discipline in accordance with department guidelines.

The department conducts some type of investigation (criminal, administrative, or interview of the employee(s)) in 44 percent of all cases opened. In the more serious cases monitored by the OIG, 73 percent include a criminal investigation, administrative investigation, or interview of the employee. The department designates the cases that are more serious and assigns them to a department attorney. This department attorney is required to contact the special agent (and the OIG monitor when one is assigned) within 21 days of assignment to discuss the elements of a thorough investigation and consult on the development of an investigation plan. Department attorneys attend critical interviews to assess the credibility of those interviewed and make legal recommendations as the investigation progresses.

After the investigation is completed and returned to the hiring authority, the hiring authority is to convene a findings and penalty conference within 14 days of the investigation's completion. If the decision is to take disciplinary action, the department attorney is responsible for preparing the action. If the employee is a peace officer, department policy requires serving the disciplinary action within 30 days of the decision to impose discipline. All of this must be completed before the time limit to take disciplinary action expires. For peace officer employees, this is usually one year from when the misconduct is discovered, and for other employees, it is generally three years from the date of the misconduct. The smaller the delay, the better the process works for all concerned.

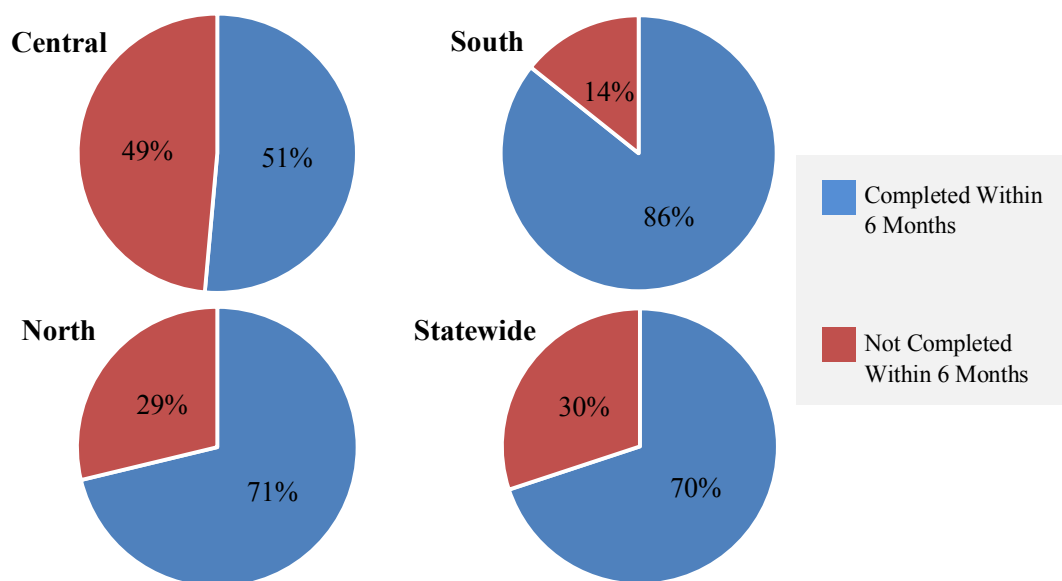


As explained in prior reports, delayed investigations place the affected employees in career limbo because they will not be promoted and generally cannot transfer while an investigation is pending. In addition, memories degrade over time, physical evidence may be lost, and the department may incur civil liability if the misconduct continues. In short, timely investigation of alleged misconduct reduces the negative consequences for both employees and the department. Timeliness requirements for each of the stakeholders were incorporated into the Department Operations Manual as part of the *Madrid* reforms.

Timeliness of hiring authorities' and department attorneys' actions is discussed elsewhere. This section of the report concerns the timeliness and quality of the investigations completed by Office of Internal Affairs special agents. The OIG assesses the timeliness and quality of investigations based on special agents' consultation with other stakeholders, preparation for interviews, identification and use of effective investigative tools, thorough interviews, complete reports, and overall thorough investigations.

Beginning with this reporting period, the OIG has, for statistical purposes only, assessed the timeliness of investigations based on completion within six months of referral to one of the regional offices of the Office of Internal Affairs. The Office of Internal Affairs met this timeliness assessment in 70 percent of monitored cases. In the January through June 2017 reporting period, the OIG assessed the timeliness of investigations based on six months from the discovery of potential misconduct. Previous to that period, the OIG assessed the timeliness of investigations beginning from when the hiring authority discovered the alleged misconduct. The change allows the OIG to assess the timeliness of the actual investigation, excluding delays by a hiring authority or the Office of Internal Affairs Central Intake Unit. The southern region, whose special agents have the lowest average caseload, turned in the best performance under this measure, completing almost 86 percent of cases within six months; the northern region came next with more than 71 percent completed within six months; and the central region trailed with only 51 percent of investigations completed within six months.

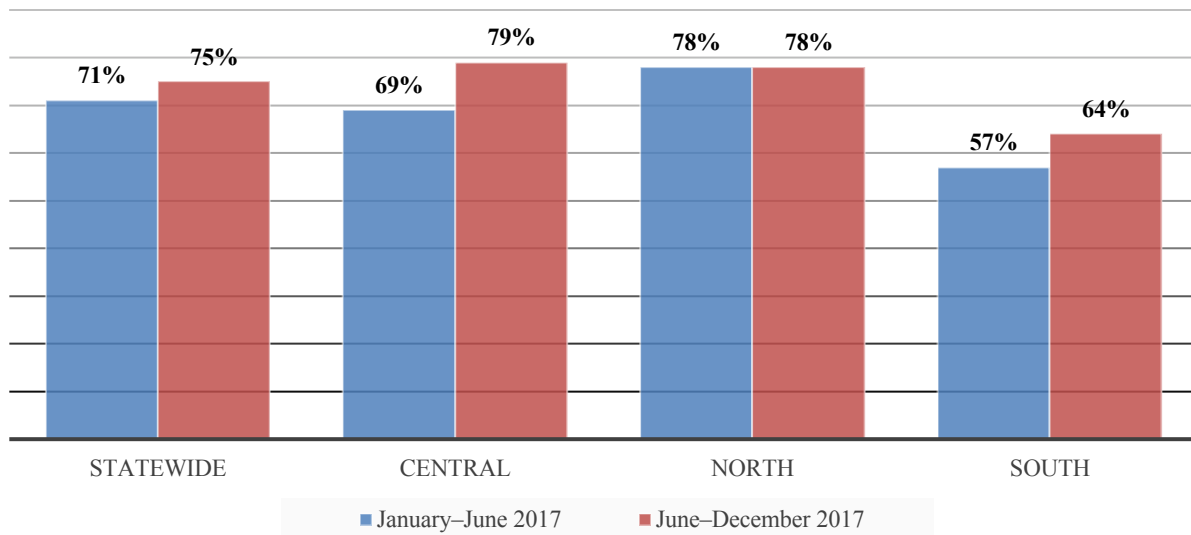
**Chart 12. Timeliness of OIG-Monitored Investigations**



## TIMELINESS OF HIRING AUTHORITY DISCIPLINARY FINDINGS

For the July through December 2017 reporting period, the OIG assessed the timeliness of findings or penalty decisions in 213 monitored cases.<sup>10</sup> Hiring authorities timely conducted the findings and penalty conference in 75 percent of cases. This is an overall improvement from 71 percent in the prior reporting period. The central region showed the greatest improvement, from 69 percent in the last reporting period to 79 percent in this reporting period. The north region remained at 78 percent since the previous reporting period. The south region improved from 57 percent in the last reporting period to 64 percent in this reporting period. Overall, hiring authorities have improved the timeliness of findings and disciplinary determinations over the previous reporting period as shown below in Chart 13.

**Chart 13. Timeliness of Hiring Authority Conducting Findings and Penalty Conferences by Region**



<sup>10</sup> This number is different from the total number of reported cases because hiring authorities do not make findings or penalty decisions in criminal cases. Generally, once a criminal case is referred to the district attorney or the Office of Internal Affairs determines there is insufficient evidence to warrant referral, an administrative case is opened.

## Monitoring the Disciplinary Phase

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If the hiring authority sustains misconduct allegations, the next step is the decision to impose discipline or take corrective action. The disciplinary matrix provides guidelines for determining the penalty after evaluating whether any factors in mitigation or aggravation apply.<sup>11</sup>

The department attorney is responsible for providing legal advice to the hiring authority regarding sufficiency of the evidence supporting disciplinary findings and on application of the disciplinary matrix to sustained allegations. The OIG monitors the process and provides feedback when it disagrees with the hiring authority or the department attorney. In cases in which misconduct is identified, the disposition is reported in Appendix B (Disciplinary Phase cases), Appendix A (both Investigative and Disciplinary Phase cases), or Appendix D (Administrative Deadly Force cases). For the second consecutive reporting period, the OIG agreed with the department attorneys' advice in 95 percent of cases.

If the hiring authority sustains allegations and decides to impose discipline, the department attorney is responsible for drafting the disciplinary action, observing the *Skelly* hearing, drafting settlement agreements, and preparing for and representing the department at proceedings before the State Personnel Board and superior court.<sup>12</sup> The OIG monitors the performance of the department attorneys. The OIG works with the Employment Advocacy and Prosecution Team on a daily basis and, over time, has collaboratively established expectations for consultation.

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

Higher levels of review are a critical part of the Investigative and Disciplinary processes, but are designed to be used sparingly. The involved parties reserve higher levels of review for significant cases in which differences in opinion cannot be resolved at the initial level and when they believe the decision is contrary to department policy or blatantly unreasonable.

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<sup>11</sup> Department Operations Manual, Sections 33030.17–33030.19.

<sup>12</sup> *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194.

Of the 232 cases the OIG is reporting for the July through December 2017 period, there were seven cases in which a stakeholder sought a higher level of review. The OIG requested a higher level of review in five cases, and the department attorney sought the higher level of review in two cases. One of the cases in which the OIG sought a higher level of review was ultimately decided consistent with the OIG's position. The remaining four cases were matters in which the OIG disagreed with the department's decision, and the supervising hiring authority did not find consistent with the OIG's position. Those cases are as follows:

- An officer documented inventorying ammunition in an armory despite not actually conducting the inventory. The hiring authority did not identify and sustain a dishonesty allegation based on this misconduct. The OIG sought review by the hiring authority's supervisor, who agreed with the hiring authority that the misconduct was neglect of duty and the penalty should be a salary reduction instead of dismissal. The department's position was that the officer neglected his duty to conduct a complete inventory. The OIG disagreed and took the position that documenting something had been done while knowing that it had not been done evinced an intent to mislead and was dishonest. Keeping control of ammunition in an armory is critical to the safety and security of an institution, and timely, accurate inventories are essential to that end.
- In a second case, the hiring authority sustained dishonesty and neglect of duty allegations against a sergeant and an officer, dismissing the sergeant and separating the officer while he was on probation. After *Skelly* hearings for the sergeant and the officer, the hiring authority reduced the dismissal for the sergeant to a demotion to officer and a 60-working-day suspension, and reinstated the officer on his probation with a 48-working-day suspension. The OIG sought review by the hiring authority's supervisor, who agreed with the hiring authority's actions. The OIG takes the position, consistent with precedential authority, that dishonesty is a character trait incompatible with employment as a peace officer. Here, the OIG disagreed with the department's actions because the hiring authority did not find any factors in mitigation for the sergeant or the officer. According to the department's guidelines, the presumptive penalty for dishonesty is dismissal.
- In another case, acting on the department attorney's advice, the hiring authority did not sustain the allegation that an officer's conflicting statements to outside law enforcement, a supervisor, and the Office of Internal Affairs were dishonest. The OIG sought review by the hiring authority's supervisor, who agreed with the hiring authority's finding. The OIG disagreed with the department's action because the differing statements given to outside law enforcement, a supervisor, and the Office of Internal Affairs were made to conceal the extent of the officer's misconduct and, therefore, were dishonest.
- In the fourth case, the hiring authority sustained allegations that an officer referred to an inmate in a demeaning tone and disobeyed a captain's order, but did not sustain the allegation that the officer pulled up the inmate's underpants to give him a "wedgie." The hiring authority imposed a 24-working-day suspension. The OIG sought review by the hiring authority's supervisor, who also did not sustain the allegation but added and sustained an allegation that the officer threatened a library assistant. The hiring authority's supervisor dismissed the officer. At the *Skelly* hearing, the officer identified

three witnesses with alleged mitigating information, and the hiring authority's supervisor had them interviewed. Despite the additional witnesses not providing mitigating information as represented during the *Skelly* hearing, the hiring authority's supervisor removed the allegation regarding the library assistant from the disciplinary action and reduced the penalty from dismissal to a 48-working-day suspension. The OIG sought review by a deputy director. The deputy director sustained the allegation the officer pulled up the inmate's underwear but did not change the penalty. The OIG sought review by a director, who increased the penalty to a 60-working-day suspension. The officer had a previous 120-working-day suspension for discourteous behavior for punching a fellow officer and breaking his ribs. Here, the officer suffered another sustained allegation for discourteous treatment, but the penalty was less severe, defying the principles of progressive discipline.

## DEPARTMENT ATTORNEYS' LITIGATION PERFORMANCE

The department's attorneys represent the department before the State Personnel Board in employee discipline cases. They have the burden of proving misconduct by a preponderance of evidence and that the discipline imposed is commensurate with the misconduct. The department's attorneys litigated 23 employee discipline cases in evidentiary hearings before the board that are reported this period. The board upheld the discipline unchanged as reflected in the disciplinary action in 13 cases and either revoked or reduced the discipline in the remaining ten cases, giving the department a litigation success rate of 56 percent. The OIG defines success in litigation as being when the discipline the department decided to impose in a case is upheld on appeal. On the other hand, the department regards litigation a success if *any* discipline is upheld, no matter how different from the penalty the department decided to impose. For example, if the hiring authority decided to dismiss an officer, her or she appeals, and the ultimate penalty after a hearing is only a letter of reprimand, the department still considers that outcome a success in litigation. The OIG recognizes that litigation can be uncertain and factors other than attorney performance are in play. Of the ten cases in which the discipline was changed after litigation, there were six cases in which discipline was revoked in its entirety, two cases in which dismissals were reduced to one-year suspensions, another case in which a salary reduction was reduced to a letter of reprimand, and in the last case the discipline was upheld for a nurse and revoked for a sergeant. Furthermore, as to these ten cases, the OIG's opinion is that the department attorney's performance was deficient in four cases. In those four cases, the State Personnel Board revoked a dismissal in one case, revoked a 48-working-day suspension in another, revoked a salary reduction and two letters of reprimand in the third, and reduced a salary reduction to a letter of reprimand in the fourth case.

The following cases each illustrate substandard performance by a department attorney:

- In one case, the assistant chief counsel and department attorney at the hearing unilaterally narrowed the scope of the misconduct set forth in the disciplinary action, removing from consideration the most serious misconduct – unreasonable use of force during an escort. The department failed to prove all of the misconduct, and the State Personnel Board reduced the salary reduction to a letter of reprimand.

- In another case, the department attorney did not present an expert on the department's use-of-force policy and relied on subjects of the investigation as her only witnesses. The State Personnel Board revoked the discipline because the department did not prove the officers violated any policy. The department attorney's judgment was deficient in that she relied upon officers who violated policy as the experts on that same policy. The State Personnel Board revoked a salary reduction and two letters of reprimand.
- In a third case, the department attorney did not timely subpoena critical witnesses and made material misrepresentations to the administrative law judge in her motion to continue the hearing. The judge denied the motion, finding the department attorney did not exercise due diligence by timely subpoenaing witnesses. During the hearing, the department's attorney failed to make an effective opening statement, did not thoroughly question the subject of the investigation, and failed to make objections to the subject's presentation of inadmissible evidence. She also failed to thoroughly question her own witnesses and, during argument, demonstrated incomplete understanding of the Peace Officers Procedural Bill of Rights. Better training and closer supervision might have prevented the department attorney's deficient performance. The State Personnel Board revoked a 48-working-day suspension.
- In the fourth case, the department's attorney neglected to prepare critical inmate witnesses by having them review transcripts of their previous statements, and she failed to object to improper questioning and improper argument by the officer's attorney. The department attorney's failure to prepare the complaining witness resulted in hearing testimony that differed from his prior recorded statement due to fading memory and the passage of time. The officer's attorney used the inconsistencies to portray the complaining inmate as untrustworthy. The department attorney's failure to prepare witnesses for the department's case and raise objections during the officer's case allowed untrustworthy, inadmissible evidence to be admitted, ultimately resulting in an officer escaping punishment. The State Personnel Board revoked the dismissal.

In the other six cases in which the decision went against the department, the OIG did not find any deficiency in the department attorneys' representation. Better preparation by two department attorneys in four cases could have prevented the department from being required to pay back-pay to one dismissed officer, one suspended officer, and two officers who had salary reductions, saving tens of thousands of dollars.

## **TAKING DISCIPLINARY ACTION BASED ON AN ARREST OR OUTSIDE LAW ENFORCEMENT REPORT**

California Labor Code Section 432.7 generally prohibits taking disciplinary action against a public employee based solely on an arrest or outside law enforcement report, such as a police report, when the arrest does not result in a criminal conviction. The Legislature enacted this statute in 1937 and most recently amended it in 2016. "The clear purpose of section 432.7 is to prevent misuse of criminal offender records information, not to shelter an employee from investigation by his employer for serious misconduct... This is because the statute specifically deals with 'information' concerning an arrest or detention which did not result in conviction." (*Pitman v. City of Oakland* (1988) 197 Cal.App.3d 1037, 1044).

Subdivision (a) generally prohibits any employer from asking about or using information regarding arrests that did not result in conviction when making employment decisions.

Subdivision (b) provides a “carve-out” that allows public agencies employing peace officers to receive information about arrests but precludes them from taking any action other than putting the employee on administrative time off based on the information. This subdivision includes a provision for taking disciplinary action after conducting an investigation for which the starting report is the information in the arrest report.

The department looks at the statute as referencing the computerized record of arrest instead of the police report or arrest report prepared by an officer after an arrest or detention. We believe the department confuses the record of arrest with the arrest and police reports. The terms “record of arrest” or “detention and arrest record” are used to refer to “state criminal history information,” commonly known as a “rap sheet.” In the *Pitman* case, discussed above, the court of appeal found that what is referred to in the statute by the term “arrest report” is information concerning an arrest or detention that did not result in a conviction. Information concerning an arrest or detention is precisely what is contained in an arrest report and attachments, also known as a police report. This is distinct from criminal history information found in a record of arrest or detention or a “rap sheet.”

Subdivision (b) provides clear direction for the use of information from an arrest, not resulting in conviction, in imposing discipline – “[t]he information contained in an arrest report may be used as the starting point for an independent, internal investigation of a peace officer...”

The department’s attorneys have found an apparent conflict within the statute in subdivision (e). Subdivision (e) provides: “Persons seeking employment or persons already employed as peace officers or persons seeking employment for positions in the Department of Justice or other criminal justice agencies as defined in Section 13101 of the Penal Code are not covered by this section.” The department has seized upon this section, interpreting it as exempting the department, as an employer of peace officers, from the statute regarding peace officers it already employs. The department’s analysis does not attempt to harmonize subdivision (e), which exempts peace officers, with subdivision (b), which explains how to proceed with discipline of peace officers based on an arrest that did not result in a conviction.

The application of Labor Code Section 432.7 arises frequently when officers are arrested for off-duty misconduct, such as driving under the influence of alcohol or domestic violence. The OIG position has been that the department must conduct at least some investigation, such as interviewing the officer, and cannot proceed solely on the outside law enforcement report. The department has an interest in taking timely action, and it is not always in the department’s interest to wait until the completion of any criminal proceedings. In many cases, a prosecuting agency exercises its discretion to not file charges. The failure of a prosecuting agency to file charges or obtain a conviction does not preclude administrative discipline because a criminal case requires proof beyond a reasonable doubt, whereas an employee discipline case requires a lesser standard of proof, preponderance of evidence. It is the OIG position that Labor Code Section 432.7 precludes the department from taking action solely on an arrest report (information concerning an arrest or detention that did not result in conviction). However, the department continues to assert the report written by the officer is not the report referenced in subdivision (b) of the statute. The Office of Internal Affairs has asserted, in the alternative, that gathering audio

or video recordings, or chemical test results done in connection with an arrest, is sufficient investigation to satisfy the statute. The OIG position is these items are referenced in and part of the arrest report.

Former Inspector General Robert Barton asked the Attorney General of California for an opinion as to whether the department could take disciplinary action against its employees based solely on an outside law enforcement report, such as a police report. The formal legal opinions of the Attorney General have been accorded “great respect” and “great weight” by the courts.

After a thorough analysis, the opinion of the Attorney General is that subdivision (e) modifies only the main provision of Section 432.7, which is subdivision (a). The department is bound, therefore, by the restriction on imposing discipline contained in subdivision (b) and must conduct its own investigation before imposing discipline. The OIG has provided a copy of this opinion to the department’s Employment Advocacy and Prosecution Team and to the California Correctional Peace Officers Association.

The OIG’s recommendation to the department is that it not take disciplinary action based solely on an outside law enforcement report. It must, at a minimum, do some type of independent investigation as part of the discipline process and not rely solely on an outside law enforcement report of any kind.

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## Deadly Force Cases

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According to departmental policy, the Office of Internal Affairs' Deadly Force Investigation Team is to conduct deadly force investigations. Deadly force is "[a]ny use of force that is likely to result in death. Any discharge of a firearm other than the lawful discharge during weapons qualification, firearms training, or legal recreational use of a firearm, is deadly force."<sup>13</sup> Other force may constitute deadly force, such as impact munitions or expandable batons, if used in a way likely to result in death. For example, a baton strike to the head or unintentional blow that causes great bodily injury may constitute deadly force. Title 15, California Code of Regulations, Section 3268(a)(20), specifically states the Deadly Force Investigation Team need not respond to warning shots that cause no injury. Therefore, the Office of Internal Affairs typically does not investigate warning shots but conducts both administrative and criminal investigations for other deadly force incidents. However, the Office of Internal Affairs will not conduct a criminal investigation if an outside law enforcement agency conducts the criminal investigation.

The OIG monitors all deadly force incidents, including warning shots, and the department is required to promptly notify us any time there is a use of deadly force. This requirement includes warning shots since the justification to use deadly force must be present even for warning shots. When the OIG receives timely notice of a deadly force incident, an OIG attorney immediately responds to the scene to evaluate the department's management of the incident. The OIG attorney also monitors any subsequent deadly force investigation conducted by the department. The OIG continues to believe on-scene response is essential to proper oversight. When feasible, we will continue responding to all incidents involving potential deadly force since the nature of such an incident warrants additional scrutiny and review, regardless of any potential misconduct or the likelihood of great bodily injury or death.

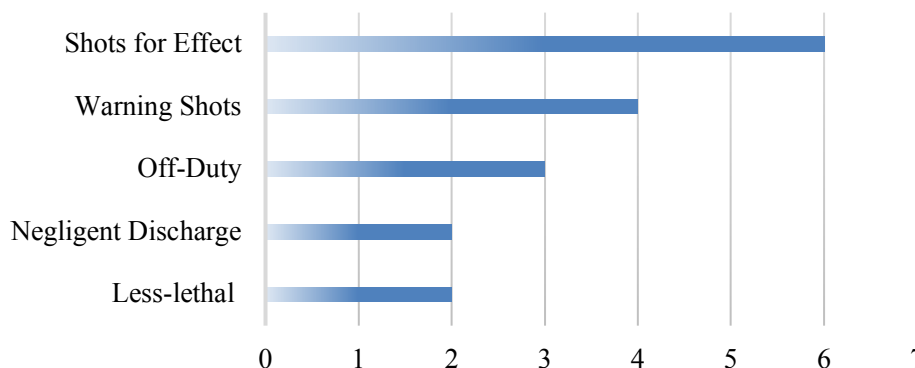
The Deadly Force Review Board is an independent body consisting of outside law enforcement experts and a department executive, and reviews Deadly Force Investigation Team incidents. An OIG representative participates as a non-voting member of the Deadly Force Review Board. Generally, after the Office of Internal Affairs completes an administrative investigation, a special agent presents the case to the Deadly Force Review Board, which evaluates the evidence to determine whether the use of deadly force complied with departmental policies and procedures, and to determine whether there is a need to modify policy, training, or equipment. The Deadly Force Review Board's findings are presented to the department's Secretary or Undersecretary of Operations, who determines whether further action is warranted.

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<sup>13</sup> Title 15, California Code of Regulations, Section 3286(a)(9).

The OIG has always given the highest level of scrutiny to the department’s use of deadly force due to the serious implications involved. During this reporting period, the OIG closed a total of 13 deadly force cases. These include the intentional use of lethal weapons, unintentional blows to the head, warning shots, and other uses of force that could have or did result in great bodily injury or death. Chart 14 depicts the number of case types that corresponds with the types of force used. Four of the cases involved both warning shots and shots for effect, so the chart reflects a total of 17 case types, rather than 13.

**Chart 14. Deadly Force Case Types**



The 13 cases the Office of Internal Affairs investigated and the OIG monitored are reported in Appendix D. Of these 13 cases, 11 involved administrative investigations and 2 involved criminal investigations. The number of cases reported does not correlate with the actual number of times the Office of Internal Affairs responded to the scene during this reporting period because the OIG only reports a case once all activity is completed.

The department timely and adequately notified the OIG in all 13 cases reported in Appendix D. The Office of Internal Affairs responded to the scene in eight cases and conducted both criminal and administrative investigations.

Two of the remaining cases arose when an officer negligently discharged a firearm during training, and the Office of Internal Affairs neither responded to the scene nor conducted a criminal investigation. Both incidents resulted in non-life-threatening gunshot wounds to the officers. After the Office of Internal Affairs completed the administrative investigation in one of the cases, the hiring authority found insufficient evidence to sustain an allegation of gross negligence in handling a firearm. The OIG disagreed and sought a higher level of review with the hiring authority’s supervisor, who also decided to not sustain the allegation. The OIG elevated the matter to a deputy director, who agreed to sustain the allegation and issued a letter of reprimand to the officer. The OIG agreed with the deputy director’s determination.<sup>14</sup> In the

<sup>14</sup> This case is mentioned in the Monitoring the Disciplinary Phase section of this report, and is the matter wherein, after a higher level of review, the decision was consistent with the OIG’s opinion.

second case, the hiring authority sustained the allegation and issued a letter of reprimand, and the OIG concurred.

The remaining three cases were investigated by outside law enforcement, and an on-scene response by the Office of Internal Affairs was not necessary.

In addition to the 13 deadly force incidents currently being reported, the OIG also monitors incidents involving the use of deadly force to which the Office of Internal Affairs did not respond. These cases include the intentional use of deadly force, unintentional use of a lethal weapon such as an unintended discharge, unintentional blows to the head, warning shots, or other uses of force that may have resulted in great bodily injury or death. During the July through December 2017 reporting period, the OIG monitored seven such cases, which the OIG will later address in a separate report.

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## The OIG Contributions to the Investigative and Disciplinary Processes

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The OIG attorneys assigned to monitor the department's cases pursuant to Penal Code Section 6133 provide contemporaneous public oversight and also use their legal and investigatory expertise to assist the department in its investigation and the disciplinary process. The OIG's recommendations assist the department in learning the facts and making disciplinary decisions consistent with department guidelines. In many cases, the OIG's input makes a significant difference. The following are cases representative of the OIG's contribution:

- An outside law enforcement agency arrested an officer for allegedly driving under the influence of alcohol and, after the officer denied being armed, discovered the officer had a handgun in one rear pocket and a loaded magazine in the other. The department initially believed the evidence insufficient to prove the officer was dishonest. After meeting with the arresting officer as recommended by the OIG, the department attorney learned more about the circumstances of the arrest, and the officer's dismissal for dishonesty was upheld by the State Personnel Board.
- An officer allegedly left his post, and while the officer was gone, two groups of inmates fought and one of the inmates was killed. During the subsequent investigation, the OIG recommended consulting the district attorney before interviewing an inmate witness. The district attorney advised the Office of Internal Affairs against interviewing the witness in order to avoid compromising the homicide case against two other inmates. The Office of Internal Affairs decided not to interview the inmate.

## Case Sufficiency Ratings

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The OIG assesses each case to determine whether the department complied with its policies as well as best practices in conducting the investigation and making and addressing the allegations. The OIG and the department work collaboratively to improve the internal investigation and employee discipline processes. An *insufficient* procedural rating reflects deficiencies with potential for creating an adverse outcome, but it does not always mean a bad outcome occurred. However, as addressed previously, delayed investigations always have potential adverse consequences, some of which are intangible. An *insufficient* substantive rating reflects the OIG's opinion on the overall quality for either the investigative or disciplinary phase of the process.

In this rating period of July through December 2017, the department's substantive ratings for both the Investigative Phase and the Disciplinary Phase improved. The department's compliance with process sharply decreased in the Investigative Phase, but it improved its compliance with process during the Disciplinary Phase.

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

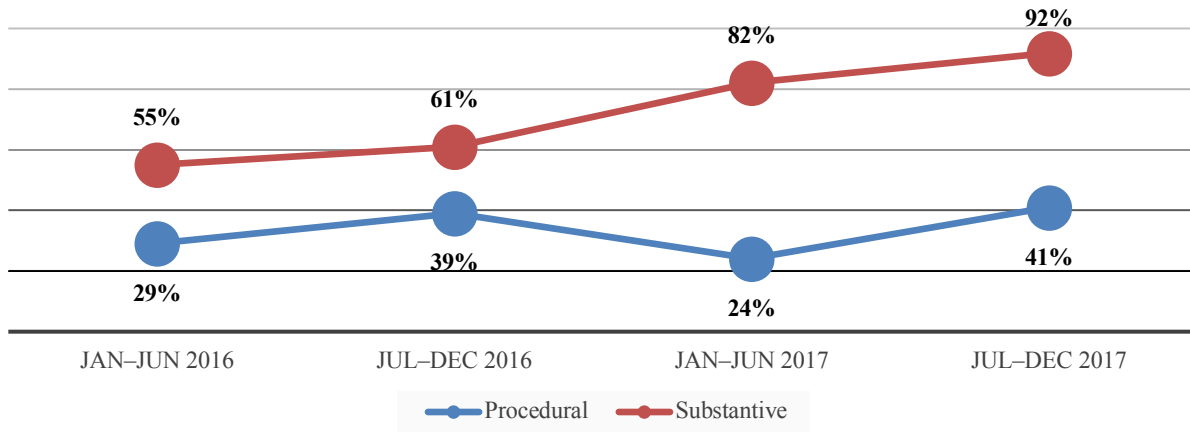
Charts 15 through 18 display the OIG's assessments statewide and by region for the Investigative Phase and include procedural and substantive ratings. Charts 19 through 22 display the OIG's assessments statewide and by region for the Disciplinary Phase.

Statewide, of the cases in which the OIG assessed the Investigative Phase during the July through December 2017 period, 41 percent were assessed *procedurally sufficient* and 92 percent were assessed *substantively sufficient*, compared to 24 percent and 82 percent, respectively, during the January through June 2017 reporting period. The improvement was due to a combination of factors, including fewer untimely hiring authority referrals to the Office of Internal Affairs, fewer hiring authority delays in conducting findings and penalty conferences, and fewer cases of the department attorney delaying review of investigative reports or failing to timely and accurately assess the time limit for taking disciplinary action. The Office of Internal Affairs' delay of completion of investigations was not considered in assessing the procedural or substantive sufficiency of these cases.

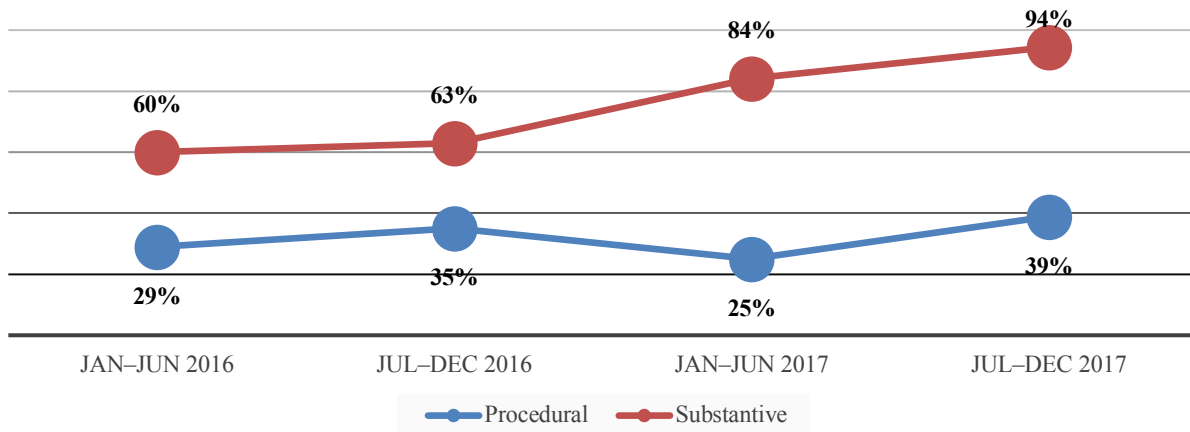
Of the cases in which the OIG assessed the Disciplinary Phase during the July through December 2017 period, 67 percent were *procedurally sufficient* and 89 percent were *substantively sufficient*. In the last reporting period of January through June 2017, 67 percent were *procedurally sufficient* and 89 percent *substantively sufficient*. While the overall percentage of insufficiencies did not change, the causes remain the same. Some of these insufficiencies can be attributed to untimely disciplinary findings conferences, while others were due to the hiring authorities'

inappropriate disciplinary decisions, poor legal advice from department attorneys, or settlements entered without a change in circumstances. Again, it is a combination of factors that contribute to the insufficiencies.

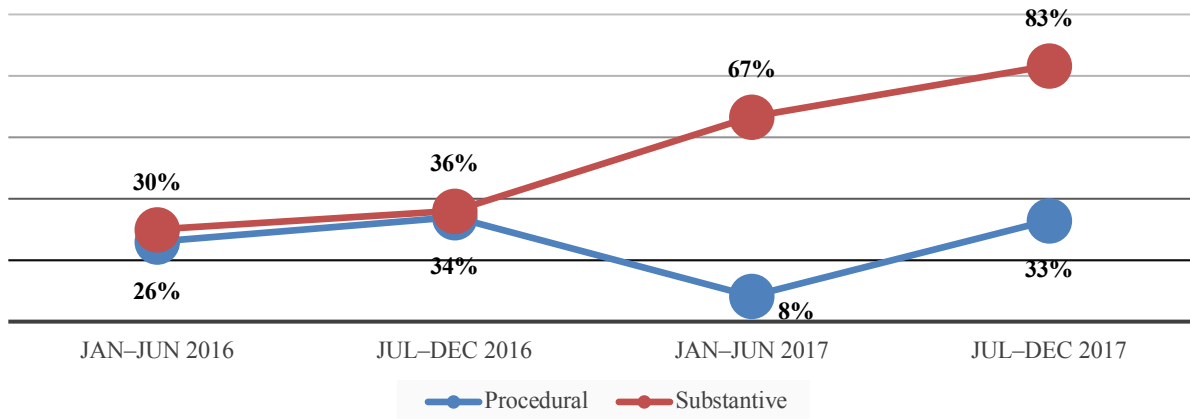
**Chart 15. Investigative Phase Sufficiency, Statewide**



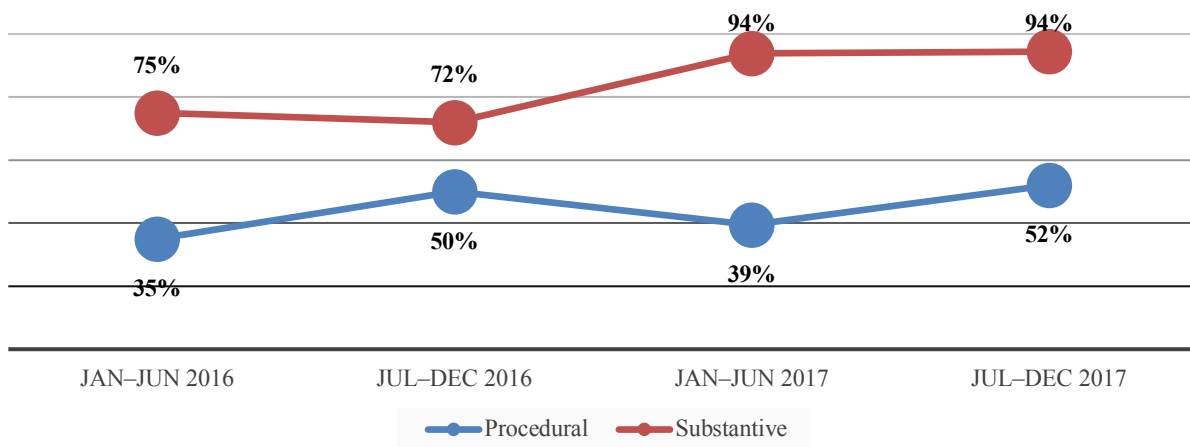
**Chart 16. Investigative Phase Sufficiency, North Region**



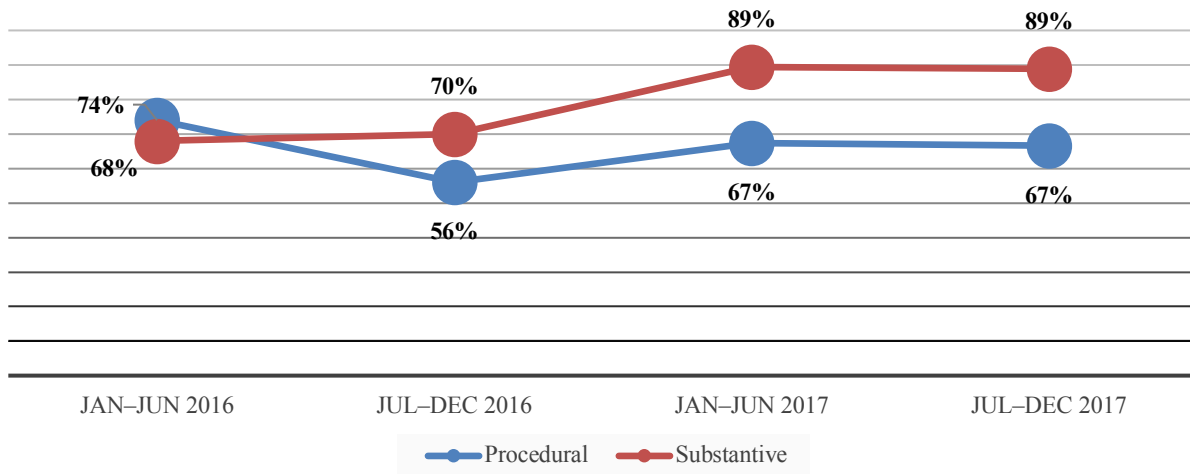
**Chart 17. Investigative Phase Sufficiency, Central Region**



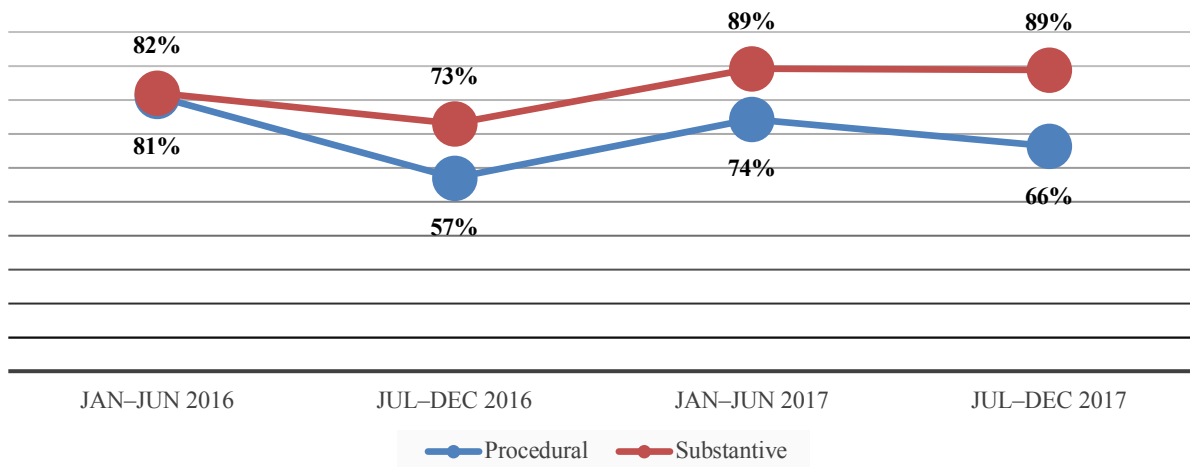
**Chart 18. Investigative Phase Sufficiency, South Region**



**Chart 19. Disciplinary Phase Sufficiency, Statewide**

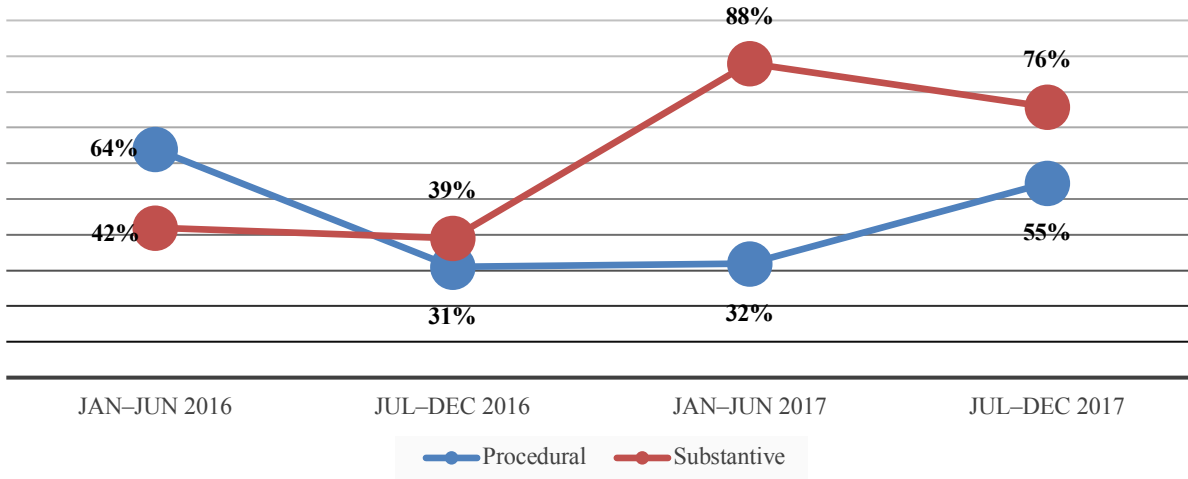


**Chart 20. Disciplinary Phase Sufficiency, North Region**

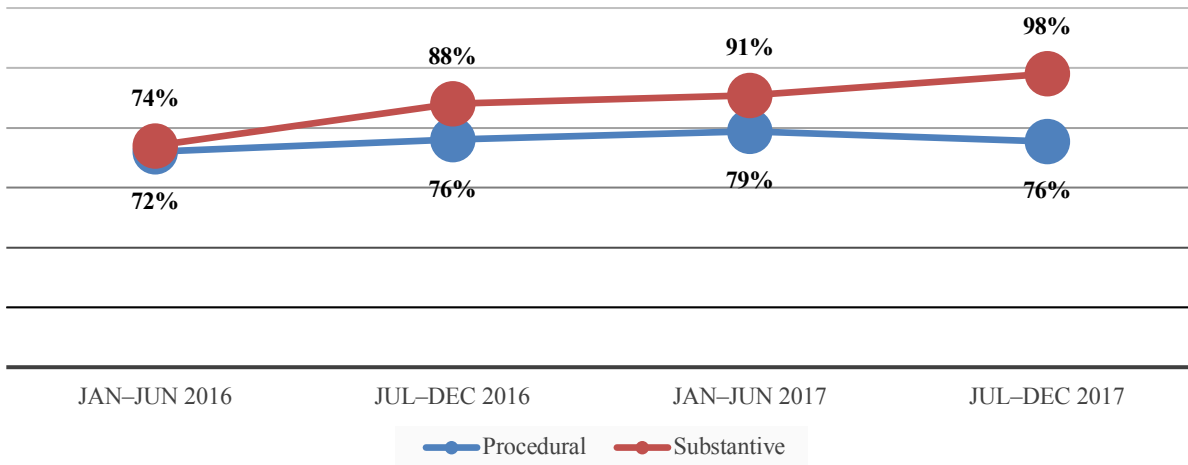




**Chart 21. Disciplinary Phase Sufficiency, Central Region**



**Chart 22. Disciplinary Phase Sufficiency, South Region**



The preceding charts document changes over reporting periods in the sufficiency of the department’s actions in response to potential misconduct by its employees. The OIG monitors numerous factors and assesses the department’s performance as to each. The factors assess timeliness and quality. The OIG will collaborate with the department going forward to identify specific causes for the deficient performance and appropriate remedies.

## Conclusion

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The OIG provides ongoing oversight and transparency of CDCR adherence to the reforms the *Madrid* federal court mandated for internal investigations and the employee discipline process. In this reporting period of July through December 2017, the department is to be applauded for improving its procedural and substantive performance during the Investigative Phase and maintaining its procedural and substantive performance during the Disciplinary Phase. There remains room for improvement in the department's procedural ratings during the Investigative Phase.

The OIG offers four recommendations for the department to consider in this report

- The first is to assign employee interviews in cases that are approved for only an interview of the employee and not for an administrative investigation to Office of Internal Affairs Central Intake Unit special agents.
- The second is that Office of Internal Affairs special agents assigned to investigate cases or conduct employee interviews draft the allegations and do so in consultation with the department attorney in designated cases and in consultation with the OIG attorney in monitored cases.
- The OIG also recommends the Office of Internal Affairs open investigations or conduct employee interviews when the department attorney or OIG attorney at the Office of Internal Affairs Central Intake Panel meeting so advise.
- The fourth recommendation is that the department no longer rely on information in arrest or police reports as the sole basis for taking disciplinary action against its employees.

In this report, the OIG not only discusses the areas where it has negatively assessed the department, but also highlights cases in which special agents have done a particularly good job and in which the consultation and collaboration with the OIG has been of benefit to the investigation and disciplinary processes.

The OIG continues to provide transparency and critical information to the public and to assist the department in following its policies and procedures. The OIG will also continue to recommend the department develop policies and procedures that ensure a fair, timely, and thorough internal investigation and disciplinary processes that reflect industry best practices.

# Recommendations

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**The OIG recommends the department implement the following recommendations from this Semi-Annual Report, July through December 2017:**

**Recommendation 1.1:** The OIG recommends the Office of Internal Affairs assign Office of Internal Affairs Central Intake Unit special agents to conduct employee interviews in cases in which only an employee interview is approved.

**Recommendation 1.2:** The OIG recommends case allegations be drafted by the Office of Internal Affairs special agent assigned to conduct the investigation or employee interview. The allegations should be drafted in consultation with the department attorney in designated cases and with the OIG attorney in monitored cases.

**Recommendation 1.3:** The OIG recommends the Office of Internal Affairs open an investigation or conduct an employee interview when that is the recommendation of the Employment Advocacy and Prosecution Team department attorney or of the OIG attorney at the Office of Internal Affairs Central Intake Panel meeting.

**Recommendation 1.4:** The OIG recommends that the department implement a policy of conducting an independent investigation, to include at a minimum an interview of the affected employee, in cases based on reports by outside law enforcement. The OIG opinion is this policy is required to comply with Labor Code Section 432.7.

## Volume I Recommendations from Prior Reporting Periods

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**The OIG recommended the department implement the following recommendations from Volume I of the Semi-Annual Report, January through June 2017:**

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

CDCR Response: The department recognizes the importance timely completion of investigations and agrees the faster the investigation is completed the better for all stakeholders. The volume of cases, available resources, and the varying complexity of the cases investigated preclude a policy requiring completion of all investigations within six months of assignment to a regional office.

**Recommendation 1.2:** The OIG recommends that the department develop guidelines and exceptions to departmental cell entry policies and procedures for Office of Internal Affairs special agents conducting criminal investigations to prevent the loss and destruction of evidence.

CDCR Response: The Office of Internal Affairs disagrees with this recommendation because, absent an emergency, an inmate's cell cannot be entered except in compliance with the department's controlled use-of-force policy. Office of Internal Affairs special agents are not trained to conduct controlled use-of-force cell entries, and these must be done by institution officers.

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

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

CDCR Response: CDCR continues to recognize the importance and value of completing investigations as quickly as possible. However, given the volume of cases processed by the Office of Internal Affairs and the number of resources it has available to conduct investigations, it is not feasible to require all investigations to be completed within a six-month period.

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

CDCR Response: The Employment Advocacy and Prosecution team department attorneys completed training in September 2017.

# Appendices

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**Appendix A** contains the assessments for 180 Combined Phase (Investigative and Disciplinary) cases monitored during this reporting period, listed by geographical region (Administrative Cases). **Page 41**

**Appendix B** contains the assessments for 22 Disciplinary Phase cases monitored during the reporting period, listed by geographical region (Administrative Cases). **Page 254**

**Appendix C** contains the assessments of 17 Criminal Investigations monitored and concluded during the reporting period, listed by geographical region (Criminal Cases) **Page 279**

**Appendix D** contains assessment of 13 Deadly Force cases monitored during this reporting period, listed by geographical region (Administrative and Criminal Cases). **Page 293**

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**Appendix A**  
**Combined Phase Cases**  
**Central**

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2014-09-10	17-0023436-IR	1. Over-Familiarity 2. Contraband 3. Sexual Misconduct 4. Contraband	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>Between September 10, 2014, and September 25, 2014, a materials and stores supervisor allegedly conspired with an inmate to smuggle mobile phones into an institution and provided the phones to an inmate for financial gain. On October 18, 2014, the materials and stores supervisor allegedly became involved in sexual misconduct with the inmate, and on March 24, 2015, allegedly engaged in sexual misconduct with another inmate.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the investigative phase.</p>					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department properly complete the form documenting the investigative findings?</b>  <i>The employee relations officer incorrectly added an allegation to the form documenting investigative findings.</i></li> </ul>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained allegations the materials and stores supervisor conspired with an inmate and smuggled a mobile phone into the institution, but not the remaining allegations, and determined dismissal was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the materials and stores supervisor resigned prior to completion of the investigation. Therefore, the department did not take disciplinary action. The hiring authority placed a letter in the materials and stores supervisor's official personnel file indicating she resigned pending disciplinary action.</p>					
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-04-13	16-0001744-IR	1. Dishonesty 2. Failure to Report 3. Neglect of Duty 4. Other Failure of Good Behavior 5. Dishonesty 6. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Resignation in Lieu of Termination
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> Between April 13, 2015, and July 8, 2016, an officer allegedly failed to notify the hiring authority his driver's license was suspended on two occasions. On April 15, 2016, outside law enforcement arrested the officer for public intoxication, and he allegedly failed to report his arrest to the department. On April 19, 2016, the officer allegedly lied to a captain when he denied being arrested and claimed to possess a valid driver's license. On April 29, 2016, the officer allegedly failed to notify the department of a driver's license restriction. On February 1, 2017, the officer was allegedly dishonest during an interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney incorrectly assessed the date the department discovered the alleged misconduct.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b>  <i>The department attorney incorrectly assessed the date of discovery as April 17, 2017, when the date of discovery was April 16, 2017.</i> </li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations, except that the officer failed to report his arrest and lied to a captain when he denied being arrested, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the officer resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred with the settlement because the ultimate goal of ensuring the officer did not work for the department was achieved.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		

**Assessment Questions**

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

*The department attorney did not provide the OIG with the case settlement report.*

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-06-27	15-0001726-IR	1. Neglect of Duty 2. Discourteous Treatment 3. Dishonesty 4. Threat/Intimidation 5. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Suspension	No Penalty Imposed

**Case Type:** Administrative Investigation

**Incident Summary**

On June 27, 2015, an officer allegedly engaged in a road rage incident, brandished a firearm threatening a private citizen and two children, and dishonestly reported the incident to outside law enforcement and a lieutenant. On March 17, 2016, the officer was allegedly dishonest in his interview with the Office of Internal Affairs.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the department attorney did not timely assess the deadline for taking disciplinary action and the hiring authority did not timely conduct the investigative findings conference. The OIG did not concur with the department attorney's legal advice to the special agent or the hiring authority, or the hiring authority's or hiring authority's supervisor's determinations.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient



### Assessment Questions

- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney was assigned September 10, 2015, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 2, 2015, 22 days after assignment.*
- **Did the department attorney provide timely and adequate legal advice to the Office of Internal Affairs during the investigation?**  
*In the OIG's opinion, the department attorney should have recommended the investigative report include the relevant statute for brandishing a firearm and evidence of the officer's firearms qualification.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 27, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 17, 2016, 21 days thereafter.*
- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**  
*In the OIG's opinion, the department attorney should have advised the hiring authority to sustain allegations the officer was dishonest because there was sufficient evidence that the officer provided inconsistent statements to outside law enforcement, a lieutenant, and the Office of Internal Affairs.*
- **Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?**  
*In the OIG's opinion, the hiring authority should have found the officer was dishonest because there was sufficient evidence that the officer provided inconsistent statements to outside law enforcement, a lieutenant, and the Office of Internal Affairs.*
- **Did the OIG request the executive review?**  
*The OIG sought a higher level of review when the hiring authority did not sustain dishonesty allegations.*
- **If any party requested executive review, did the final decision-maker make an appropriate decision?**  
*In the OIG's opinion, the hiring authority's supervisor should have sustained dishonesty allegations.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority sustained allegations the officer neglected his duties and was discourteous by brandishing a firearm in a threatening manner, but not the remaining allegations, and imposed a 48-working-day suspension. The OIG concurred except for the penalty and decision to not sustain dishonesty. The OIG elevated the matter to the hiring authority's supervisor. The hiring authority's supervisor decided the findings and penalty would remain as initially determined. The officer filed an appeal with the State Personnel Board. Following a hearing, the administrative law judge revoked the discipline because the department attorney failed to present the testimony of critical witnesses.

### Disciplinary Assessment

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or serve the disciplinary action in accordance with policy and the department attorney did not properly prepare the disciplinary action, adequately prepare for the pre-hearing settlement conference or hearing, adequately represent the department at the hearing, or adequately consult with the OIG. The department attorney's failures regarding hearing preparation resulted in the State Personnel Board revoking the discipline. Also, the OIG did not concur with the department attorney's advice to the hiring authority or the hiring authority's determinations.

**Procedural Rating**

Insufficient

**Substantive Rating**

Insufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 27, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 17, 2016, 21 days thereafter.*
- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding disciplinary determinations?**  
*In the OIG's opinion, the department attorney should have advised the hiring authority to select charges and causes for discipline to support dishonesty allegations.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate employee disciplinary matrix charges and causes for discipline?**  
*In the OIG's opinion, the hiring authority should have selected charges and causes for discipline to support dishonesty allegations.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*By not selecting charges and causes related to dishonesty, the hiring authority did not select dismissal as the penalty.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not cite the correct legal authority to protect peace officer confidentiality and did not advise the officer of his right to respond to an uninvolved manager.*
- **Did the department file a written pre-hearing settlement conference statement with the State Personnel Board containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?**  
*The pre-hearing settlement conference statement did not provide critical information necessary to respond to the officer's affirmative defenses.*
- **Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed?**  
*The department attorney did not advise the OIG that she already filed the pre-hearing settlement conference statement when she provided a draft to the OIG for review.*
- **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 adequately become familiar with applicable legal authority governing service of disciplinary actions and self-defense.*
- **Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?**  
*The department attorney did not timely subpoena critical witnesses and was unable to present necessary testimony at the hearing.*
- **Did the department's advocate adequately and appropriately address legal issues prior to and during the State Personnel Board hearing?**  
*The department attorney filed a motion to continue the hearing that misrepresented the date she was assigned the case and failed to provide evidence of due diligence in obtaining critical witness testimony. During the hearing, the department attorney failed to object to improper questions and again misrepresented the date she was assigned to the case.*
- **Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?**  
*The department attorney did not adequately subpoena critical witnesses and could not present necessary evidence to support the hiring authority's decision to impose discipline. The department attorney also failed to lay adequate foundation to admit documents into evidence.*
- **Did the department's advocate appropriately move necessary evidence into evidence?**  
*The department attorney did not offer departmental policy as evidence.*

- **Did the department's advocate appropriately object to evidence the subject(s) of the investigation presented at the hearing?**  
*In the OIG's opinion, the department attorney failed to object when the officer presented inadmissible evidence.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not timely advise the OIG that the officer filed an appeal with the State Personnel Board and did not disclose that she had filed a pre-hearing settlement conference statement before providing a draft to the OIG, advise the OIG the officer filed a motion to dismiss the disciplinary action, consult the OIG before filing an opposition to the motion to dismiss, or adequately and timely consult the OIG before filing a motion to continue the hearing. The assistant chief counsel provided the OIG inaccurate information about when the department assigned an attorney to handle the hearing and the department attorney's diligence preparing for the hearing.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the final disciplinary findings conference. The hiring authority's supervisor conducted the final disciplinary findings conference on June 23, 2016. However, the department did not serve the disciplinary action until July 25, 2016, 32 days later. The assistant chief counsel did not ensure the department attorney timely prepared witnesses for hearing, timely and adequately prepared a motion to continue, or that the department attorney was adequately prepared for the hearing, resulting in delays in hearing preparation.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-07-01	15-0002282-IR	1. Neglect of Duty 2. Insubordination 3. Neglect of Duty 4. Discourteous Treatment	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	Suspension	Suspension
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> Between July 1, 2015, and September 26, 2015, an associate warden allegedly engaged in a romantic relationship with a sergeant, spoke with the sergeant excessively on the phone and violated a warden's order not to allow the sergeant to remain in her office for long periods of time. On September 15, 2015 the associate warden allegedly yelled and talked over a captain, and was upset and yelled at a lieutenant and would not listen to the lieutenant's explanation. Between July 1, 2015, and September 26, 2015, the sergeant allegedly spent an excessive amount of time in the associate warden's office and spoke with the associate warden excessively on the phone. On August 29, 2015, the sergeant allegedly left his post without cause.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely consult with the OIG and department attorney.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on October 28, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and findings until December 15, 2015, 48 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority sustained an allegation the associate warden spent excessive time on the phone with the sergeant and imposed a 10-working-day suspension. The hiring authority sustained allegations that the sergeant spent excessive time on the phone with the associate warden and left his work area without cause and imposed a 5 percent salary reduction for five months. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations. The associate warden and sergeant filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the suspension and salary reduction.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on October 28, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 15, 2015, 48 days thereafter.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-07-09	15-0001618-IR	1. Discourteous Treatment 2. Other Failure of Good Behavior 3. Dishonesty 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Modified Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b>					
On July 9, 2015, outside law enforcement arrested an officer after he allegedly hit his wife. The officer also allegedly argued loudly with his wife in public, and used profanity to a bystander, and lied to outside law enforcement.					

<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the special agent prepared an investigative report that contained inaccurate information and the department attorney did not accurately modify the deadline for taking disciplinary action.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>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?</b> <i>The department attorney modified the deadline to take disciplinary action to April 20, 2017, and then to September 17, 2017, when the deadline was actually December 5, 2017.</i></li> <li>◦ <b>Did the Office of Internal Affairs special agent prepare a thorough and appropriate final investigative report?</b> <i>The special agent prepared a final investigative report that incorrectly stated the deadline for taking disciplinary action was tolled from December 2, 2015, until May 2, 2016, when the correct dates were July 21, 2015, through December 5, 2016.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained allegations the officer was disorderly in public and used profanity to a bystander, but not the other allegations, and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for six months. The OIG concurred.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the department attorney did not properly prepare the disciplinary action or case settlement report, or adequately cooperate with the OIG, and the hiring authority did not serve the disciplinary action in accordance with policy.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the sergeant of his right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department attorney or employee relations officer properly complete the case settlement report?</b> <i>The case settlement report did not accurately describe the factual basis for entering into a settlement.</i></li> <li>◦ <b>Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?</b> <i>The department attorney did not provide the draft settlement agreement to the OIG for review before it was finalized and signed.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on February 28, 2017. However, the department did not serve the disciplinary action until June 5, 2017, 97 days later.</i></li> </ul>	

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-07-16	16-0001800-IR	1. Dishonesty 2. Insubordination 3. Discourteous Treatment 4. Dishonesty 5. Failure to Report	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On July 16, 2015, an associate warden allegedly attempted to prevent a lieutenant from negatively assessing a use-of-force incident. On May 3, 2016, two officers allegedly referred to the lieutenant as a rat after the lieutenant reported one of the officers engaged in misconduct, and one of the officers allegedly also called the lieutenant's wife a rat. On September 20, 2016, the lieutenant allegedly lied during an interview with the Office of Internal Affairs. In December 2016, the lieutenant allegedly violated a special agent's order to not discuss the investigation, and on January 25, 2017, allegedly lied during an interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<b>Case Disposition</b> The hiring authority sustained allegations that one of the officers referred to the lieutenant as a rat and imposed a 5 percent salary reduction for 12 months. The hiring authority also sustained allegations the lieutenant was dishonest on January 25, 2017, and insubordinate, and decided dismissal was the appropriate penalty. However, the lieutenant was dismissed in a prior action and, therefore, the dismissal was not imposed. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for seven months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained within the appropriate range for the misconduct.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the decision to reduce the penalty did not comply with policy.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the settlement agreement comply with the factors outlined in policy?</b>  <i>The hiring authority did not identify any new evidence, flaws, or risks to support the modification.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b>  <i>The OIG did not concur because the hiring authority did not identify any new evidence, flaws, or risks to support the modification.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-10-01	17-0021660-IR	1. Dishonesty 2. Over-Familiarity 3. Contraband 4. Misuse of State Equipment or Property 5. Controlled Substances 6. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between October 1, 2015, and August 12, 2016, an officer allegedly left his duty belt unattended and accessible to inmates, disclosed personal information to an inmate, communicated with the inmate and her family via mobile phone, brought mobile phones, heroin, and methamphetamine into the institution, and sold heroin and methamphetamine to the inmate. On August 12, 2016, the officer allegedly took a mobile phone into the institution for his use. On March 20, 2017, the officer was allegedly dishonest during his interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not adequately assess the deadline for taking disciplinary action or provide adequate legal advice to the special agent.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on June 2, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 11, 2016, 70 days after the date of discovery.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as January 24, 2018, when the deadline was actually October 13, 2017.</i></li> <li>◦ <b>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?</b> <i>The department attorney did not identify the need to modify the deadline for taking disciplinary action due to tolling until the OIG recommend doing so.</i></li> <li>◦ <b>Did the department attorney provide timely and adequate legal advice to the Office of Internal Affairs during the investigation?</b> <i>The department attorney neglected to advise the special agent regarding the correct deadline for taking disciplinary action.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					

<p><b>Case Disposition</b></p> <p>The hiring authority sustained allegations of dishonesty, overfamiliarity, leaving his duty belt unattended and accessible to inmates, and bringing a mobile phone into the institution for his use, but not the remaining allegations, and dismissed the officer. The OIG concurred. The officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b>  <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-01	17-0023574-IR	1. Dishonesty 2. Sexual Misconduct 3. Contraband	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
<p><b>Case Type:</b> Administrative Investigation</p>					
<p><b>Incident Summary</b></p> <p>Between November 1, 2015, and January 31, 2016, an officer allegedly engaged in sexual misconduct with an inmate and brought mobile phones, tobacco, and cosmetics into the institution in exchange for sexual favors. On August 16, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with policies and procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The untimely referral to the Office of Internal Affairs resulted in witness inability to remember critical details. The OIG did not concur with the hiring authority's findings or the department attorney's legal advice.</p>					
<p><b>Procedural Rating</b></p> <p>Insufficient</p>			<p><b>Substantive Rating</b></p> <p>Insufficient</p>		



### Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on January 4, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 14, 2016, more than ten months after the date of discovery. This delay resulted in witnesses being unable to recall specific incident details.*
- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**  
*In the OIG's opinion, the department attorney should have recommended sustaining the sexual misconduct allegation and adding a dishonesty allegation because there was sufficient evidence to sustain both allegations.*
- **Did the hiring authority who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?**  
*In the OIG's opinion, the hiring authority should have found the officer was dishonest during his Office of Internal Affairs interview since he gave conflicting versions of how the inmate requested he provide contraband and admitted one version was not true when the special agents confronted him.*
- **Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?**  
*In the OIG's opinion, the hiring authority should have found the officer was dishonest during his Office of Internal Affairs interview since he gave conflicting versions of how the inmate requested he provide contraband and admitted one version was not true when the special agents confronted him.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The ten-month delay in referring the matter to the Office of Internal Affairs resulted in witnesses being unable to recall specific incident details.*

### Case Disposition

The hiring authority sustained allegations that the officer engaged in sexual misconduct with and provided contraband to the inmate and determined dismissal was the appropriate penalty. The OIG concurred. The department attorney disagreed with the hiring authority's decision to sustain the allegations and elevated the matter to the hiring authority's supervisor. The hiring authority's supervisor agreed to sustain the sexual misconduct allegation, but not the contraband allegation, and added and sustained an allegation the officer lied during his interview with the Office of Internal Affairs. The hiring authority's supervisor determined dismissal was the appropriate penalty. The OIG concurred. The officer resigned before discipline could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.

### Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the department attorney did not provide a form to the OIG and the hiring authority did not serve the disciplinary action in accordance with policy. The OIG did not concur with the department attorney's legal advice or the hiring authority's determinations.

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

**Assessment Questions**

- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding disciplinary determinations?**  
*In the OIG's opinion, the department attorney should have recommended disciplinary charges and causes for discipline that would result in dismissal since the evidence established the officer engaged in sexual misconduct with an inmate, provided the inmate contraband, and was dishonest during his investigative interview when explaining how the inmate requested that he provide contraband.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate employee disciplinary matrix charges and causes for discipline?**  
*In the OIG's opinion, the hiring authority should have selected disciplinary charges and causes for discipline to support a dishonesty finding since the officer provided conflicting accounts of how the inmate requested he provide contraband and admitted one version was not true when the special agents confronted him during his investigative interview.*
- **Did the department attorney provide to the hiring authority 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 employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not provide written confirmation of penalty discussions to the OIG.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on October 19, 2017. However, the department did not serve the disciplinary action until December 7, 2017, 49 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-19	16-0001820-IR	1. Neglect of Duty 2. Over-Familiarity 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between November 19, 2015, and June 15, 2016, an officer allegedly engaged in an overly familiar relationship with an inmate and failed to timely notify the department that the officer was friends with the inmate prior to the inmate's incarceration. Between April 4, 2016, and June 18, 2016, the officer allegedly failed to notify the department of the friendship with the inmate prior to the inmate's incarceration.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not correctly assess the deadline for taking disciplinary action or recognize the draft investigative report was incomplete.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as June 14, 2017, when the deadline was actually June 10, 2017.</i></li> <li>◦ <b>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?</b> <i>The department attorney did not identify that an exhibit referenced in the draft report was incomplete.</i></li> </ul>
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<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation that after April 4, 2016, the officer failed to notify the department of a prior friendship with an inmate, but not the other allegations, and imposed a 5 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations. The officer did not file an appeal with the State Personnel Board.</p>
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<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>
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<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of her right to respond to an uninvolved manager.</i></li> </ul>
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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-12-17	16-0001484-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

<p><b>Case Type:</b> Administrative Investigation</p>
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<p><b>Incident Summary</b></p> <p>On December 17, 2015, an officer was allegedly dishonest when he wrote in a response to an inmate's complaint that he had interviewed an officer when he had not conducted the interview and failed to ensure that the information in the response was accurate.</p>
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<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.</p>
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<b>Procedural Rating</b>	<b>Substantive Rating</b>
Insufficient	Sufficient

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on January 26, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 29, 2016, 94 days after the date of discovery.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority sustained the allegation that the officer failed to ensure accuracy when reporting his investigation of an inmate complaint, but not the dishonesty allegation, and imposed a 5 percent salary reduction for 12 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for six months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty was within the appropriate range for the misconduct.

**Disciplinary Assessment**

The department did not comply with procedures governing the disciplinary process because the hiring authority did not serve the disciplinary action in accordance with policy. The OIG did not concur with the hiring authority's decision to reduce the penalty.

**Procedural Rating**  
Insufficient

**Substantive Rating**  
Sufficient

**Assessment Questions**

- **Did the settlement agreement comply with the factors outlined in policy?**  
*The hiring authority settled the case because at the pre-hearing settlement conference, the officer claimed he was not properly trained. However, this was not new information.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference and issued a letter of intent on January 25, 2017, but the department did not serve the disciplinary action until March 22, 2017, 56 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-06	16-0001822-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Dismissal

**Case Type:** Administrative Investigation

<p><b>Incident Summary</b></p> <p>On April 6, 2016, an officer allegedly signaled to have a cell door opened when it was not safe to do so, allegedly lied about handcuffing and moving an inmate, and failed to timely initiate life-saving measures. A second officer allegedly opened the cell door when it was not safe and lied about the first officer handcuffing the inmate. A third officer and a sergeant allegedly failed to timely initiate life-saving measures. On December 13, 2016, the first officer allegedly lied during his interview with the Office of Internal Affairs, and on January 27, 2017, a fourth officer allegedly lied during his interview with the Office of Internal Affairs.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not enter critical dates into the case management system.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on April 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 29, 2016, 84 days after the date of discovery.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations against the first and second officers and served each with a notice of dismissal. The hiring authority also sustained the allegation against the third officer and imposed a 5 percent salary reduction for 12 months. The hiring authority found insufficient evidence to sustain the allegations against the fourth officer and the sergeant. The OIG concurred with the hiring authority's determinations. The first officer retired before the disciplinary action took effect. The hiring authority placed a letter in the first officer's official personnel file indicating he retired pending disciplinary action. The second officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the second officer's official personnel file indicating he resigned pending disciplinary action. After the third officer's <i>Skelly</i> hearing, the hiring authority discovered the third officer was remorseful for his actions and did not initiate life-saving measures because the more experienced first officer did not immediately assist nurses. Due to the mitigating information, the hiring authority modified the salary reduction to a 5 percent salary reduction for six months. The OIG concurred based on the new information and because the penalty was within departmental guidelines.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-05-12	17-0022423-IR	1. Over-Familiarity 2. Contraband 3. Confidential Information 4. Other Failure of Good Behavior	1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On May 12, 2016, an officer allegedly released a rules violation report to an inmate. Between July 25, 2016, and August 11, 2016, the officer allegedly conspired with a second inmate to introduce marijuana and mobile phones into the institution and engaged in sexual misconduct with the inmate. The officer and a second officer allegedly conspired to release confidential inmate criminal history information. On August 1, 2016, the first officer allegedly provided an inmate's criminal history information to the second inmate.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not correctly assess or modify the deadline for taking disciplinary action and did not adequately consult.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

### Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on July 25, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 16, 2016, 53 days after the date of discovery.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney incorrectly assessed the date of discovery as August 1, 2016, when the correct date was July 25, 2016, and incorrectly assessed the deadline for taking disciplinary action as March 14, 2018, when the deadline was actually February 13, 2018.*
- **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 incorrectly assessed the date of discovery as August 1, 2016, when the correct date was July 25, 2016, and modified the deadline for taking disciplinary action without consulting the OIG or special agent.*
- **Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?**  
*The department attorney modified the deadline for taking disciplinary action without consulting the special agent.*
- **Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?**  
*The department attorney modified the deadline for taking disciplinary action without consulting the OIG.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-05-27	17-0022492-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On May 27, 2016, an officer allegedly dishonestly prepared a response to an inmate request. On October 24, 2016, the officer was allegedly dishonest when interviewed regarding the inmate's appeal.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney was assigned on April 27, 2017, but did not make an entry into the case management system regarding the deadline to take disciplinary action until May 23, 2017, 26 days after assignment.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-06-07	16-0001809-IR	1. Use of Force	1. Sustained	Salary Reduction	Salary Reduction
		2. Neglect of Duty	2. Sustained		
		3. Discourteous	3. Sustained		
		Treatment	4. Not Sustained		
		4. Dishonesty	5. Not Sustained		
		5. Failure to Report	6. Not Sustained		
		6. Unreasonable Use of Force	7. Not Sustained		
		7. Failure to Report Use of Force	8. Not Sustained		
		8. Neglect of Duty	9. Not Sustained		
		9. Discourteous Treatment	9. Not Sustained		
<b>Case Type:</b> Administrative Investigation					



### Incident Summary

On June 7, 2016, an officer allegedly unnecessarily removed an agitated inmate from a cell, kicked the handcuffed inmate in the head, failed to report the use of force, and swore at a nurse who restrained him. A sergeant and an office assistant allegedly witnessed the use of force but failed to report it. A lieutenant allegedly ordered the sergeant to remove information from his written report, and on June 8, 2016, allegedly ordered the sergeant to approve written reports without reviewing them. On February 22, 2017, the office assistant allegedly lied during her interview with the Office of Internal Affairs.

### Investigative Phase Assessment

In the OIG's opinion, the special agent did not adequately prepare for all aspects of the investigation, conduct thorough and appropriate interviews, adequately cooperate and consult with the OIG and department attorney, complete a thorough and appropriate investigation, or conduct the investigation with due diligence. The OIG did not concur with the Office of Internal Affairs' determination to not add allegations.

#### Procedural Rating

Sufficient

#### Substantive Rating

Insufficient

### Assessment Questions

- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have added allegations against three additional officers and a captain for dishonesty and failing to report that the first officer kicked the inmate because evidence showed they had witnessed the kick. The Office of Internal Affairs also should have added a dishonesty allegation against the captain since his first report regarding the incident left out significant events he witnessed and he only provided additional information after the hiring authority requested it because a nurse had reported the additional events, including the officer kicking the inmate.*
- **Did the special agent adequately prepare for all aspects of the investigation?**  
*In the OIG's opinion, the special agent should have interviewed inmates before they were transferred to other institutions and should have considered whether kicking a handcuffed inmate in the head should be investigated as a criminal matter.*
- **Did the Office of Internal Affairs special agent conduct appropriate and thorough interviews?**  
*In the OIG's opinion, the special agent should not have interviewed employees before interviewing inmate witnesses who transferred to other institutions and should not have asked the officer leading questions about his use of force, and should have reinterviewed a captain after discovering the potential dishonesty of an office assistant the captain supervised.*
- **Did the Office of Internal Affairs special agent complete all necessary and relevant interviews?**  
*In the OIG's opinion, the special agent should have reinterviewed a captain after the special agent discovered an office assistant the captain supervised was potentially dishonest and should have interviewed a witness who was intimidated for reporting the officer's misconduct.*
- **Did the special agent cooperate with and provide continual real-time consultation with the OIG?**  
*The special agent did not notify the OIG that a site visit was scheduled or had occurred, requiring a second site visit with the department attorney and the OIG.*
- **Did the Office of Internal Affairs thoroughly and appropriately conduct the investigation?**  
*In the OIG's opinion, the special agent should have interviewed inmate witnesses before they transferred to other institutions and before interviewing employees, reinterviewed a captain, and investigated whether a witness felt pressured to not testify. The special agent also should not have asked leading questions.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*Investigative services unit personnel did not interview inmate witnesses until after the inmates transferred to other institutions, many months after the special agent should have interviewed the inmates.*

<p><b>Case Disposition</b></p> <p>The hiring authority sustained allegations the officer unnecessarily removed the agitated inmate from a cell and swore at a nurse and imposed a 10 percent salary reduction for six months. The hiring authority also sustained the allegations against the sergeant and imposed a 10 percent salary reduction for three months. The hiring authority found insufficient evidence to sustain any of the remaining allegations. The OIG concurred with the hiring authority's determinations. Prior to the <i>Skelly</i> hearing, the department entered into a settlement agreement with the sergeant modifying the penalty to a 5 percent salary reduction for six months and agreeing to remove the disciplinary action from the sergeant's official personnel file after 12 months. The OIG concurred because the sergeant agreed not to file an appeal with the State Personnel Board and the monetary penalty remained the same. The officer did not file an appeal.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-01	16-0002174-IR	1. Discrimination/Harassment 2. Misuse of Authority 3. Neglect of Duty 4. Other Failure of Good Behavior 5. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained	Demotion	Demotion

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

Between July 1, 2016, and November 15, 2016, a sergeant allegedly sent harassing and sexually explicit messages to an officer and private citizens using his departmental email account, misused his authority when he warned the officer to discontinue working certain shifts, and allowed a personal relationship with the officer to affect institutional operations.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference.

<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
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**Assessment Questions**

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

*The Office of Internal Affairs returned the case to the hiring authority on December 28, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the evidence and the findings until February 7, 2017, 41 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**

*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority sustained the allegations and demoted the sergeant to officer. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. The department entered into a settlement agreement at the pre-hearing settlement conference agreeing to remove the disciplinary action from the official personnel file in 21 months. The OIG did not concur but did not seek a higher level of review because the demotion remained in effect and can be used for progressive discipline.

**Disciplinary Assessment**

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and entered into a settlement agreement without sufficient justification, and the department attorney prepared an insufficient pre-hearing settlement conference statement.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on December 28, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until February 7, 2017, 41 days thereafter.*
- **Did the department file a written pre-hearing settlement conference statement with the State Personnel Board containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?**  
*The pre-hearing settlement conference statement did not designate a computer forensic expert to testify regarding the email messages.*
- **Did the settlement agreement comply with the factors outlined in policy?**  
*The agreement to modify the penalty did not comply with policy because the hiring authority did not identify any new flaws, risks, or evidence justifying a modification.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the modification because the hiring authority did not identify any new flaws, risks, or evidence justifying a modification.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-01	17-0023435-IR	1. Over-Familiarity	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between July 1, 2016, and December 19, 2016, a counselor allegedly engaged in sexual misconduct with an inmate.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney was assigned on July 20, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until September 20, 2017, two months after assignment.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegation. The OIG did not concur but did not seek a higher level of review due to conflicting evidence.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-25	16-0001993-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On July 25, 2016, two officers allegedly counted a dead inmate as living. One of the officers allegedly failed to sign her post orders, and on August 4, 2016, allegedly lied in a memorandum when she said the inmate was alive when counted.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs, the department attorney did not correctly assess the deadline to take disciplinary action, and the special agent did not consult with the appropriate prosecuting agency, properly conduct interviews, or prepare a thorough investigative report. The OIG did not concur with the department attorney's feedback regarding the investigative report.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

### Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on July 25, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 20, 2016, 57 days after the date of discovery.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney incorrectly assessed the deadline for taking disciplinary action as August 2, 2017, when the deadline was actually July 25, 2017.*
- **Did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and the appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation?**  
*The special agent did not consult with the district attorney's office or recommend a criminal investigation after discovering officers may have committed misdemeanor violations when they moved the inmate's body without the coroner's authorization.*
- **Did the Office of Internal Affairs special agent conduct appropriate and thorough interviews?**  
*The special agent did not advise officers of their right to remain silent prior to questioning after learning they moved the inmate's body without the coroner's authorization, which is a possible misdemeanor.*
- **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?**  
*In the OIG's opinion, the department attorney should have recommended including an outside law enforcement officer's statement of training and experience and a sergeant's report as exhibits.*
- **Did the Office of Internal Affairs special agent prepare a thorough and appropriate final investigative report?**  
*In the OIG's opinion, the final report should have included an outside law enforcement officer's statement of training and experience or a sergeant's report as exhibits.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority sustained allegations against the second officer, except for dishonesty, and imposed a 5 percent salary reduction for nine months. The hiring authority found insufficient evidence to sustain the allegation against the first officer. The OIG concurred with the hiring authority's determinations. Prior to the second officer filing an appeal, the department entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for eight months. The OIG did not concur but did not seek a higher level of review because the penalty remained within the appropriate range for the misconduct.

### Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority modified the penalty without a change in circumstances and the department attorney did not provide a form to the OIG.

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

**Assessment Questions**

- **Did the settlement agreement comply with the factors outlined in policy?**  
*The hiring authority modified the penalty without identifying any new evidence, flaws, or risks to support the modification.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks to justify a modification.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not provide the OIG with a copy of the case settlement report.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-03	16-0002165-IR	1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed

**Case Type:** Administrative Investigation

**Incident Summary**

On August 3, 2016, a sergeant allegedly allowed an inmate to search the cell of another inmate. On August 9, 2016, the sergeant allegedly lied about the incident in a rules violation report. On October 27, 2016, the sergeant allegedly lied about the incident to a lieutenant.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not make a timely determination regarding the request.

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
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**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on September 19, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 23, 2016, 65 days after the date of discovery.*
- **Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?**  
*The Office of Internal Affairs received the request for investigation on November 23, 2016, but did not take action until December 28, 2016, 35 days after receipt of the request.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

**Case Disposition**

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

<b>Incident Date</b> 2016-08-12	<b>OIG Case Number</b> 16-0001994-IR	<b>Allegations</b> 1. Discourteous Treatment 2. Dishonesty	<b>Findings</b> 1. Sustained 2. Not Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On August 12, 2016, an officer allegedly disrupted a training session with sarcastic comments and was dishonest to a lieutenant about her conduct.					
<b>Investigative Phase Assessment</b> In the OIG's opinion, the special agent did not conduct a thorough investigation preventing the hiring authority from adequately addressing the allegations and the hiring authority did not accurately document the investigative findings or provide a required form to the OIG. The OIG did not concur with the department attorney's legal advice or the hiring authority's determination regarding the sufficiency of the investigation.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Insufficient		

### Assessment Questions

- **Did the Office of Internal Affairs special agent conduct appropriate and thorough interviews?**  
*In the OIG's opinion, the special agent should have asked follow-up questions during interviews and interviewed additional pertinent witnesses.*
- **Did the Office of Internal Affairs special agent complete all necessary and relevant interviews?**  
*In the OIG's opinion, the special agent should have interviewed witnesses the officer indicated supported her claim she did not commit misconduct.*
- **Did the Office of Internal Affairs special agent prepare a thorough and appropriate final investigative report?**  
*In the OIG's opinion, the investigative report was not thorough because the special agent did not interview witnesses the officer indicated supported her claim she did not commit misconduct.*
- **Did the Office of Internal Affairs thoroughly and appropriately conduct the investigation?**  
*In the OIG's opinion, the special agent should have interviewed exculpatory witnesses the officer identified.*
- **Did the hiring authority properly deem the Office of Internal Affairs investigation sufficient or insufficient?**  
*In the OIG's opinion, the hiring authority should have found the investigation was insufficient since the special agent did not interview witnesses the officer indicated supported her claim she did not commit misconduct.*
- **Did the hiring authority properly determine whether additional investigation was necessary?**  
*In the OIG's opinion, the hiring authority should have recommended interviewing witnesses the officer indicated supported her claim she did not commit misconduct.*
- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**  
*In the OIG's opinion, the department attorney should have recommended the hiring authority find the investigation insufficient because the special agent did not interview witnesses the officer indicated supported her claim she did not commit misconduct.*
- **If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?**  
*The hiring authority could not fully determine whether the officer committed misconduct because the special agent did not interview witnesses the officer indicated supported her claim she did not commit misconduct.*
- **Did the department properly complete the form documenting the investigative findings?**  
*The form documenting the first investigative findings conference incorrectly reflected the hiring authority deemed the investigation sufficient and incorrectly identified sustained allegations.*
- **Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?**  
*The hiring authority did not provide a form documenting the findings from the second investigative findings conference.*

### Case Disposition

The hiring authority sustained the allegation the officer was discourteous, but not that she was dishonest, and imposed a 5 percent salary reduction for 12 months. Based on the available evidence, the OIG concurred. The officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

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

#### Procedural Rating

Sufficient

#### Substantive Rating

Sufficient



<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-08-27	16-0002087-IR	1. Dishonesty 2. Use of Force 3. Use of Force 4. Failure to Report 5. Use of Force 6. Failure to Report	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Unfounded 6. Unfounded	Suspension	Suspension
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On August 27, 2016, an officer allegedly pushed an inmate against a wall, a window, and a cell during an escort. The officer, two other officers, and a sergeant allegedly failed to report the use of force and participated in a coordinated effort to prevent reporting. The first officer and one of the other officers were allegedly dishonest in their reports regarding the force used.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The OIG did not concur with the Office of Internal Affairs' determination or the hiring authority's investigative finding.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b>  <i>The hiring authority learned of the alleged misconduct on August 27, 2016, but did not refer the matter to the Office of Internal Affairs until October 24, 2016, 58 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b>  <i>In the OIG's opinion, the Office of Internal Affairs should have added dishonesty allegations for the officers since the evidence indicated the officers willfully omitted a pertinent fact from their reports.</i></li> <li>◦ <b>Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?</b>  <i>In the OIG's opinion, the hiring authority should have added an allegation against one officer for dishonesty during his interview with the Office of Internal Affairs since the officer denied during the interview that a second officer used force, the second officer admitted his use of force resulted in an injury to the inmate, and the injury was consistent with a use of force.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b>  <i>The delay is addressed in a prior question.</i></li> </ul>					

### Case Disposition

The hiring authority sustained allegations the first officer failed to report his use of force and was dishonest, but not the other allegations against him, and imposed a 70-working-day suspension. The hiring authority did not dismiss the officer because the officer came forward after the incident to report what occurred. The OIG concurred because the officer reported the misconduct. The hiring authority also sustained allegations the second officer failed to report the use of force and was dishonest, but not the other allegations against him, and imposed a 50-working-day suspension. The OIG did not concur because the officer should have been dismissed based on the dishonesty allegation and lack of mitigating factors. The OIG did not seek a higher level of review due to a conflict in the evidence. The hiring authority converted the second officer's suspension to a 10 percent salary reduction for 25 months. The OIG concurred because the conversion amounted to the same financial penalty. Neither officer filed an appeal with the State Personnel Board. The hiring authority found the investigation conclusively proved the sergeant and third officer were not involved in any misconduct, and the OIG concurred.

### Disciplinary Assessment

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority serve the disciplinary actions in accordance with policy and the department attorney did not include all required language in the disciplinary actions. The OIG did not concur with the hiring authority's determinations.

#### Procedural Rating

Insufficient

#### Substantive Rating

Insufficient

### Assessment Questions

- **Did the hiring authority who participated in the disciplinary conference select the appropriate employee disciplinary matrix charges and causes for discipline?**

*In the OIG's opinion, the hiring authority should have selected disciplinary charges and causes of action for dishonesty for one of the officers since the officer denied during his interview with the Office of Internal Affairs that a second officer used force, the second officer admitted his use of force resulted in an injury to the inmate, and the injury was consistent with a use of force.*

- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**

*In the OIG's opinion, the hiring authority should have dismissed one of the officers instead of imposing a 50-working-day suspension because dismissal was more appropriate based on the finding the officer was dishonest and there were no mitigating factors.*

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**

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

- **Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?**

*The deadline for taking disciplinary action was August 27, 2017, but the department did not serve the disciplinary actions until September 14, 2017, 18 days after the deadline.*

- **Did the department conduct the disciplinary phase with due diligence?**

*The department did not serve the disciplinary actions within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on August 8, 2017. However, the department did not serve the disciplinary actions until September 14, 2017, 37 days later and after the deadline to take disciplinary action expired.*

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-09-25	17-0021664-IR	1. Confidential Information 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On September 25, 2016, a lieutenant allegedly improperly accessed an inmate's confidential records from a state computer and provided the information to other inmates. On September 28, 2016, a second lieutenant allegedly failed to properly control the inmate's confidential information.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department attorney did not timely assess the deadline for taking disciplinary action and the special agent did not adequately cooperate with the OIG. The OIG did not concur with the Office of Internal Affairs' handling of the investigation or the department attorney's advice.</p>					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department assigned an attorney on February 2, 2017, but the attorney did not make an entry into the case management system regarding the deadline for taking disciplinary action until February 24, 2017, 22 days after assignment.</i></li> <li>◦ <b>Did the special agent adequately prepare for all aspects of the investigation?</b> <i>In the OIG's opinion, the special agent lacked department of corrections experience and neglected to research relevant policies, procedures, and training before interviewing the first lieutenant.</i></li> <li>◦ <b>Did the Office of Internal Affairs special agent conduct appropriate and thorough interviews?</b> <i>In the OIG's opinion, the special agent did not ask the first lieutenant critical questions during her first interview because the special agent lacked department of corrections experience and knowledge of relevant policies, procedures, and training.</i></li> <li>◦ <b>Did the department attorney provide timely and adequate legal advice to the Office of Internal Affairs during the investigation?</b> <i>In the OIG's opinion, the department attorney should have recommended that a special agent with department of corrections experience be assigned and should also have advised the special agent to research relevant policies, procedures, and training before conducting interviews.</i></li> <li>◦ <b>Did the special agent cooperate with and provide continual real-time consultation with the OIG?</b> <i>The special agent scheduled the first lieutenant's second interview for a time the OIG could not attend and refused to reschedule it, resulting in the OIG being unable to monitor the interview.</i></li> </ul>					
<p><b>Case Disposition</b></p> <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-10-05	16-0002172-IR	1. Use of Force 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On October 5, 2016, a sergeant and an officer allegedly kicked and sexually abused an inmate, and failed to report their own and each other's uses of force. A psychiatric technician allegedly failed to properly conduct a medical evaluation of the inmate's injuries.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The OIG did not concur with the Office of Internal Affairs' initial determination or the department attorney's feedback regarding the draft investigative report.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on October 5, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 1, 2016, 57 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have added dishonesty allegations for the sergeant and one officer since there was evidence the inmate's injuries were consistent with the alleged use of force.</i></li> <li>◦ <b>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?</b> <i>In the OIG's opinion, the department attorney neglected to recommend including critical information regarding a psychiatric technician's responsibilities.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-10-12	17-0021790-IR	1. Use of Force 2. Neglect of Duty	1. Not Sustained 2. Exonerated	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On October 12, 2016, an officer allegedly grabbed an inmate's wrist when there was no imminent threat and failed to provide a thorough description of his actions to another officer.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The OIG did not agree that the Office of Internal Affairs' investigation was thorough or the hiring authority's decision to not request additional investigation to address other potential misconduct.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on October 12, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 25, 2017, 105 days after the date of discovery.</i></li> <li>◦ <b>Did the special agent adequately prepare for all aspects of the investigation?</b> <i>In the OIG's opinion, the special agent lacked corrections training and experience and did not have the assistance of an experienced special agent.</i></li> <li>◦ <b>Did the Office of Internal Affairs thoroughly and appropriately conduct the investigation?</b> <i>In the OIG's opinion, the Office of Internal Affairs neglected to address that officers left a seriously injured inmate, who had been handcuffed and sprayed with pepper spray, on the floor and failed to initiate decontamination procedures or have a medical evaluation conducted for almost one hour.</i></li> <li>◦ <b>Did the hiring authority properly determine whether additional investigation was necessary?</b> <i>In the OIG's opinion, the hiring authority should have requested additional investigation to address that officers left a seriously injured inmate, who had been handcuffed and sprayed with pepper spray, on the floor and failed to initiate decontamination procedures or have a medical evaluation conducted for almost one hour.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegation the officer grabbed an inmate's wrist when there was no imminent threat and determined that although the officer failed to provide a thorough description of his actions to another officer, the investigation revealed the actions were justified, lawful, and proper because he provided sufficient information under the circumstances. The OIG concurred with the hiring authority's determinations.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-24	17-0022855-IR	1. Insubordination 2. Neglect of Duty 3. Use of Force 4. Failure to Report 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Letter of Instruction	Letter of Instruction

**Case Type:** Administrative Investigation

#### Incident Summary

On October 24, 2016, an officer allegedly forced an inmate to the ground unnecessarily, failed to report the inmate intentionally walked into the officer's arm, and failed to report that another officer also used force. Five other officers allegedly failed to report the first officer's use of force. One of the five officers allegedly failed to timely respond to the incident, and another of the five officers allegedly failed to document the inmate intentionally walked into the first officer's arm. Between August 24, 2017, and August 29, 2017, the first officer allegedly violated a direct order to not discuss the incident.

#### Investigative Phase Assessment

The department did not comply with policies and procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs, resulting in an incomplete investigation. The OIG did not concur with the Office of Internal Affairs' initial determination because it did not add a dishonesty allegation supported by the evidence. The department attorney made an untimely and incomplete entry in the case management system.

#### Procedural Rating

Insufficient

#### Substantive Rating

Insufficient

#### Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on November 14, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 4, 2017, almost six months after the date of discovery.*
- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have added a dishonesty allegation based on the officer's apparent lie that he did not witness force being used.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department assigned an attorney June 5, 2017, but the attorney did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 9, 2017, four months after assignment. In addition, the entry did not reference any specific dates.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The hiring authority's delay in referring the matter to the Office of Internal Affairs resulted in witnesses being unable to recall details of the incident and one witness being unavailable to interview because he retired from the department.*

**Case Disposition**

The hiring authority sustained allegations that the first officer failed to fully document the incident and violated a direct order, but not the remaining allegations against him or the other officers, and the OIG concurred. The hiring authority issued a letter of instruction to the first officer. The OIG did not concur but did not seek a higher level of review due to the officer's sincere expression of remorse during his interview and failure to understand the directive in the interview notice.

**Disciplinary Assessment**

In the OIG's opinion, the hiring authority served the officer a lesser penalty than appropriate for his misconduct. Also, the department attorney did not provide a required form to the OIG.

**Procedural Rating**

Sufficient

**Substantive Rating**

Insufficient

**Assessment Questions**

- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, based on the misconduct, the hiring authority should have served a letter of reprimand or salary reduction rather than a letter of instruction.*
- **Did the department attorney provide to the hiring authority 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 employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not provide written confirmation of penalty discussions to the OIG.*

<b>Incident Date</b> 2016-10-26	<b>OIG Case Number</b> 16-0002123-IR	<b>Allegations</b> 1. Controlled Substances	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On October 26, 2016, an officer allegedly tested positive for codeine.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney was assigned on December 9, 2016, but did not make an entry into the case management system regarding the deadline to take disciplinary action until February 28, 2017, 81 days after assignment. In addition, the entry did not reference any specific dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation and imposed a 10 percent salary reduction for three months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to a hearing, the department entered into a settlement agreement with the officer wherein the penalty remained the same but the disciplinary action would be removed from the officer's official personnel file after 18 months. The OIG did not concur but did not seek a higher level of review because the monetary penalty remained the same.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the settlement agreement comply with the factors outlined in policy?</b> <i>The hiring authority did not identify any new evidence, flaws, or risks justifying the settlement.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying the settlement.</i></li> </ul>					



Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-09	17-0000082-IR	1. Insubordination/Willful Disobedience 2. Other Failure of Good Behavior	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction

**Case Type:** Direct Action (No Subject Interview)

#### Incident Summary

On November 9, 2016, an officer allegedly sent nude photographs of his ex-girlfriend to her mother, resulting in outside law enforcement involvement. Between November 17, 2016, and December 21, 2016, the officer allegedly disobeyed a sergeant's order to submit a memorandum regarding his outside law enforcement contact.

#### Investigative Phase Assessment

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

#### Procedural Rating

Sufficient

#### Substantive Rating

Sufficient

#### Assessment Questions

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

*The department attorney was assigned on January 30, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until April 4, 2017, 64 days after assignment. In addition, the entry did not reference any specific dates.*

#### Case Disposition

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 24 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

#### Disciplinary Assessment

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

#### Procedural Rating

Sufficient

#### Substantive Rating

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-10	17-0022426-IR	1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty 4. Sexual Misconduct 5. Over-Familiarity 6. Contraband	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Dismissal

**Case Type:** Administrative Investigation

<p><b>Incident Summary</b></p> <p>Between November 10, 2016, and May 31, 2017, a psychologist allegedly flirted with and became romantically involved with an inmate. Between December 9, 2016, and December 12, 2016, the psychologist allegedly provided a mobile phone and sent sexually suggestive text messages to the inmate. Between December 6, 2016, and December 14, 2016, the psychologist allegedly lied to her supervisor regarding her interactions with the inmate during treatment sessions.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference or provide a form to the OIG. The OIG did not concur with the department attorney's legal advice or the hiring authority's decision to not sustain sexual misconduct.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 6, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 23, 2017, 47 days thereafter.</i></li> <li>◦ <b>Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?</b> <i>In the OIG's opinion, the department attorney should have advised the hiring authority to sustain a sexual misconduct allegation because there was a preponderance of evidence to support the allegation.</i></li> <li>◦ <b>Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?</b> <i>In the OIG's opinion, the hiring authority should have sustained a sexual misconduct allegation because there was a preponderance of evidence to support the allegation.</i></li> <li>◦ <b>Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?</b> <i>The hiring authority did not provide the OIG with the form documenting the investigative findings.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained all allegations, except that the psychologist provided a mobile phone and sent sexually suggestive text messages to the inmate and one allegation that was improperly worded, and determined dismissal was the appropriate penalty. The OIG concurred except for the decision to not sustain the allegation the psychologist sent sexually suggestive text messages to the inmate. The OIG did not seek a higher level of review because the penalty would have been the same. The psychologist resigned during the investigation. Therefore, the hiring authority placed a letter in the psychologist's official personnel file indicating she resigned pending disciplinary action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or provide a form to the OIG. The OIG did not concur with the department attorney's legal advice or the hiring authority's determination.</p>	

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li> <p>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b>  <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 6, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 23, 2017, 47 days thereafter.</i></p> </li> <li> <p>◦ <b>Did the department attorney provide appropriate legal consultation to the hiring authority regarding disciplinary determinations?</b>  <i>In the OIG's opinion, the department attorney should have recommended disciplinary matrix charges and causes for discipline to support a sexual misconduct allegation.</i></p> </li> <li> <p>◦ <b>Did the hiring authority who participated in the disciplinary conference select the appropriate employee disciplinary matrix charges and causes for discipline?</b>  <i>In the OIG's opinion, the hiring authority should have selected disciplinary matrix charges and causes for discipline to support a sexual misconduct allegation.</i></p> </li> <li> <p>◦ <b>Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?</b>  <i>The hiring authority did not provide the OIG with the form documenting the disciplinary determinations.</i></p> </li> <li> <p>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b>  <i>The delay is addressed in a prior question.</i></p> </li> </ul>	

<b>Incident Date</b> 2016-11-17	<b>OIG Case Number</b> 17-0023331-IR	<b>Allegations</b> 1. Confidential Information 2. Misuse of State Equipment or Property	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between November 17, 2016, and February 25, 2017, an officer allegedly endangered an inmate by obtaining confidential information about his conviction offense from a state computer database and provided it to other inmates.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on March 1, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 21, 2017, almost four months after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-20	17-0022640-IR	1. Misuse of Authority	1. No Finding	No Penalty Imposed	No Penalty Imposed

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On December 20, 2016, a captain allegedly voided an inmate's rules violation report in order to obtain information from the inmate about the safety and security of staff and inmates.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the department attorney did not confirm relevant dates. The OIG disagreed with the Office of Internal Affairs' initial determination.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- o **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the captain because the interview was necessary to determine the reason he thought he could dismiss a rules violation in the interest of justice.*
- o **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney did not make any entry into the case management system confirming relevant dates.*

**Case Disposition**

The hiring authority did not make a finding because it determined the captain's actions were consistent with institutional practice and that training was appropriate. The OIG concurred.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-27	17-0022006-IR	1. Dishonesty 2. Use of Force 3. Dishonesty 4. Use of Force 5. Failure to Report	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal

**Case Type:** Administrative Investigation

**Incident Summary**

On December 27, 2016, an officer allegedly deployed pepper spray on an inmate who was on the ground and asked a second officer not to document the force. The second officer allegedly failed to report the first officer's use of force and was dishonest when he reported the first officer did not use force. On December 28, 2016, the second officer was allegedly dishonest in a written report regarding the incident. On January 2, 2017, the first officer allegedly lied to a lieutenant regarding the force, and on June 5, 2017, the second officer allegedly lied during his interview with the Office of Internal Affairs.

<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conferences in a timely manner.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on December 28, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 17, 2017, 51 days after the date of discovery.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 28, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until September 21, 2017, 24 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations against the second officer, except that he was dishonest in a written report, and determined dismissal was the appropriate penalty. However, the officer retired before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he retired under unfavorable circumstances. The hiring authority found insufficient evidence to sustain the allegations against the first officer. The OIG concurred with the hiring authority's determinations.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 28, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until September 21, 2017, 24 days thereafter.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-27	17-0022082-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
On December 27, 2016, an officer allegedly unreasonably deployed pepper spray on an inmate who was spitting at others from a cell.

**Investigative Phase Assessment**  
The department did not comply with policies and procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs, timely or adequately consult with the OIG and department attorney, and withdrew a request for investigation, which prevented adequately addressing the allegations.

Procedural Rating	Substantive Rating
Insufficient	Insufficient

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on December 27, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 24, 2017, 59 days after the date of discovery.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on March 15, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until May 5, 2017, 51 days thereafter.*
- **Did the hiring authority properly determine whether additional investigation was necessary?**  
*The hiring authority withdrew its request for investigation, required to determine whether misconduct occurred, without consulting the department attorney or the OIG.*
- **If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?**  
*The hiring authority could not sustain the allegation without an investigation.*
- **Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?**  
*The hiring authority did not consult with the OIG regarding withdrawing a request for investigation.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**  
The hiring authority found insufficient evidence to sustain the allegation. Based on the available evidence, the OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-13	17-0021857-IR	1. Controlled Substances	1. Sustained	Dismissal	Resignation in Lieu of Termination

<b>Case Type:</b> Direct Action (No Subject Interview)	
<b>Incident Summary</b> On January 13, 2017, an officer allegedly tested positive for cocaine.	
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.	
<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on February 22, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the evidence and findings until March 13, 2017, 19 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<b>Case Disposition</b> The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement wherein the officer resigned in lieu of dismissal and agreed never to seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of ensuring the officer did not work for the department.	
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.	
<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on February 22, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until March 13, 2017, 19 days thereafter.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The draft disciplinary action did not advise the officer of his right to respond to an uninvolved manager or correctly identify the person to whom the employee was to respond.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	



<b>Incident Date</b> 2017-01-20	<b>OIG Case Number</b> 17-0022632-IR	<b>Allegations</b> 1. Use of Force	<b>Findings</b> 1. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On January 20, 2017, an officer allegedly caused an inmate to fall from his wheelchair while returning the inmate to a cell and failed to report it. Two other officers allegedly failed to report the first officer's use of force.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult with the OIG and the department attorney. The OIG did not concur with the Office of Internal Affairs' determination regarding the hiring authority's request.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on January 24, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 11, 2017, 77 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened an investigation to interview the officers and other potential witnesses to clarify conflicting accounts of the incident.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on May 10, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the evidence and the findings until June 28, 2017, 49 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-02-20	17-0022181-IR	1. Dishonesty 2. Other Failure of Good Behavior	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On February 20, 2017, an officer allegedly struck his six-year old autistic son in the face causing visible injuries and lied to outside law enforcement when he denied striking his son.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-02-20	17-0022491-IR	1. Weapons 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On February 20, 2017, an officer allegedly failed to unload a handgun before transferring it to a second officer. The second officer allegedly negligently discharged the handgun, failed to preserve the condition of the weapon after it discharged, failed to preserve and left the incident scene, and failed to promptly report the discharge to a supervisor.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney was not timely prepared and did not adequately cooperate with the OIG or the hiring authority.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

### Assessment Questions

- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**  
*The department attorney recommended the first investigative findings conference be postponed because he was not prepared to discuss additional appropriate allegations against the second officer.*
- **Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?**  
*The department attorney was not prepared to discuss additional appropriate allegations against the second officer at the first investigative findings conference.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority sustained the allegation against the first officer and imposed a 10 percent salary reduction for six months. The hiring authority sustained the allegations against the second officer, except that he failed to preserve the condition of the handgun, and imposed a 10 percent salary reduction for six months. The OIG concurred with the hiring authority's determinations except for the decision to not sustain the allegation the second officer failed to preserve the condition of the handgun and the penalty for the second officer. The OIG did not seek a higher level of review because of a dispute in the evidence. After a *Skelly* hearing, the hiring authority learned the first officer had come to work sick and was preoccupied with a family member's serious illness, and the hiring authority reduced the penalty to a 5 percent salary reduction for two months. The OIG did not concur. After a *Skelly* hearing, the hiring authority learned the second officer took responsibility for his actions, was remorseful, did not believe he could contact his supervisor via telephone or radio because of the unique layout of the institution, and had secured the gatehouse as a crime scene when he left. Due to this mitigating information, the hiring authority reduced the penalty to a 5 percent salary reduction for three months. The OIG did not concur but did not seek a higher level of review because the mitigating information was not previously known.

### Disciplinary Assessment

In the OIG's opinion, the department attorney provided legal advice to the hiring authority that resulted in the hiring authority not selecting a disciplinary matrix charge or penalty warranted by the misconduct and the hiring authority reached settlement agreements without adequate justification.

#### Procedural Rating

Sufficient

#### Substantive Rating

Insufficient

### Assessment Questions

- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding disciplinary determinations?**  
*In the OIG's opinion, for the second officer, the department attorney should have recommended applying gross negligence in handling a firearm based on the seriousness of potential harm and a State Personnel Board precedential decision, and recommended a lower salary reduction than the misconduct warranted.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate employee disciplinary matrix charges and causes for discipline?**  
*In the OIG's opinion, the hiring authority should have applied gross negligence in handling a firearm for the second officer based on the seriousness of potential harm.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, the hiring authority should have selected a higher salary reduction for the second officer based on the seriousness of potential harm.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not agree with reducing the first officer's penalty because the reasons the officer provided did not justify failing to make a handgun safe. The OIG also did not agree with reducing the second officer's penalty because the hiring authority did not initially select a penalty warranted by the misconduct and the OIG did not agree the factors learned at the Skelly hearing were sufficient to justify a reduction.*

<b>Incident Date</b> 2017-03-23	<b>OIG Case Number</b> 17-0023430-IR	<b>Allegations</b> 1. Dishonesty	<b>Findings</b> 1. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On March 23, 2017, an officer allegedly falsified a rules violation report, stating he interviewed a witness he had not interviewed.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not timely or thoroughly assess the deadline for taking disciplinary action and did not timely review the draft investigative report.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department assigned an attorney on July 20, 2017, but the attorney did not make any entry into the case management system confirming relevant dates until November 28, 2017, four months after assignment. In addition, the entry did not reference any specific dates.</i></li> <li>◦ <b>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?</b> <i>The department attorney received the draft investigative report on September 25, 2017, but did not provide a review of the report until October 18, 2017, 23 days thereafter.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

<b>Incident Date</b> 2017-04-04	<b>OIG Case Number</b> 17-0022641-IR	<b>Allegations</b> 1. Other Failure of Good Behavior	<b>Findings</b> 1. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On April 4, 2017, outside law enforcement arrested an officer after he allegedly punched his girlfriend in the abdomen, grabbed her by the shirt, and pushed her while the officer held their infant son.					
<b>Investigative Phase Assessment</b> In the OIG's opinion, the Office of Internal Affairs' decision to not conduct any interviews prevented the hiring authority from properly evaluating the alleged misconduct.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Insufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer and add a dishonesty allegation since a witness contradicted the officer's statements to outside law enforcement.</i></li> <li>◦ <b>If the hiring authority submitted an appeal, did the Office of Internal Affairs make an appropriate decision regarding the appeal?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have approved two additional requests from the hiring authority and department attorney that the officer, girlfriend, and arresting officer be interviewed.</i></li> <li>◦ <b>If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?</b> <i>In the OIG's opinion, the hiring authority could not properly evaluate the allegations because the Office of Internal Affairs did not agree to interview the officer, girlfriend, and arresting officer.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegation. Based on the available evidence, the OIG concurred.					

<b>Incident Date</b> 2017-04-26	<b>OIG Case Number</b> 17-0022744-IR	<b>Allegations</b> 1. Over-Familiarity 2. Misuse of Authority	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On April 26, 2017, an officer allegedly visited a parolee at a rehabilitation center and identified himself as an officer when visiting the center.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not correctly assess the deadline for taking disciplinary action.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as April 25, 2018, when the deadline was actually May 1, 2018.</i></li> <li>◦ <b>Did the department attorney provide timely and adequate legal advice to the Office of Internal Affairs during the investigation?</b> <i>The department attorney did not advise the special agent regarding the correct deadline for taking disciplinary action.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2017-05-26	<b>OIG Case Number</b> 17-0023287-IR	<b>Allegations</b> 1. Intoxication 2. Dishonesty	<b>Findings</b> 1. Sustained 2. Not Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Suspension
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On May 26, 2017, an officer allegedly drove while under the influence of alcohol and lied to outside law enforcement when he stated he had not consumed any alcohol.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation the officer drove under the influence of alcohol, but not that he was dishonest to outside law enforcement, and imposed a 5 percent salary reduction for three months. The OIG concurred. However, the department entered into a settlement agreement with the officer converting the penalty to a three-working-day suspension and agreeing to remove the disciplinary action from the officer's official personnel file after 12 months in exchange for the officer waiving his right to appeal. The OIG concurred with the settlement because the officer accepted responsibility for his actions and the monetary penalty remained unchanged.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		



<b>Incident Date</b> 2017-06-24	<b>OIG Case Number</b> 17-0024026-IR	<b>Allegations</b> 1. Use of Force 2. Neglect of Duty	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On June 24, 2017, a sergeant allegedly deployed pepper spray on an inmate after the inmate was no longer a threat and failed to photograph and process his uniform as evidence of an assault. A lieutenant allegedly failed to determine the sergeant's use of force violated policy and failed to include the sergeant's medical examination in the incident report. On July 10, 2017, a captain allegedly failed to determine the sergeant's use of force violated policy.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not correctly assess the deadline for taking disciplinary action.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney incorrectly assessed the deadline for taking disciplinary action as August 18, 2018, when the deadline was actually June 24, 2018.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b> 2017-07-08	<b>OIG Case Number</b> 17-0023731-IR	<b>Allegations</b> 1. Battery 2. Other Failure of Good Behavior	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Modified Salary Reduction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On July 8, 2017, an officer allegedly grabbed his wife's hands and pulled them behind her back, slammed her face into the ground causing injury, resulting in his arrest by outside law enforcement on July 9, 2017.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have included an allegation for battery since there was evidence the officer pushed his wife, caused injury, and was arrested for domestic violence.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations, including an allegation the hiring authority added for battery, and imposed a 10 percent salary reduction for 18 months. The OIG concurred. Before the officer filed an appeal with the State Personnel Board, the department entered into a settlement with the officer reducing the length of time the disciplinary action would remain in the officer's official personnel file from 36 months to 30 months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained the same and the disciplinary action could still be used for progressive discipline.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the settlement agreement comply with the factors outlined in policy?</b> <i>The hiring authority did not identify any new evidence, flaws, or risks to support a settlement.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>The OIG did not concur because the hiring authority did not identify any new evidence, flaws, or risks to support a settlement.</i></li> </ul>					

<b>Incident Date</b> 2017-08-14	<b>OIG Case Number</b> 17-0023972-IR	<b>Allegations</b> 1. Controlled Substances	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On August 14, 2017, an officer allegedly tested positive for cocaine.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation and served a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the department attorney did not appropriately draft the disciplinary action and the department did not serve the disciplinary action in accordance with policy.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not cite the correct law providing for peace officer confidentiality and did not advise the officer of his right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on September 28, 2017. However, the department did not serve the disciplinary action until October 30, 2017, 32 days later.</i></li> </ul>					

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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2013-05-01	16-0000993-IR	<ol style="list-style-type: none"> <li>1. Sexual Misconduct</li> <li>2. Failure to Report</li> <li>3. Neglect of Duty</li> <li>4. Misuse of State Equipment or Property</li> <li>5. Sexual Misconduct</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	Modified Suspension
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>Between May 1, 2013, and February 1, 2016, a psychiatric technician allegedly engaged in sexual misconduct with two officers on multiple occasions on institutional grounds, misused state equipment and time to send and receive inappropriate email messages, was distracted from her duties, and failed to report the misconduct of other employees with whom she exchanged inappropriate email messages. Between November 27, 2013, and May 17, 2016, the psychiatric technician allegedly used her mobile phone to send more than 4,000 sexually explicit email messages to coworkers. Between May 1, 2013, and February 1, 2016, the two officers allegedly engaged in sexual misconduct with the psychiatric technician on multiple occasions on institutional grounds, misused state equipment and time to send and receive inappropriate email messages, were distracted from their duties, and failed to report the misconduct of the psychiatric technician with whom they exchanged inappropriate email messages. Between February 1, 2014, and February 1, 2016, a third officer allegedly misused state equipment and time to send and receive inappropriate email messages, was distracted from his duties, and failed to report the misconduct of the psychiatric technician with whom he exchanged inappropriate email messages. Between June 1, 2014, and February 1, 2016, a fourth officer and a sergeant allegedly misused state equipment and time to send and receive inappropriate email messages, were distracted from their duties, and failed to report the misconduct of the psychiatric technician with whom they exchanged inappropriate email messages. Between October 15, 2015, and February 1, 2016, a lieutenant allegedly misused state equipment and time to send and receive inappropriate email messages, was distracted from his duties, and failed to report the misconduct of the psychiatric technician with whom he exchanged inappropriate email messages.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with policies and procedures governing the investigative phase because the department attorney did not make a required entry in the case management system, the hiring authority did not timely conduct the investigative findings conference, and the Office of Internal Affairs did not complete its investigation before the deadline for taking disciplinary action expired for misconduct between May 23, 2013, and March 13, 2014.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Insufficient		

### Assessment Questions

- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney did not make any entry into the case management system confirming relevant dates.*
- **Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action?**  
*The Office of Internal Affairs did not complete its investigation until November 22, 2016, nearly six months after the deadline to take disciplinary action on the first acts of misconduct.*
- **Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation?**  
*The Office of Internal Affairs did not complete its investigation until November 22, 2016, nearly six months after the deadline to take disciplinary action on the first acts of misconduct.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 22, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until December 21, 2016, 29 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The Office of Internal Affairs did not expedite the investigation although the deadline to take disciplinary action for some of the alleged misconduct was about to expire. As a result, the department was unable to hold the psychiatric technician and two officers accountable for alleged misconduct that occurred during a nine-month period.*

### Case Disposition

The hiring authority sustained the allegations against the second officer, except that he engaged in sexual misconduct on institutional grounds, and imposed a 60-working-day suspension. The hiring authority sustained the allegations against the psychiatric technician, remaining officers, sergeant, and lieutenant. The hiring authority dismissed the psychiatric technician and the first officer. The hiring authority served the lieutenant and sergeant 10 percent salary reductions for 24 months, served the third officer a 5 percent salary reduction for eight months, and the fourth officer a 5 percent salary reduction for six months. The penalties differed due to the number and content of the email messages. The OIG concurred with the hiring authority's determinations except for the lieutenant's penalty. The OIG did not seek a higher level of review because the penalty was within departmental guidelines. The sergeant, first officer, and psychiatric technician filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, pursuant to settlement agreements, the psychiatric technician and the first officer resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlements achieved the ultimate goal of ensuring the psychiatric technician and officer did not work for the department. During the State Personnel Board proceeding, the department entered into a settlement with the sergeant reducing the penalty to a 10 percent salary reduction for seven months. The OIG concurred because the administrative law judge struck two of the allegations during the hearing. Prior to the State Personnel Board proceedings for the second officer, the department entered into a settlement agreement with the officer reducing the penalty to a 35-working-day suspension. The OIG did not concur with the settlement but did not seek a higher level of review because the penalty was within departmental guidelines. The lieutenant, third, and fourth officers did not file appeals.

### Disciplinary Assessment

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or serve disciplinary actions timely or in accordance with policy, and was precluded from taking disciplinary action for misconduct that occurred between May 23, 2013, and March 13, 2014. The department attorney did not prepare the disciplinary actions in accordance with policy or provide required forms to the OIG, and the OIG did not concur with the hiring authority's decisions regarding the lieutenant's penalty or two settlements.

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Insufficient
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**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 22, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 21, 2016, 29 days thereafter.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, the hiring authority should not have imposed the same penalties against the lieutenant and sergeant since the lieutenant's misconduct was more egregious.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary actions did not advise the psychiatric technician, lieutenant, sergeant, or officers of their right to respond to an uninvolved manager.*
- **Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?**  
*The deadline expired for taking disciplinary action against the psychiatric technician and first two officers for misconduct that occurred between May 23, 2013, and March 13, 2014.*
- **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 for the lieutenant or second officer because the modifications did not consider the seriousness of the misconduct.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not provide the case settlement reports to the OIG.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The department did not serve the disciplinary actions within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on December 21, 2016. However, the department did not serve the disciplinary action on the first officer until March 6, 2017, 75 days later, the sergeant, lieutenant, and second officer until March 7, 2017, 76 days later, fourth officer until March 10, 2017, 79 days later, and third officer and psychiatric technician until March 13, 2017, 82 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-03-02	16-0001843-IR	1. Disclosure of Confidential Information 2. Confidential Information 3. Insubordination/Willful Disobedience 4. Confidential Information	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Dismissal

**Case Type:** Administrative Investigation

<p><b>Incident Summary</b></p> <p>On March 2, 2015, an officer allegedly asked a second officer to access the department's inmate database, print a high-profile inmate's identification card, and provide the card to him even though the first officer was not authorized to have the card. The second officer allegedly printed and provided the identification card to the first officer, who allegedly provided the card to a web site to sell to the public. On November 4, 2016, the first officer allegedly refused an order to attend an interview with the Office of Internal Affairs. On April 21, 2016, a counselor allegedly obtained and disclosed confidential information regarding the same inmate to a magazine editor.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the investigative phase.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Was the investigative draft report provided to the OIG for review thorough and appropriately drafted?</b> <i>The draft investigative report did not include a list of all witnesses.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations against the first officer, except that he offered the identification card for sale, and dismissed the officer. The hiring authority also sustained the allegations against the second officer and counselor and issued a 5 percent salary reduction for six months to the officer and letter of reprimand to the counselor. The OIG concurred with the hiring authority's determinations. The first officer resigned before the dismissal took effect. The hiring authority placed a letter in the officer's official personnel file indicating he resigned under adverse circumstances. Neither the second officer nor the counselor filed appeals with the State Personnel Board.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Was the draft disciplinary action provided to the OIG for review appropriately drafted as described in the DOM?</b> <i>The draft disciplinary actions did not provide notice that the counselor and officers had the right to respond to a manager who was not involved in the investigation.</i></li> <li>◦ <b>Was the disciplinary action served on the subject (s) appropriately drafted as described in the DOM?</b> <i>The final disciplinary actions did not provide notice that the counselor and officers had the right to respond to a manager who was not involved in the investigation.</i></li> <li>◦ <b>Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?</b> <i>Neither the department attorney nor the employee relations officer provided the OIG with the Skelly officer's recommendations or hiring authority's findings following one of the officer's Skelly hearing until two months after the hearing and only after the OIG requested copies.</i></li> </ul>	

<b>Incident Date</b> 2015-05-01	<b>OIG Case Number</b> 16-0001795-IR	<b>Allegations</b> 1. Dishonesty 2. Failure to Report 3. Neglect of Duty	<b>Findings</b> 1. Sustained 2. Sustained 3. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between May 1, 2015, and August 10, 2015, an officer allegedly used a mobile phone while driving a state vehicle to take photographs of coworkers sleeping and failed to report the coworkers sleeping. On May 17, 2016, the officer allegedly participated in an interview with the media and provided the media with photographs of coworkers sleeping without authorization. On September 6, 2016, the officer allegedly lied during his interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not make a required entry into the case management system and the hiring authority did not timely consult regarding investigative findings.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 19, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until March 22, 2017, two months thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the department attorney did not provide written confirmation of penalty discussions and the hiring authority did not timely consult regarding the disciplinary determinations. In the OIG's opinion, the department attorney did not prepare a thorough disciplinary action.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		



**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on January 19, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until March 22, 2017, two months thereafter.*
- **Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?**  
*The department attorney did not provide written confirmation of penalty discussions.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*In the OIG's opinion, the disciplinary action did not thoroughly describe the identities of the persons the officer photographed or contain notice of the right to respond to an uninvolved manager.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-07-01	16-0001077-IR	1. Discourteous Treatment 2. Retaliation 3. Neglect of Duty 4. Discourteous Treatment 5. Neglect of Duty 6. Discrimination/Harassment	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Exonerated 6. Unfounded	Letter of Instruction	Letter of Instruction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> From July 1, 2015, to April 30, 2016, an executive, seven managers, and one supervisor allegedly discriminated against a special agent based on gender and impeded the special agent's efforts to promote to supervisor position. The executive and two of the managers allegedly failed to ensure that the October 2015 hiring process for supervisor positions was consistent with prior practices. One of the managers allegedly retaliated against the special agent for filing a complaint by making discourteous statements and not providing managerial support. The supervisor allegedly made a discourteous statement to the special agent.					
<b>Investigative Phase Assessment</b> The department did not comply with policies and procedures governing the investigative phase because the department attorney did not make a required entry into the case management system and in the OIG's opinion, the hiring authority did not sustain an allegation supported by the evidence.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Insufficient		

### Assessment Questions

- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney did not make any entry into the case management system confirming relevant dates.*
- **Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?**  
*In the OIG's opinion, the hiring authority should have sustained a neglect of duty allegation against one of the chiefs since the allegation was supported by the evidence.*
- **If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?**  
*An outside law enforcement agency conducted the investigation and submitted its report to the department after the deadline to take disciplinary action for some of the allegations.*

### Case Disposition

The hiring authority did not sustain the discrimination allegation, but added and sustained a neglect of duty allegation against the executive and two of the managers and determined the appropriate penalty was a five-working-day suspension for each. The OIG concurred. However, without a change in circumstances, the hiring authority changed her mind and reduced one of the manager's penalties to a letter of instruction. The hiring authority also, without a change in circumstances, changed her mind and decided not to sustain the neglect of duty allegation against the other manager. The OIG did not concur but did not seek a higher level of review due to legal issues regarding the deadline for taking disciplinary action. The executive retired before the department could serve the disciplinary action. Therefore, the department placed a letter in the executive's official personnel file indicating he retired pending disciplinary action. The retired executive and the manager who was served with the letter of instruction provided new information regarding prior inconsistent hiring practices. Therefore, the hiring authority determined that the conduct of the executive and manager did occur, but the actions were justified, lawful, and proper. The OIG concurred. The hiring authority did not sustain the discrimination allegation against one of the other managers, but added and sustained retaliation and discourteous treatment allegations. However, due to legal issues regarding the deadline for taking disciplinary action, decided to serve him with a letter of instruction. Subsequently, in response to the manager's rebuttal and a supplemental investigation, the hiring authority withdrew the letter of instruction. Based on the new information learned during the supplemental investigation, the OIG concurred. The hiring authority found the investigation conclusively proved the supervisor did not discriminate against the special agent, but added and sustained a discourteous treatment allegation and imposed a letter of instruction. As to the other four managers, the hiring authority found the investigation conclusively proved the misconduct did not occur. The OIG concurred with these determinations.

### Disciplinary Assessment

The department's handling of the disciplinary process was substantively insufficient because the hiring authority, without a change in circumstances, modified her decision regarding the penalty for one of the chiefs.

#### Procedural Rating

Sufficient

#### Substantive Rating

Insufficient

**Assessment Questions**

- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, the hiring authority reduced the penalty for one of the chiefs from a five-working-day suspension to a letter of instruction without identifying any new evidence, flaws, or risks to justify the reduction.*
  
- **Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?**  
*An outside law enforcement agency conducted the investigation and submitted its report to the department after the deadline for taking disciplinary action for some allegations.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-07-01	16-0002077-IR	1. Failure to Report 2. Neglect of Duty 3. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Not Sustained	Suspension	Suspension
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<p><b>Incident Summary</b></p> <p>Between July 1, 2015, and December 16, 2016, a chief deputy warden allegedly used a state computer to exchange personal email with the warden's executive assistant. Between April 1, 2016, and June 30, 2016, the chief deputy warden was allegedly romantically involved with the warden's executive assistant and failed to report the relationship.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the special agent did not adequately consult with the OIG and department attorney. The OIG did not concur with the department attorney's legal advice to the hiring authority or the hiring authority's determination to not sustain an allegation the evidence supported.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		

### Assessment Questions

- **Did the special agent cooperate with and provide continual real-time consultation with the OIG?**  
*The special agent did not provide the OIG with all personal email exchanges obtained from the chief deputy warden's state computer until after completing the chief deputy warden's interview, preventing the OIG from adequately and timely addressing the need to add an allegation for misuse of state property.*
- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**  
*In the OIG's opinion, the department attorney should have advised the hiring authority to sustain the allegation the chief deputy warden misused state equipment by exchanging personal email messages with the executive assistant since there was sufficient evidence supporting the allegation.*
- **Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?**  
*In the OIG's opinion, the hiring authority should have sustained the allegation the chief deputy warden misused state equipment by exchanging personal email messages with the executive assistant since there was sufficient evidence supporting the allegation.*
- **Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?**  
*The special agent did not provide the department attorney with all personal email exchanges obtained from the chief deputy warden's state computer until after completing the chief deputy warden's interview, preventing the department attorney from adequately and timely addressing the need to add an allegation for misuse of state property.*

### Case Disposition

The hiring authority sustained the allegations, except for the allegation that the chief deputy warden misused a state computer, and imposed a five-working-day suspension. The OIG concurred with the sustained allegations, but not the decision to not sustain the allegation of misuse of a state computer. The OIG did not seek a higher level of review because the hiring authority sustained the other allegations and imposed an appropriate penalty. The chief deputy warden filed an appeal with the State Personnel Board, but later withdrew the appeal.

### Disciplinary Assessment

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

#### Procedural Rating

Sufficient

#### Substantive Rating

Sufficient

### Assessment Questions

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not inform the chief deputy warden of the right to respond to a manager who was not involved in the investigation.*

<b>Incident Date</b> 2015-09-01	<b>OIG Case Number</b> 17-0021913-IR	<b>Allegations</b> 1. Over-Familiarity	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between September 1, 2015, and April 13, 2017, an officer allegedly inappropriately communicated with an inmate using a telephone.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on June 18, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 17, 2016, 60 days after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and served the officer with a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> </ul>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-17	15-0002537-IR	1. Dishonesty 2. Use of Force 3. Threat/Intimidation 4. Failure to Report 5. Neglect of Duty 6. Threat/Intimidation 7. Failure to Report 8. Insubordination/Willful Disobedience	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Not Sustained 8. Not Sustained	Dismissal	Dismissal

**Case Type:** Administrative Investigation

**Incident Summary**

On September 17, 2015, an officer allegedly participated in a coordinated effort to stage a mock inmate fight, failed to report force she observed during the fight and her involvement in the incident, and coordinated with officers to lie about the incident. A second officer allegedly failed to report his involvement and deactivated the alarm system, and a third officer allegedly failed to report her knowledge of the incident. The first, second, and third officers also allegedly attempted to dissuade the inmates from reporting the incident. A fourth officer allegedly falsely reported accidentally deploying pepper spray, coordinated with other officers to lie about the incident, and lied in a rules violation report. A sergeant allegedly coordinated with officers to provide inaccurate information regarding the incident and lied to a lieutenant regarding the use of pepper spray. On October 5, 2016, a second sergeant allegedly violated a lieutenant's order not to discuss the incident.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the department attorney incorrectly assessed the deadline to take disciplinary action. The OIG did not concur with the Office of Internal Affairs' determination to include a sergeant as a subject of the investigation.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should not have added a sergeant as a subject of the investigation because there was insufficient evidence the sergeant violated a clear and lawful order and the sergeant was one of the parties who reported the alleged misconduct.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney incorrectly assessed the deadline for taking disciplinary action against the second sergeant as October 18, 2016, when the deadline was actually October 5, 2016.*

**Case Disposition**

The hiring authority sustained allegations against the first sergeant and the first, second, and fourth officers and served notices of dismissal. The hiring authority found insufficient evidence to sustain allegations against the second sergeant and third officer. The OIG concurred with the hiring authority's determinations. The first officer resigned before the disciplinary action took effect. The hiring authority placed a letter in her official personnel file indicating she resigned pending disciplinary action. The department entered into a settlement with the first sergeant wherein the sergeant resigned in lieu of termination and agreed to never seek employment with the department. The OIG concurred because the ultimate goal of ensuring the sergeant no longer worked for the department was achieved. The second and fourth officers filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissals.

**Disciplinary Assessment**

The department did not comply with procedures governing the disciplinary process because the department did not serve the disciplinary actions in accordance with policy.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the department conduct the disciplinary phase with due diligence?**

*The department did not serve the disciplinary actions within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on September 30, 2016. However, the department did not serve the disciplinary actions until November 3, 2016, 34 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-01	16-0002010-IR	1. Discrimination/Harassment 2. Dishonesty 3. Misuse of Authority 4. Discourteous Treatment 5. Misuse of State Equipment or Property	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Other	Demotion

**Case Type:** Administrative Investigation

**Incident Summary**

Between October 1, 2015, and October 1, 2016, a parole administrator allegedly reviewed other employees' email messages and eavesdropped on other employees' conversations. On October 1, 2015, the parole administrator allegedly misused her state computer and had a parole agent watch her daughter during work hours at the office. On May 12, 2016, the parole administrator allegedly slapped a parole agent on the buttocks and made a discourteous statement to him, and on June 13, 2016, lied to an assistant regional parole administrator regarding the incident. On September 20, 2016, a supervising parole agent allegedly lied to a chief deputy regional parole administrator when she denied being asked by the regional parole administrator to not interview for a promotion.

**Investigative Phase Assessment**

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

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on May 13, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 4, 2016, 144 days after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation that the parole administrator slapped the parole agent on the buttocks, but not the remaining allegations, and rejected the parole administrator during her probationary period. The hiring authority found insufficient evidence to sustain the allegation against the supervising parole agent. The OIG concurred with the hiring authority's determinations. The parole administrator filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement wherein the department withdrew the notice of rejection during probation and the parole administrator agreed to voluntarily demote to a supervising parole agent. The OIG concurred with the settlement because it had the same effect as the original action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient



<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-10-12	17-0021843-IR	1. Discrimination/Harassment 2. Misuse of Authority 3. Neglect of Duty 4. Other Failure of Good Behavior	1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> From October 12, 2015, to January 31, 2017, a warden and chief deputy warden allegedly failed to properly address discrimination complaints. From November 1, 2015, to January 31, 2017, an associate warden allegedly repeatedly interrupted a captain during management meetings. On February 11, 2016, the associate warden allegedly inappropriately disclosed the captain's medical information. On March 11, 2016, the warden, chief deputy warden, and associate warden allegedly discriminated against the captain based on her race by reassigning her to another institution. On June 13, 2016, the associate warden allegedly attempted to force a community resources manager out of her position by openly recruiting others for the position. On July 14, 2016, the warden allegedly improperly submitted a request to review a psychologist's computer usage even though he was not the psychologist's hiring authority.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not adequately confirm relevant dates in the case management system.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on September 23, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 26, 2017, four months after the date of discovery.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney was assigned January 26, 2017, but did not make an entry into the case management system confirming relevant dates until August 28, 2017, and merely stated she assessed the dates without indicating actual dates.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b> 2015-11-15	<b>OIG Case Number</b> 17-0022957-IR	<b>Allegations</b> 1. Dishonesty 2. Over-Familiarity 3. Contraband	<b>Findings</b> 1. Sustained 2. Sustained 3. Not Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between November 15, 2015, and August 15, 2016, an officer allegedly provided an inmate with mobile phones, marijuana, and methamphetamine for financial gain and accepted money from an inmate's family members. On July 24, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not timely or accurately assess the deadline for taking disciplinary action.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b>  <i>The department attorney was assigned on June 12, 2017, but did not make an entry into the case management system regarding the deadline to take disciplinary action until July 6, 2017, 24 days thereafter, and incorrectly assessed the deadline for taking disciplinary action as December 21, 2017, when the deadline was actually September 6, 2017.</i> </li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations, except that the officer provided contraband, and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. However, the officer failed to appear at the pre-hearing settlement conference, and the State Personnel Board dismissed the appeal.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2016-01-01	<b>OIG Case Number</b> 17-0000106-IR	<b>Allegations</b> 1. Insubordination 2. Over-Familiarity 3. Contraband 4. Insubordination	<b>Findings</b> 1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Modified Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between January 1, 2016, and December 25, 2016, an officer allegedly provided a mobile phone to an inmate. On December 25, 2016, a second officer allegedly exchanged text messages with the inmate. On April 3, 2017, the second officer allegedly violated an order from the Office of Internal Affairs and discussed a pending interview with the first officer, and on April 10, 2017, allegedly spoke with the first officer about details of the investigation after being admonished not to do so.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation that the second officer discussed details of the investigation with the first officer and imposed a 10 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the remaining allegations. The OIG concurred. After a <i>Skelly</i> hearing, the department entered into a settlement with the officer reducing the penalty to 10 percent salary reduction for three months. The OIG concurred because the officer expressed remorse and accepted responsibility for the misconduct.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b> <i>The department attorney did not provide the OIG with written confirmation of the penalty discussions.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of her right to respond to an uninvolved manager.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-01-01	17-0022329-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Over-Familiarity</li> <li>3. Contraband</li> <li>4. Insubordination</li> <li>5. Discourteous Treatment</li> <li>6. Contraband</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. Not Sustained</li> </ol>	Dismissal	Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<p><b>Incident Summary</b></p> <p>Between January 1, 2016, and March 31, 2017, a psychiatric technician allegedly engaged in sexual misconduct with an inmate, gave the inmate jewelry, spoke with the inmate and the inmate's family via telephone, brought alcohol onto institutional grounds, and possessed magazines, music, tattoo sketches, and placards with offensive language and suggestive images of women, in her work area. Between April 18, 2017, and April 26, 2017, the psychiatric technician allegedly failed to follow the conditions of her administrative time off from work. On April 27, 2017, the psychiatric technician allegedly failed to report for her interview with the Office of Internal Affairs. On May 11, 2017, the psychiatric technician allegedly lied to an employee relations officer regarding her mobile phone, phone number, address, and medical condition.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department attorney did not confirm relevant dates in the case management system and the hiring authority was not adequately prepared to discuss the findings. The OIG did not concur with the Office of Internal Affairs' decision to not open a criminal investigation.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened a criminal investigation because the allegations are primarily criminal conduct that cannot be addressed in an administrative investigation.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry in the case management system confirming relevant dates.</i></li> <li>◦ <b>Did the hiring authority adequately prepare and consult with the OIG regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The hiring authority was not adequately prepared to discuss the evidence, investigation, and findings with the OIG and the department attorney, and the investigative findings conference had to be postponed.</i></li> </ul>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except that the psychiatric technician gave the inmate jewelry, and dismissed the psychiatric technician. OIG concurred. The psychiatric technician did not file an appeal with the State Personnel Board.</p>					
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>					

Procedural Rating Sufficient	Substantive Rating Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority adequately prepare before consulting the OIG concerning the disciplinary determinations?</b> <i>The hiring authority was minimally prepared to discuss the disciplinary determinations.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the psychiatric technician of her right to respond to an uninvolved manager.</i></li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-01-19	17-0023646-IR	1. Over-Familiarity 2. Contraband 3. Over-Familiarity	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
Between January 19, 2016, and August 2, 2016, a supervising cook allegedly conspired with inmates to introduce tobacco and mobile phones into the institution, introduced tobacco and mobile phones into the institution, and communicated with inmates by mobile phone.

**Investigative Phase Assessment**  
The department did not comply with procedures governing the investigative phase because the department attorney did not make a required entry in the case management system and the hiring authority did not timely conduct the findings conference.

Procedural Rating Insufficient	Substantive Rating Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on July 6, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and findings until August 15, 2017, 40 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	

<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations the supervising cook conspired with the inmates and introduced contraband into the institution, but not the remaining allegation, and identified dismissal as the appropriate penalty. The OIG concurred. However, the supervising cook accepted a position with another agency before the disciplinary action could be imposed. The hiring authority placed a letter in the supervising cook's official personnel file indicating she left with disciplinary action pending.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not provide written confirmation of penalty discussions.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on July 6, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 15, 2017, 40 days thereafter.</i></li> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b> <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-01	17-0022475-IR	1. Over-Familiarity 2. Contraband 3. Insubordination	1. Sustained 2. Sustained 3. Sustained	Dismissal	Resignation in Lieu of Termination
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between February 1, 2016, and March 2, 2017, an officer allegedly sold mobile phones and tobacco to inmates and shared personal information with an inmate. On June 2, 2017, the officer allegedly smuggled mobile phones and tobacco into the institution for inmates. Between June 12, 2017, and July 6, 2017, the officer allegedly failed to respond to the hiring authority's telephone calls and was absent without leave.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not make a complete entry documenting the deadline for taking disciplinary action.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time? <i>The department attorney made an entry into the case management system. However, she merely stated that she assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, before the investigation was completed, the hiring authority dismissed the officer for being absent without leave. The officer appealed the dismissal but agreed to resign in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement ensured the officer did not work for the department.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-03	16-0001272-IR	1. Dishonesty 2. Discourteous Treatment 3. Threat/Intimidation 4. Assault	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	No Penalty Imposed

<b>Case Type:</b> Administrative Investigation	
<b>Incident Summary</b> On February 3, 2016, an officer allegedly threw an apple at an inmate, called the inmate derogatory names, intentionally bumped into the inmate, and threatened to issue disciplinary action to the inmate. On June 7, 2016, and November 1, 2016, the officer allegedly lied during his interviews with the Office of Internal Affairs.	
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.	
<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>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?</b> <i>The department attorney did not provide the OIG a copy of the written confirmation of discussions regarding the draft report.</i></li> </ul>	
<b>Case Disposition</b> The hiring authority sustained the allegations that the officer threw an apple at an inmate, called the inmate derogatory names, and was dishonest during his interviews with the Office of Internal Affairs, but not the remaining allegations, and dismissed him. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal. The administrative law judge made a credibility determination and ruled the evidence was insufficient to counter the officer's credible denials.	
<b>Disciplinary Assessment</b> In the OIG's opinion, the department attorney did not properly represent the department during the State Personnel Board hearing, leading to an unfavorable decision, and did not include all required language in the disciplinary action.	
<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Insufficient
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?</b> <i>In the OIG's opinion, the department attorney should have had inmate witnesses review transcripts of their prior interviews to ensure their accuracy and should have met with the inmate witnesses in person to prepare for testifying at the State Personnel Board hearing.</i></li> <li>◦ <b>Did the department's advocate appropriately object to evidence the subject(s) of the investigation presented at the hearing?</b> <i>In the OIG's opinion, the department attorney failed to object to leading questions the officer's attorney asked, which led to harmful evidence being admitted, and failed to challenge the foundations for lay and expert opinion testimony for the officer's witnesses.</i></li> </ul>	



Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-02-27	17-0022770-IR	1. Neglect of Duty 2. Use of Force	1. Sustained 2. Not Sustained	Counseling	Counseling

**Case Type:** Administrative Investigation

#### Incident Summary

On February 27, 2016, three officers allegedly kicked and punched an inmate in the head and shoulder while escorting him for medical care. A lieutenant allegedly failed to identify the need for an investigation during the inmate's complaint process.

#### Investigative Phase Assessment

The department did not comply with policies and procedures governing the investigative phase because the hiring authority did not refer the matter to the Office of Internal Affairs until after the deadline to take disciplinary action against the officers expired and did not timely conduct the investigative findings conference. The department attorney provided inconsistent opinions regarding the deadline to take disciplinary action.

#### Procedural Rating

Insufficient

#### Substantive Rating

Insufficient

#### Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the officers' alleged misconduct on February 28, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 28, 2017, one year and two months after the date of discovery and after the deadline to take disciplinary action against the officers expired. The department learned of the lieutenant's alleged misconduct on July 13, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 28, 2017, 289 days after the date of discovery.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney incorrectly assessed the date of discovery for the lieutenant's alleged misconduct as June 15, 2016, when it was actually April 25, 2017.*
- **Did the department attorney provide timely and adequate legal advice to the Office of Internal Affairs during the investigation?**  
*The department attorney provided one analysis to the Office of Internal Affairs regarding the deadline to take disciplinary action but provided a different analysis to the hiring authority.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 1, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding sufficiency of the investigation and the investigative findings until December 4, 2017, 33 days thereafter.*
- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**  
*The department attorney provided one analysis to the Office of Internal Affairs regarding the deadline to take disciplinary action but provided a different analysis to the hiring authority.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation against the lieutenant and imposed on-the-job training but found insufficient evidence to sustain the allegations against the three officers. The OIG concurred with the hiring authority's determinations.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with policies and procedures governing disciplinary process because the hiring authority did not conduct the disciplinary conference in a timely manner and the department attorney omitted critical information from a memorandum.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Insufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b>  <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on November 1, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until December 4, 2017, 33 days thereafter.</i> </li> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b>  <i>The department attorney did not include all mitigating and aggravating factors discussed during the disciplinary findings conference.</i> </li> <li>◦ <b>Did the deadline for taking disciplinary action expire before the department completed its findings and served appropriate disciplinary action?</b>  <i>The deadline to take disciplinary action against the lieutenant was July 13, 2017, but the hiring authority did not conduct the disciplinary findings conference until December 4, 2017, almost five months later.</i> </li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b>  <i>The delays are addressed in prior questions.</i> </li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-03-01	16-0002075-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Not Sustained 4. No Finding	Dismissal	Dismissal

**Case Type:** Administrative Investigation

**Incident Summary**

On March 1, 2016, a parole agent allegedly allowed a parolee to travel out of state without approval. Between March 1, 2016, and September 1, 2016, the parole agent allegedly failed to abide by an interstate agreement policy regarding the parolee. Between April 1, 2016, and April 30, 2016, and on August 15, 2016, the parole agent allegedly failed to ensure that the parolee returned from out of state. Between July 7, 2016, and September 1, 2016, the parole agent allegedly made false entries in the parolee's records. On August 25, 2016, the parole agent allegedly falsified an official record regarding a parolee drug test. On September 8, 2016, the parole agent allegedly asked the parolee to provide dishonest information to the parole agent's supervisor. On June 6, 2017, the parole agent allegedly lied in an interview with the Office of Internal Affairs.

<p><b>Investigative Phase Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the investigative phase.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?</b>  <i>The OIG did not concur with the department attorney's advice to the hiring authority to sustain the allegation that the parole agent asked the parolee to give false information to the parole agent's supervisor when the only admissible evidence to support the allegation was one email message from the parolee and the parolee lived out of state and refused to cooperate with the Office of Internal Affairs.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except that the parole agent let the parolee travel out of state without permission on March 1, 2016, and that the parole agent asked the parolee to give false information to her supervisor, and served a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the parole agent resigned before the disciplinary action took effect. The hiring authority placed a letter in the parole agent's official personnel file indicating she resigned pending disciplinary action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the disciplinary action did not advise the parole agent of her right to respond to an uninvolved manager and the department did not serve the disciplinary action in accordance with policy.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b>  <i>The disciplinary action did not advise the parole agent of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b>  <i>The department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on August 28, 2017. However, the department did not serve the disciplinary action until September 28, 2017, 31 days later.</i></li> </ul>	

<b>Incident Date</b> 2016-04-01	<b>OIG Case Number</b> 17-0021825-IR	<b>Allegations</b> 1. Neglect of Duty	<b>Findings</b> 1. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On April 1, 2016, an officer allegedly failed to notify a sergeant and take appropriate action upon learning of an inmate's safety concerns and his cellmate's threats toward the inmate.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the Office of Internal Affairs did not make a timely determination regarding the referral.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on November 9, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 30, 2016, 51 days later.</i></li> <li>◦ <b>Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?</b> <i>The Office of Internal Affairs received the request for investigation on December 30, 2016, but did not take action until February 1, 2017, 33 days later.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b> 2016-04-01	<b>OIG Case Number</b> 17-0022955-IR	<b>Allegations</b> 1. Insubordination 2. Over-Familiarity 3. Neglect of Duty	<b>Findings</b> 1. Sustained 2. Not Sustained 3. Not Sustained	<b>Initial Penalty</b> Suspension	<b>Final Penalty</b> Suspension
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between April 1, 2016, and September 30, 2016, an office technician allegedly failed to report a second office technician's alleged overly familiar relationship with an inmate. Between April 29, 2016, and August 31, 2016, both office technicians allegedly engaged in sexual relationships with inmates. On February 9, 2017, the second office technician allegedly failed to appear for an interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not enter relevant dates into the case management system.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation that the second office technician failed to appear for an interview with the Office of Internal Affairs, but not the other allegation, and determined an 18-working-day suspension was the appropriate penalty. However, the hiring authority dismissed the office technician in another case before disciplinary action could be imposed. The hiring authority found insufficient evidence to sustain the allegations against the first office technician. The OIG concurred with the hiring authority's determinations.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-04	16-0001741-IR	1. Dishonesty 2. Sexual Misconduct 3. Discourteous Treatment 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On April 4, 2016, an officer allegedly provided alcohol to a person under the age of 21, committed and was arrested for rape, and lied to outside law enforcement when he denied committing rape.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the hiring authority ended the officer's employment for being absent without leave before disciplinary action could be imposed.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-24	16-0001794-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

**Case Type:** Administrative Investigation

**Incident Summary**

On April 24, 2016, two officers allegedly falsely reported they did not hear an inmate report his cellmate made sexual comments toward him and hit him with a plate. One of the officers also allegedly failed to secure evidence. A sergeant allegedly failed to document and notify a lieutenant of the inmate's allegations, and follow Prison Rape Elimination Act procedures. A lieutenant allegedly failed to follow Prison Rape Elimination Act procedures and failed to timely direct others to prepare written reports regarding the inmate's allegations.

**Investigative Phase Assessment**

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

Procedural Rating Insufficient	Substantive Rating Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on April 24, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until June 16, 2016, 53 days after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation against the lieutenant for failing to document a reportable incident, but not the other allegation, and imposed a 5 percent salary reduction for six months. The hiring authority also sustained the allegations against the sergeant and imposed a 5 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the allegations against the officers. The OIG concurred with the hiring authority's determinations. The lieutenant did not file an appeal with the State Personnel Board. The sergeant filed an appeal with the State Personnel Board and resigned after imposition of the salary reduction but before the pre-hearing settlement conference. At the pre-hearing settlement conference, the department entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for three months because the sergeant resigned after having her salary reduced for three months. The OIG did not concur with the settlement but did not seek a higher level of review because the sergeant resigned and the department did not owe backpay.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not serve the sergeant's disciplinary action in accordance with policy, the disciplinary actions did not include a key clause required by policy, and the settlement agreement did not include an important clause.</p>	
Procedural Rating Insufficient	Substantive Rating Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary actions did not include notification of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>The OIG did not concur with the settlement because the department did not include a clause that the sergeant would not seek employment with the department in the future despite knowing the sergeant intended to seek reemployment with the department.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the sergeant's disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on March 17, 2017. However, the department did not serve the disciplinary action until April 20, 2017, 34 days later.</i></li> </ul>	

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-05-06	16-0001849-IR	1. Neglect of Duty	1. Sustained	Salary Reduction	Salary Reduction
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On May 6, 2016, an officer allegedly failed to notice that two wards were missing from their assigned beds while performing a count of wards and security checks.					
<b>Investigative Phase Assessment</b> The department did not comply with policies and procedures governing the investigative phase because the hiring authority delayed referring the matter to the Office of Internal Affairs and the department attorney neglected to attend the officer's interview. The OIG did not concur with the Office of Internal Affairs' determination regarding the hiring authority's request for investigation.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Insufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on May 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 18, 2016, 73 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened an investigation, added additional officers, and added a dishonesty allegation because the evidence showed potential misconduct by more than one officer, the officer falsely documented the count, and there were factual questions requiring an investigation.</i></li> <li>◦ <b>Did the department attorney attend key witness interviews to assess witness demeanor and credibility?</b> <i>The department attorney neglected to attend the officer's interview.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation and imposed a 5 percent salary reduction for one month. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the officer's supervisor provided on-the-job training, provided closer supervision, and observed the officer following policy. Based on these factors, the hiring authority entered into a settlement wherein the department agreed to remove the disciplinary action from the officer's official personnel file within 18 months. The OIG concurred with the settlement based on the new information.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		



<b>Incident Date</b> 2016-06-01	<b>OIG Case Number</b> 16-0002114-IR	<b>Allegations</b> 1. Dishonesty 2. Other Failure of Good Behavior	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> Between June 1, 2016, and October 31, 2016, an officer allegedly had sexual intercourse with a minor on multiple occasions resulting in the officer's arrest. On November 1, 2016, the officer allegedly submitted a false memorandum to a captain. On September 1, 2017, the officer suffered multiple convictions related to having sex with a minor.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not modify the deadline for taking disciplinary action or provide an important memorandum to the OIG.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>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?</b> <i>The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.</i></li> <li>◦ <b>Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?</b> <i>The department attorney did not provide the OIG a copy of a memorandum regarding his legal advice, analysis, and recommendations before the findings and penalty conference.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and determined 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. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2016-06-01	<b>OIG Case Number</b> 17-0022208-IR	<b>Allegations</b> 1. Sexual Misconduct 2. Over-Familiarity	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Resignation in Lieu of Termination
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> Between June 1, 2016, and September 20, 2016, an office technician allegedly engaged in sexual misconduct with an inmate. Between June 1, 2016, and January 16, 2017, the office technician allegedly exchanged letters and phone calls with the inmate.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not confirm the deadline to take disciplinary action in the case management system.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and dismissed the office technician. The OIG concurred. The office technician filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the office technician wherein the office technician resigned in lieu of dismissal and agreed to never seek employment with the department. The OIG concurred because the settlement achieved the goal of ensuring the office technician did not work for the department.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b> <i>The department attorney did not provide the hiring authority and the OIG with written confirmation of the penalty discussions.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The department did not notify the office technician of her right to respond to an uninvolved manager.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-06-02	17-0000061-IR	1. Dishonesty 2. Over-Familiarity	1. Sustained 2. Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>Between June 2, 2016, and November 25, 2016, a nurse allegedly exchanged letters with an inmate, provided stamps to the inmate and a second inmate, and communicated with the mother of the first inmate for personal reasons. Between September 1, 2016, and November 25, 2016, the nurse allegedly communicated with the wife of a third inmate to facilitate her overly familiar relationship with the first inmate. On March 23, 2017, the nurse was allegedly dishonest during her interview with the Office of Internal Affairs.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with policies and procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference and the department attorney incorrectly assessed the deadline for taking disciplinary action. The OIG did not concur with the Office of Internal Affairs' decision to not add an allegation the evidence supported.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Insufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on September 26, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 9, 2016, 74 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have added an allegation for sexual misconduct since there was evidence of intimate and sexual contact with the inmate.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney incorrectly used the date of discovery rather than the misconduct date to assess the deadline to take disciplinary action and incorrectly assessed the deadline for taking disciplinary action as November 23, 2019, when the deadline was actually June 2, 2019.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 22, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 16, 2017, 25 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>					

<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the nurse resigned before disciplinary action could be imposed. The hiring authority placed a letter in the nurse's official personnel file indicating she resigned pending disciplinary action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b>  <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 22, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 16, 2017, 25 days thereafter.</i> </li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b>  <i>The delay is addressed in a prior question.</i> </li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-06-25	16-0001902-IR	1. Insubordination 2. Neglect of Duty 3. Dishonesty 4. Failure to Report 5. Over-Familiarity 6. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Salary Reduction	Modified Salary Reduction

**Case Type:** Administrative Investigation

**Incident Summary**

On June 25, 2016, an officer allegedly failed to timely report an inmate's threat toward employees, was overly familiar with the inmate by not immediately reporting the threat, and engaged in a coordinated effort with another officer to submit a false report regarding the threat. A second officer allegedly failed to timely report his knowledge of the threat and engaged in a coordinated effort with the first officer to submit a false report regarding the threat. A third officer allegedly failed to timely report his knowledge of the threat. On May 18, 2017, the first and second officers allegedly communicated about the ongoing investigation after being ordered not to do so. On May 22, 2017, the third officer allegedly failed to appear for his interview with the Office of Internal Affairs, and on May 23, 2017, the first officer allegedly lied during his interview with the Office of Internal Affairs.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the Office of Internal Affairs did not make a timely decision regarding the hiring authority's request.

<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
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### Assessment Questions

- **Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?**  
*The Office of Internal Affairs received the request for investigation on July 21, 2016, but did not take action until September 7, 2016, 48 days after receipt of the request.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority sustained allegations that the first officer failed to timely report the threat and communicated about the investigation, but not the remaining allegations, and imposed a 10 percent salary reduction for 12 months. The hiring authority sustained the allegation that the second officer communicated about the investigation, but not the remaining allegation, and imposed a 5 percent salary reduction for six months. The hiring authority sustained the allegation that the third officer failed to appear for his interview, but not the remaining allegation, and issued a letter of reprimand. The OIG concurred with the hiring authority's determinations. The first two officers filed appeals with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the first officer modifying the penalty to a 5 percent salary reduction for 24 months. The OIG concurred with the modification because it did not change the overall penalty. The department also entered into a settlement agreement with the second officer reducing the penalty to a 5 percent salary reduction for three months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines. The third officer did not file an appeal with the State Personnel Board.

### Disciplinary Assessment

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

#### Procedural Rating

Sufficient

#### Substantive Rating

Sufficient

### Assessment Questions

- **Did the settlement agreement comply with the factors outlined in policy?**  
*The department entered into a settlement agreement with the second officer without identifying any new evidence, flaws, or risks justifying a settlement.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the settlement for the second officer because the settlement was not based on any new evidence, flaws, or risks justifying a settlement.*

<b>Incident Date</b> 2016-07-10	<b>OIG Case Number</b> 16-0001877-IR	<b>Allegations</b> 1. Neglect of Duty 2. Neglect of Duty	<b>Findings</b> 1. Sustained 2. Not Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On July 10, 2016, two officers allegedly failed to move an inmate to a cell. Between July 10, 2016, and July 14, 2016, the officers and three other officers allegedly allowed inmates to hand ducats to other inmates. On July 14, 2016, two other officers allegedly failed to conduct accurate inmate counts. Between July 11, 2016, and July 15, 2016, an eighth officer allegedly failed to conduct accurate inmate counts.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation the first officer failed to move the inmate, but not the remaining allegation, and imposed a 5 percent salary reduction for one month. The hiring authority sustained the allegations against the sixth and seventh officers and imposed corrective action against the sixth officer and a letter of reprimand against the seventh officer. The sixth officer received corrective action rather than a letter of reprimand because the officer received an incorrect directive from a supervisor. The hiring authority sustained the allegation against the eighth officer and issued a letter of reprimand. The hiring authority found insufficient evidence to sustain the allegations against the second, third, fourth, and fifth officers. The OIG concurred with the hiring authority's determinations. The first and eighth officers did not file appeals with the State Personnel Board. The seventh officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer modifying the penalty to a letter of instruction. The OIG concurred because the hiring authority discovered new evidence indicating the officer had been redirected from his post prior to completing the inmate count.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-13	16-0001959-IR	1. Use of Force 2. Failure to Report 3. Discourteous Treatment	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed

**Case Type:** Administrative Investigation

**Incident Summary**

On July 13, 2016, three officers allegedly used physical force to take the inmate to the ground and struck the inmate with batons when no force was necessary. A fourth officer allegedly observed the force and failed to report his observations, and allegedly made inappropriate sexual comments to the inmate. The officers also allegedly conspired to conceal the use of force.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not attend a critical interview or provide written feedback regarding the investigative report.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on July 13, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 9, 2016, 58 days after the date of discovery.*
- **Did the department attorney attend key witness interviews to assess witness demeanor and credibility?**  
*The department attorney did not attend an 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.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-17	16-0001878-IR	1. Dishonesty 2. Dishonesty 3. Other Failure of Good Behavior	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

**Case Type:** Direct Action with Subject-Only Interview

### Incident Summary

On July 17, 2016, outside law enforcement arrested an officer for allegedly choking his girlfriend and knocking her to the ground in front of the girlfriend's child. The officer allegedly lied to outside law enforcement and falsely called in sick after his arrest. On July 21, 2017, the officer allegedly provided the hiring authority a false written statement regarding the incident. On October 18, 2016, the officer allegedly lied during his interview with the Office of Internal Affairs.

### Investigative Phase Assessment

The department did not comply with procedures governing the investigative phase because the department attorney did not adequately assess the deadline for taking disciplinary action and the hiring authority delayed conducting the investigative findings conference. The OIG disagreed with the Office of Internal Affairs' decision not to open an investigation.

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

### Assessment Questions

- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have opened an investigation to interview the girlfriend because the officer and girlfriend provided differing versions of the incident to outside law enforcement and the girlfriend's statement would be necessary to adequately determine the allegations.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney did not timely identify an exception to the deadline for taking disciplinary action based on criminal tolling. The department assigned an attorney on September 22, 2016, but the attorney did not make an entry into the case management system regarding the exception to the deadline to take disciplinary action until December 9, 2016, 78 days later.*
- **Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?**  
*The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*On January 25, 2017, a jury acquitted the officer of the criminal charges, the deadline to take disciplinary action was no longer tolled, and the hiring authority learned of the acquittal on January 31, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until July 11, 2017, 161 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

### Case Disposition

The hiring authority sustained the allegation the officer was dishonest when he called in sick for work, but not the remaining allegations, and imposed a 5 percent salary reduction for 13 months. The hiring authority did not dismiss the officer because the officer's actions were not premeditated and the officer expressed remorse and accepted responsibility. The OIG concurred with the hiring authority's findings but not the penalty. The OIG did not seek a higher level of review because the the penalty was within departmental guidelines. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 11 months. The OIG did not concur. However, the settlement agreement did not merit a higher level of review because the penalty remained within departmental guidelines.



**Disciplinary Assessment**

The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and entered into a settlement agreement without sufficient justification and the department attorney did not prepare the disciplinary action in accordance with policy. The OIG did not concur with the hiring authority's determination regarding the penalty.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- o **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*On January 25, 2017, a jury acquitted the officer of the criminal charges, the deadline to take disciplinary action was no longer tolled, and the hiring authority learned of the acquittal on January 31, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 11, 2017, 161 days thereafter.*
- o **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, the hiring authority should have dismissed the officer because outside law enforcement officers witnessed the officer's dishonest statements.*
- o **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.*
- o **Did the settlement agreement comply with the factors outlined in policy?**  
*The department did not identify any new evidence, flaws, or risks that warranted a reduced penalty.*
- o **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the settlement because the department did not identify any new evidence, flaws, or risks that warranted a reduced penalty.*
- o **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-27	16-0001985-IR	1. Neglect of Duty 2. Use of Force 3. Neglect of Duty 4. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Unfounded	Salary Reduction	Salary Reduction

**Case Type:** Administrative Investigation

**Incident Summary**

On July 27, 2016, a sergeant and four officers allegedly punched an inmate during an emergency cell extraction. The sergeant and a fifth officer allegedly deployed fire extinguishers unnecessarily in the inmate's cell. The sergeant and a lieutenant allegedly failed to collect reports from a fire captain and fire chief who reportedly observed the incident, and the lieutenant allegedly failed to write a report. The fire captain and fire chief allegedly failed to prepare reports regarding their observations of the incident.

**Investigative Phase Assessment**

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

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
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**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on July 27, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 22, 2016, 57 days after the date of discovery.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 11, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 20, 2017, 40 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

**Case Disposition**

The hiring authority sustained the allegation the lieutenant failed to write a report, but not the remaining allegation against her, and imposed a 5 percent salary reduction for three months. The lieutenant did not file an appeal with the State Personnel Board. The hiring authority determined the investigation conclusively proved the sergeant did not use a fire extinguisher and found insufficient evidence to sustain any of the remaining allegations. The OIG concurred with the hiring authority's determinations.

**Disciplinary Assessment**

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

<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
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**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on May 11, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 20, 2017, 40 days thereafter.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-28	16-0001905-IR	1. Threat/Intimidation 2. Misuse of Authority 3. Discourteous Treatment 4. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Salary Reduction	Salary Reduction

**Case Type:** Direct Action (No Subject Interview)

<p><b>Incident Summary</b></p> <p>On July 28, 2016, an officer allegedly pushed, threatened, and cursed at security guards at an out-of-state hotel and misused his authority to gain favorable treatment by telling a security guard he was a peace officer.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department attorney did not modify the deadline to take disciplinary action and the hiring authority did not timely conduct the investigative findings conference.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>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?</b> <i>The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the matter to the hiring authority on September 7, 2016. The officer pled no contest to misdemeanor battery in the criminal case on November 4, 2016, and the hiring authority learned of the plea on December 28, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and findings until February 17, 2017, 51 days after the hiring authority learned of the plea.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 20 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner or serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in accordance with policy.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the matter to the hiring authority on September 7, 2016. The officer pled no contest to misdemeanor battery in the criminal case on November 4, 2016, and the hiring authority learned of the plea on December 28, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until February 17, 2017, 51 days after the hiring authority learned of the plea.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on February 17, 2017. However, the department did not serve the disciplinary action until June 15, 2017, 118 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-29	16-0002167-IR	<ol style="list-style-type: none"> <li>1. Misuse of Authority</li> <li>2. Neglect of Duty</li> <li>3. Discourteous Treatment</li> <li>4. Misuse of State Equipment or Property</li> <li>5. 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. Not Sustained</li> </ol>	Salary Reduction	Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On July 29, 2016, an officer allegedly inappropriately accessed pictures of wards and placed the pictures with inappropriate drawings on an office window visible to other wards. On August 5, 2016, the officer allegedly allowed two wards to forcibly take a third ward to another room and failed to report it. On August 7, 2016, the officer was allegedly dishonest when he had a ward sign that he attended a counseling session that did not take place.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner and the department attorney incorrectly assessed the deadline to take disciplinary action.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on August 7, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 28, 2016, 113 days after the date of discovery.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney incorrectly assessed the deadline for taking disciplinary action as August 10, 2017, when the deadline was actually August 7, 2017.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

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

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.*

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-08-04	16-0001903-IR	1. Dishonesty 2. Other Criminal Act 3. Misuse of Authority 4. Intoxication	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<p><b>Incident Summary</b></p> <p>On August 4, 2016, outside law enforcement arrested an officer for allegedly driving under the influence of alcohol, after a collision. During his arrest, the officer allegedly struck an outside law enforcement officer, attempted to use his position as a peace officer to gain favor, and falsely denied he drove the vehicle. The officer also allegedly falsely claimed sick leave under the Family Medical Leave Act. On August 9, 2016, the officer allegedly submitted a false report to the hiring authority denying he drove the vehicle, and on October 10, 2016, allegedly lied during his interview with the Office of Internal Affairs.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department attorney did not modify the deadline to take disciplinary action.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>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?</b> <i>The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.</i></li> </ul>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>					
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of his right to respond to a manager who was not involved in the disciplinary action.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-08-06	16-0001898-IR	1. Sexual Misconduct 2. Discourteous Treatment	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On August 6, 2016, outside law enforcement arrested an officer for allegedly having sexual intercourse with an intoxicated woman who was incapable of consenting, and the officer allegedly exercised poor judgment in his sexual encounter with the woman.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not enter relevant dates in the case management system, timely contact the special agent, or provide written confirmation regarding the investigative report to the OIG. The OIG disagreed with the Office of Internal Affairs' decision to not open an investigation.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened an investigation to interview the officer and witnesses because the officer's statements to outside law enforcement conflicted with the alleged victim's statement.</i></li> <li>◦ <b>Would the Office of Internal Affairs have made an appropriate initial determination or appeal determination without OIG intervention?</b> <i>After the hiring authority submitted an appeal to the Office of Internal Affairs, the Office of Internal Affairs rejected the case based on the district attorney's decision to not file criminal charges against the officer. The Office of Internal Affairs agreed to open an investigation only after the OIG elevated the decision to a higher level.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i></li> <li>◦ <b>No later than 21 calendar days following assignment of the case, did the department attorney contact the assigned special agent and the OIG to discuss the elements of a thorough investigation of the alleged misconduct?</b> <i>The department assigned an attorney on September 23, 2016, and the Office of Internal Affairs opened an investigation on February 22, 2017. The department attorney did not contact the special agent until March 17, 2017, 23 days after the Office of Internal Affairs opened the investigation.</i></li> <li>◦ <b>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?</b> <i>The department attorney did not provide written confirmation to the OIG summarizing critical discussions about the investigative report.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-08-08	16-0001945-IR	1. Dishonesty 2. Use of Force 3. Failure to Report 4. Neglect of Duty 5. Discourteous Treatment 6. Medical 7. Misuse of State Equipment or Property 8. Dishonesty 9. Use of Force 10. Neglect of Duty 11. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Sustained 7. Sustained 8. Not Sustained 9. Sustained 10. Not Sustained 11. Not Sustained	Dismissal	Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On August 8, 2016, an officer allegedly used pepper spray on an inmate when there was no imminent threat, failed to timely report the use of force, observed another officer use force and failed to report the force observed, failed to wear and sound an alarm, lied to a fourth officer who was performing a sergeant's duties, and refused to provide the sergeant information when questioned. A second officer allegedly failed to wear an alarm, used pepper spray on the inmate when there was no imminent threat, failed to timely report the use of force, observed the first officer use of force, including unreasonable force, and failed to timely report the force observed. A third officer allegedly observed the first officer's use of force, including unreasonable force, and failed to timely report it. The fourth officer, who was performing a sergeant's duties, allegedly failed to notify a lieutenant that officers used force, including unreasonable force, engaged in code of silence with two officers, failed to collect and review use-of-force reports, and failed to ensure the inmate received medical treatment after pepper spray exposure. On August 9, 2017, the fourth officer allegedly lied to a lieutenant and in a memorandum. On August 11, 2016, the first officer allegedly submitted a report that inadequately described the force she used. On January 19, 2017, the fourth officer allegedly lied during his interview with the Office of Internal Affairs.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the investigative phase.</p>					
<p><b>Procedural Rating</b></p> <p>Sufficient</p>			<p><b>Substantive Rating</b></p> <p>Sufficient</p>		
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations against the first officer, except dishonesty and refusal to provide information, and imposed a 10 percent salary reduction for 24 months. The hiring authority sustained the allegation that the second officer failed to report his use of force and reasonable force he observed, but not the remaining allegations, and imposed a 5 percent salary reduction for 12 months. The hiring authority sustained the allegation that the third officer failed to timely report the use of force observed, but not that he failed to report unreasonable force, and imposed a 5 percent salary reduction for 12 months. The hiring authority sustained the allegations against the fourth officer, except that he failed to report the use of unnecessary force, and dismissed the officer. The OIG concurred with the hiring authority's decisions. The first officer did not file an appeal with the State Personnel Board. Based on information presented during the second officer's <i>Skelly</i> hearing, the department entered into a settlement agreement reducing the second officer's penalty to a 5 percent salary reduction for nine months. Based on the officer's newly expressed insight into the misconduct and ability to articulate the appropriate course of action should a similar incident occur in the future, the OIG concurred with the settlement. The third officer did not file an appeal with the State Personnel Board. The fourth officer filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department entered into a settlement whereby the officer resigned in lieu of dismissal and agreed not to seek employment with the department. The OIG concurred because the settlement achieved the goal of ensuring the officer did not work for the department.</p>					



<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b>  <i>The disciplinary actions did not inform the officers of their right to respond to an uninvolved manager.</i></li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-19	16-0001986-IR	1. Dishonesty 2. Insubordination 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed

**Case Type:** Administrative Investigation

**Incident Summary**

On August 19, 2016, a sergeant allegedly failed to notify a lieutenant that a suicidal inmate had been placed in a holding cell for over four hours while waiting to be escorted to the correctional treatment center and directed officers to return the suicidal inmate to his cell. Two officers allegedly returned the inmate to his cell, failed to remove his handcuffs, and failed to follow the sergeant's orders to maintain constant supervision over him. On August 26, 2016, one of the officers allegedly lied when she reported in a memorandum removing the inmate's handcuffs when she placed him in the cell.

**Investigative Phase Assessment**

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

<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
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**Case Disposition**

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-22	16-0001988-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

**Case Type:** Administrative Investigation

**Incident Summary**  
 On August 22, 2016, an officer allegedly left his assigned post without permission and failed to take action to stop two inmate fights, resulting in an inmate death.

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

Procedural Rating	Substantive Rating
Sufficient	Sufficient

**Assessment Questions**

- Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 20, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 15, 2017, 26 days thereafter.*
- Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-03	16-0002012-IR	1. Dishonesty	1. Sustained	Dismissal	Dismissal
		2. Insubordination	2. Sustained		
		3. Intoxication	3. Sustained		
		4. Neglect of Duty	4. Sustained		
		5. Traffic Related	5. Sustained		
		Incidents While On Duty	6. Not Sustained		
		6. Neglect of Duty			

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**  
 On September 3, 2016, a sergeant allegedly was under the influence of alcohol at work, left his post without authorization, failed to sign a Fair Labor Standards Act form, and backed his car into a retaining wall on institution grounds and failed to report the incident. On September 20, 2016, the sergeant allegedly lied to another sergeant regarding his work assignment. On September 3, 2016, a second sergeant allegedly failed to report the first sergeant for being under the influence of alcohol, and on September 17, 2016, allegedly disobeyed a lieutenant's order to write a memorandum describing the incident.

<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department did not timely assign an attorney and the department attorney did not attend a key interview. The OIG disagreed with the Office of Internal Affairs' decision not to add dishonesty or code of silence allegations.</p>	
<p><b>Procedural Rating</b> Insufficient</p>	<p><b>Substantive Rating</b> Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have added dishonesty and code of silence allegations for the second sergeant since the sergeant attempted to conceal the first sergeant's misconduct.</i></li> <li>◦ <b>Did the department attorney attend key witness interviews to assess witness demeanor and credibility?</b> <i>The department attorney did not attend the second sergeant's interview with the Office of Internal Affairs.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The Office of Internal Affairs opened the case on October 26, 2016. However, the department did not assign an attorney until November 14, 2016, 19 days later.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations against the first sergeant, combined the matter with another case, and dismissed the sergeant. The OIG concurred. However, the sergeant retired before disciplinary action could be imposed. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action. The hiring authority sustained the allegation that the second sergeant failed to write a memorandum, but not the remaining allegation, combined the matter with another case, and dismissed the sergeant. The OIG concurred. The second sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the hiring authority reached a settlement agreement wherein the sergeant resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the ultimate goal of ensuring the sergeant did not work for the department.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the department did not serve the disciplinary actions in accordance with policy. The disciplinary actions did not include language required by departmental policy.</p>	
<p><b>Procedural Rating</b> Insufficient</p>	<p><b>Substantive Rating</b> Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary actions did not advise the sergeants of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on July 14, 2017. However, the department did not serve the disciplinary actions until August 25, 2017, 42 days later.</i></li> </ul>	

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-09-08	16-0002097-IR	1. Dishonesty 2. Neglect of Duty 3. Use of Force 4. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On September 8, 2016, an officer allegedly grabbed an inmate's hand and shoulder when the inmate did not pose an imminent threat. A sergeant allegedly failed to adequately document events leading up to the use of force, supervise the cell search, and clarify the rationale for ordering the search. On September 15, 2016, the sergeant allegedly submitted a false report explaining why he ordered the cell search. On January 31, 2017, the sergeant allegedly lied during an interview with the Office of Internal Affairs.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The OIG disagreed with the Office of Internal Affairs' decision not to add three managers as subjects of the investigation.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on September 8, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 4, 2016, 57 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have added three managers as subjects of the investigation since all three managers incorrectly determined in their incident reviews that the officer's use of force was appropriate even though there was no imminent threat.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations that the sergeant failed to supervise the cell search, submitted a false report, and lied during an interview with the Office of Internal Affairs, but not the remaining allegations, and served a notice of dismissal. However, the sergeant retired before the disciplinary action took effect. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action. The hiring authority found insufficient evidence to sustain the allegation against the officer. The OIG concurred with the hiring authority's determinations.</p>					
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		

<b>Incident Date</b> 2016-09-11	<b>OIG Case Number</b> 17-0000105-IR	<b>Allegations</b> 1. Discourteous Treatment 2. Dishonesty 3. Neglect of Duty	<b>Findings</b> 1. Sustained 2. Not Sustained 3. Not Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On September 11, 2016, a sergeant allegedly left a medication cart unattended and called an inmate a derogatory term. On September 14, 2016, the sergeant allegedly threatened to deploy pepper spray on the inmate. On November 29, 2016, the sergeant allegedly lied to a lieutenant regarding the incidents.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the Office of Internal Affairs did not make a timely determination regarding the hiring authority's request and the department attorney did not provide an important memorandum to the OIG.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?</b> <i>The Office of Internal Affairs received the request for investigation on October 28, 2016, but did not take action until January 11, 2017, 75 days after receipt of the request.</i></li> <li>◦ <b>Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?</b> <i>The department attorney did not provide the hiring authority or the OIG a memorandum with her recommendations regarding the investigative findings prior to the investigative findings conference.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations that the sergeant cursed at and threatened to deploy pepper spray on the inmate, but not the remaining allegations, and decided to impose a 5 percent salary reduction for three months. However, the sergeant retired before disciplinary action could be imposed. The hiring authority placed a letter in the sergeant's official personnel file indicating he retired pending disciplinary action.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not provide the hiring authority or OIG a memorandum with her recommendations regarding the disciplinary findings prior to penalty discussions.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-17	16-0002149-IR	1. Neglect of Duty 2. Discourteous Treatment	1. Sustained 2. Sustained	Suspension	Suspension

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On September 17, 2016, a control booth officer allegedly abandoned his armed post without authorization and sufficient weapons coverage, improperly accessed a restricted key, and confronted an inmate while in possession of restricted keys, creating a risk that the inmate would gain access to restricted keys and control booth. Two other officers allegedly failed to intervene when the officer abandoned his post and failed to report the first officer's misconduct.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the hiring authority delayed referring the matter to the Office of Internal Affairs.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct September 21, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 23, 2016, 63 days after the date of discovery.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority sustained the allegations and served the first and second officers 45-working-day suspensions and the third officer a 12-working-day suspension. The second officer received a higher penalty than the third officer because he had a sustained prior disciplinary action. The OIG concurred with the hiring authority's determinations. The first officer did not file an appeal with the State Personnel Board. The second officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the hiring authority entered into a settlement agreement reducing the penalty to a 40-working-day suspension and agreeing to remove the disciplinary action from the officer's official personnel file after 18 months. The OIG concurred with the settlement based on new information that a supervisor provided ambiguous instructions to the officer, anticipated inmate testimony would compromise an ongoing investigation, and the penalty reduction was not significant. The third officer presented new information during his *Skelly* hearing clarifying that he recently transferred from another department and at the time of the incident, had only been working at the institution for five weeks. Based on the new information, the hiring authority withdrew the disciplinary action and issued a letter of instruction. The OIG concurred with the hiring authority's decision based on the new information.

<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with policies and procedures governing the disciplinary process because the department did not serve the disciplinary actions in accordance with policy and the department attorney neglected to include critical language in a settlement agreement. The disciplinary actions did not include language required by departmental policy.</p>	
<p><b>Procedural Rating</b> Insufficient</p>	<p><b>Substantive Rating</b> Insufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary actions did not advise the officers of the right to respond to an uninvolved manager as required by policy.</i></li> <li>◦ <b>If there was a settlement agreement, did the settlement agreement include the key clauses policy requires?</b> <i>The department attorney neglected to include a provision in one of the settlement agreements that the officer agreed to waive interest, resulting in the department owing the officer interest on five days of pay.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the disciplinary actions within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on February 22, 2017. However, the department did not serve the first officer's disciplinary action until March 29, 2017, 35 days later, and the second and third officers' disciplinary actions until March 30, 2017, 36 days later.</i></li> </ul>	

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-19	16-0002138-IR	1. Neglect of Duty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On September 19, 2016, a sergeant allegedly ordered a ward's property removed from his room, prompting the ward to threaten to injure himself, resulting in a use of force. The sergeant allegedly failed to document giving the order.

**Investigative Phase Assessment**

The department did not comply with policies and procedures governing the investigative phase because the hiring authority delayed referring the matter to the Office of Internal Affairs and conducting the findings conference, the department attorney incorrectly assessed the deadline for taking disciplinary action, and the employee relations officer did not assess relevant dates. The OIG did not concur with the Office of Internal Affairs' decisions to not add a dishonesty allegation or open an investigation and did not concur with the hiring authority's findings.

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

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on September 22, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 17, 2016, 56 days after the date of discovery.*
- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have added a dishonesty allegation and opened an investigation because the sergeant omitted a critical fact from his report.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The employee relations officer did not make any entry into the case management system confirming relevant dates. The department attorney incorrectly assessed the deadline for taking disciplinary action as September 19, 2017, when the deadline was actually September 22, 2017.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on December 14, 2016. However the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and findings until January 25, 2017, 42 days thereafter. The hiring authority determined an interview of the sergeant was required and submitted a request to the Office of Internal Affairs, which denied the request on February 22, 2017. The hiring authority consulted with the OIG regarding the findings a second time on May 25, 2017, and sustained the allegations. The consultation was suspended until the sergeant's training records were examined. The hiring authority consulted the OIG and department attorney again on July 27, 2017, more than seven months after the Office of Internal Affairs initially returned the matter, and found insufficient evidence to sustain the allegations.*
- **Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?**  
*In the OIG's opinion, the hiring authority should have sustained the allegations because there was sufficient evidence supporting the allegations.*
- **If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?**  
*In the OIG's opinion, the lack of an investigation prevented the hiring authority from determining whether the sergeant had been dishonest.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

**Case Disposition**

The hiring authority found insufficient evidence to sustain the allegations. The OIG did not concur with the hiring authority's determinations but did not seek a higher level of review because the department does not have a policy explicitly requiring the documentation of taking a ward's property from the room.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-20	17-0000104-IR	1. Failure to Report 2. Confidential Information	1. Sustained 2. Sustained	Suspension	Work Improvement Discussion
<b>Case Type:</b> Administrative Investigation					



<p><b>Incident Summary</b></p> <p>On September 20, 2016, a captain allegedly disclosed confidential job interview questions to a program administrator before the program administrator's interview for the job. On September 27, 2016, the program administrator allegedly failed to report the captain's disclosure.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.</p>	
<p><b>Procedural Rating</b> Insufficient</p>	<p><b>Substantive Rating</b> Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on September 27, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 14, 2016, 78 days after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation against the program administrator and decided to impose a ten-working-day suspension. The OIG concurred. However, the program administrator retired before the disciplinary action took effect. The hiring authority placed a letter in the program administrator's official personnel file indicating he retired pending disciplinary action. The hiring authority also sustained the allegation against the captain and decided to impose a five-working-day suspension. The OIG concurred. However, before the disciplinary action could be served, the hiring authority and department attorney discovered the department had previously served the captain with a work improvement discussion for the same misconduct. Therefore, the department did not serve the agreed upon disciplinary action on the captain. The OIG did not concur with this decision and recommended the hiring authority withdraw the work improvement discussion and serve the appropriate penalty. The hiring authority rejected the OIG's recommendation.</p>	
<p><b>Disciplinary Assessment</b></p> <p>In the OIG's opinion, the department attorney should have advised the hiring authority to impose discipline and the hiring authority should have imposed discipline.</p>	
<p><b>Procedural Rating</b> Sufficient</p>	<p><b>Substantive Rating</b> Insufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney provide appropriate legal consultation to the hiring authority regarding disciplinary determinations?</b> <i>In the OIG's opinion, the department attorney should not have advised the hiring authority to allow the work improvement discussion to remain and to not impose the suspension on the captain.</i></li> <li>◦ <b>Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?</b> <i>In the OIG's opinion, the hiring authority should have withdrawn the work improvement discussion and imposed a suspension.</i></li> </ul>	

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-09-26	17-0021729-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Suspension	Suspension
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On September 26, 2016, a warden allegedly failed to initiate an emergency cell extraction of an inmate in imminent danger, failed to consult nurses and physicians prior to authorizing a controlled use of force, and failed to write a report before leaving the institution. On September 27, 2016, a captain allegedly wrote an incident report for the warden. On September 30, 2016, the warden allegedly knowingly submitted the report as his own although he had not prepared it, and on October 26, 2016, allegedly lied in a report regarding the incident. On December 16, 2016, the warden allegedly lied to an associate director.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on October 17, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 24, 2017, three months after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained allegations the warden failed to initiate an emergency cell extraction and knowingly submitted a report he did not write, but not the other allegations against him, and determined a 20-working-day suspension was the appropriate penalty. The hiring authority also sustained the allegation against the captain and determined a 5 percent salary reduction for eight months was the appropriate penalty. The OIG concurred with the hiring authority's determinations. However, the warden and captain both retired before disciplinary action could be imposed. The hiring authority placed letters in their official personnel files indicating they retired pending disciplinary action.</p>					
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-09-29	17-000040-IR	1. Use of Force	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On September 29, 2016, two officers allegedly unreasonably forced an inmate to the ground, causing fractures to the inmate's face.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on September 29, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until December 12, 2016, 74 days after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-10-11	17-0022853-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On October 11, 2016, an officer allegedly counted a dead inmate as living and dishonestly entered the count into the department's computer system representing all inmates as alive and present.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the department attorney did not enter critical dates in the case management system or provide the OIG a copy of the feedback given to the special agent.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

### Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on October 11, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 8, 2017, seven months after the date of discovery.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney made an entry in the case management system. However, he merely stated that he assessed the date of the incident, discovery date, and deadline for taking disciplinary action without indicating the actual 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 to the OIG summarizing critical discussions about the investigative report.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority sustained the allegation the officer failed to conduct a proper count, but not that he was dishonest, and imposed a 10 percent salary reduction for six months. The OIG concurred. At the *Skelly* hearing, the officer accepted responsibility, and the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for six months. The OIG concurred based on the new information presented at the *Skelly* hearing.

### Disciplinary Assessment

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

#### Procedural Rating

Sufficient

#### Substantive Rating

Sufficient

### Assessment Questions

- **Did the department attorney provide to the hiring authority 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 appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.*

<b>Incident Date</b> 2016-10-14	<b>OIG Case Number</b> 16-0002139-IR	<b>Allegations</b> 1. Neglect of Duty 2. Threat/Intimidation 3. Use of Force	<b>Findings</b> 1. Sustained 2. Not Sustained 3. Not Sustained	<b>Initial Penalty</b> Letter of Instruction	<b>Final Penalty</b> Letter of Instruction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On October 14, 2016, an officer allegedly entered an inmate's cell, pushed the inmate to the ground, brandished his baton at the inmate to intimidate him, and failed to secure the cell door.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation that the officer failed to secure the inmate's cell door, but not the other allegations, and issued a letter of instruction. The OIG concurred.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2016-11-01	<b>OIG Case Number</b> 17-0021799-IR	<b>Allegations</b> 1. Dishonesty 2. Use of Force	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On November 1, 2016, an officer allegedly forcefully grabbed a wheelchair-bound inmate by the shoulder, squeezed the inmate's neck, failed to document his use of force, and lied to a sergeant regarding the incident.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on November 1, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 17, 2017, 77 days after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority determined there was insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-12	17-0022151-IR	1. Dishonesty 2. Dishonesty	1. Not Sustained 2. Unfounded	No Penalty Imposed	No Penalty Imposed

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On November 12, 2016, an officer allegedly falsified an inmate's counseling report. On December 9, 2016, the officer allegedly lied to a lieutenant regarding the inmate's bed move.

**Investigative Phase Assessment**

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

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on November 17, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 23, 2017, 98 days after the date of discovery.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority determined the investigation conclusively proved the officer did not falsify the counseling report and found insufficient evidence to sustain the remaining allegations. The OIG concurred.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-22	17-0021798-IR	1. Battery 2. Discourteous Treatment 3. Other Failure of Good Behavior 4. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Resignation in Lieu of Termination

**Case Type:** Administrative Investigation

**Incident Summary**

On November 22, 2016, an officer allegedly choked his wife and hit her in the head, chest, and torso, was subsequently arrested, and lied to outside law enforcement. On July 10, 2017, the officer allegedly suffered a felony conviction for domestic violence.

<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The OIG did not concur with the Office of Internal Affairs' initial determination.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on November 22, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 31, 2017, 70 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened a full investigation to interview the victim, officer, and witnesses since there were conflicting statements from the victim and the officer.</i></li> <li>◦ <b>Would the Office of Internal Affairs have made an appropriate initial determination or appeal determination without OIG intervention?</b> <i>The Office of Internal Affairs did not agree to open an administrative investigation until the OIG elevated the matter to an Office of Internal Affairs chief.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except dishonesty, and served a notice of dismissal and non-punitive separation from state service. The OIG concurred with the hiring authority's determinations. After the <i>Skelly</i> hearing, the department entered into a settlement agreeing to allow the officer to use six months of accrued leave, following which the officer would be deemed to have resigned if his application for disability retirement was rejected. The OIG did not concur but did not seek a higher level of review because the settlement achieved the ultimate goal of removing the officer from employment with the department.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> </ul>	



<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-11-22	17-0021860-IR	1. Dishonesty	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On November 22, 2016, a supervising parole agent and three parole agents were allegedly dishonest about a parole operation while testifying in a court proceeding.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-12-04	17-0022983-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On December 4, 2016, and January 7, 2017, an officer allegedly fell asleep and failed to observe inmates and visitors during inmate visiting. On January 7, 2017, the officer also allegedly made false statements to a sergeant. On March 28, 2017, the officer allegedly made false statements during her interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely consult with the OIG and department attorney. The OIG did not concur with the department attorney's legal advice to the hiring authority.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

### Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on May 1, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the findings until June 5, 2017, 35 days thereafter. The department attorney sought a higher level of review because the department attorney did not agree with the hiring authority's decision to sustain dishonesty and dismiss the officer. After the higher level of review, the Office of Internal Affairs conducted an investigation and returned the matter to the hiring authority's supervisor on September 27, 2017. However, the hiring authority's supervisor did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until October 24, 2017, 27 days thereafter.*
- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**  
*In the OIG's opinion, the department attorney should have advised the hiring authority to sustain the dishonesty allegation because there was a visual recording of the officer sleeping and the officer falsely told a sergeant she was not sleeping.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority sustained the allegations, except for one that was duplicative, combined this case with two other cases, and served a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.

### Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner, serve the disciplinary action according to policy, and the disciplinary action omitted language policy requires.

### Procedural Rating

Insufficient

### Substantive Rating

Sufficient

### Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on May 1, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 5, 2017, 35 days thereafter. The department attorney sought a higher level of review because the department attorney did not agree with the hiring authority's decision to sustain dishonesty and dismiss the officer. After a higher level of review, the Office of Internal Affairs conducted an investigation and returned the matter to the hiring authority's supervisor on September 27, 2017. However, the hiring authority's supervisor did not consult with the OIG and department attorney regarding the disciplinary determinations until October 24, 2017, 27 days thereafter.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of her right to respond to an uninvolved manager.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*One delay is addressed in a prior question. In addition, the department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on October 24, 2017. However, the hiring authority did not serve the disciplinary action until November 29, 2017, 36 days later.*

<b>Incident Date</b> 2016-12-13	<b>OIG Case Number</b> 17-0022468-IR	<b>Allegations</b> 1. Dishonesty 2. Use of Force 3. Discourteous Treatment	<b>Findings</b> 1. Not Sustained 2. Not Sustained 3. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On December 13, 2016, two officers allegedly dragged an inmate on the floor and failed to report the use of force. One of the officers allegedly called the inmate a derogatory name. On January 24, 2017, both officers allegedly lied to a lieutenant during an inquiry regarding the incident.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on December 13, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 29, 2017, more than three months after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b> 2016-12-23	<b>OIG Case Number</b> 17-0021858-IR	<b>Allegations</b> 1. Use of Force	<b>Findings</b> 1. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On December 23, 2016, an officer allegedly punched a ward four times and failed to report the use of force. A sergeant allegedly witnessed the officer's use of force and failed to report it.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority delayed conducting the investigative findings conference.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 21, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until August 15, 2017, 55 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-26	17-0021791-IR	1. Weapons	1. Sustained	Letter of Reprimand	Letter of Reprimand

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On December 26, 2016, an officer allegedly negligently discharged a round from a handgun while conducting a weapons check in an observation booth.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred with the finding but not the penalty. However, the penalty did not merit a higher level of review because it was within the department's disciplinary guidelines. The officer did not file an appeal with the State Personnel Board.

**Disciplinary Assessment**

In the OIG's opinion, the hiring authority did not impose a penalty reflective of the potential harm. The disciplinary action did not include all language required by policy.

**Procedural Rating**

Sufficient

**Substantive Rating**

Insufficient

**Assessment Questions**

- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, the hiring authority should have imposed a suspension or penalty more reflective of the seriousness of the misconduct and potential harm.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not inform the officer of the right to respond to an uninvolved manager.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-12-30	17-0021796-IR	1. Dishonesty 2. Controlled Substances 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On December 30, 2016, an officer allegedly reported to work under the influence of a controlled substance, slept while on duty, and lied to a lieutenant when he denied being under the influence of a controlled substance. On April 18, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs.

<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the Office of Internal Affairs did not adequately cooperate with the department attorney or the OIG and did not make a critical entry into the case management system. And, in the OIG's opinion, the Office of Internal Affairs did not conduct a thorough investigation.</p>	
<p><b>Procedural Rating</b> Insufficient</p>	<p><b>Substantive Rating</b> Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the special agent appropriately enter case activity in the case management system?</b> <i>A senior special agent conducted a telephonic interview with a medical review officer but did not document the interview in the case management system.</i></li> <li>◦ <b>Did the Office of Internal Affairs special agent prepare a thorough and appropriate final investigative report?</b> <i>The final investigative report omitted the interview the senior special agent conducted and did not include the officer's reasonable suspicion laboratory results.</i></li> <li>◦ <b>Did the special agent cooperate with and provide continual real-time consultation with the OIG?</b> <i>A senior special agent unilaterally telephonically interviewed the medical review officer without consulting the OIG. After the interview, the senior special agent sent an email message directly to the hiring authority summarizing the interview and sent the investigative report to the hiring authority without consulting the OIG.</i></li> <li>◦ <b>Did the Office of Internal Affairs thoroughly and appropriately conduct the investigation?</b> <i>In the OIG's opinion, the investigation was insufficient without laboratory results for the officer's reasonable suspicion test. The department attorney asked the Office of Internal Affairs to prepare an administrative warrant for the results, but the Office of Internal Affairs refused.</i></li> <li>◦ <b>Did the special agent and department attorney cooperate and provide real-time consultation with each other throughout the pre-disciplinary phase?</b> <i>After the department attorney and the OIG recommended the special agent obtain the drug test results, a senior special agent interceded by refusing to obtain the drug test results and interviewed the medical review officer without consulting the department attorney or the OIG. The senior special agent also sent an email message to the hiring authority with the interview results without notifying the department attorney. Thereafter, although the senior special agent notified the department attorney of the interview and email message, the senior special agent's memorandum to the department attorney omitted critical interview information the senior special agent provided to the hiring authority. Only after the department attorney advised the senior special agent of the potential ethical and legal ramifications did he provide a complete account of the interview. The department attorney requested a final draft of the investigative report before it was forwarded to the hiring authority, but the Office of Internal Affairs sent the investigative report to the hiring authority without giving the department attorney an opportunity to review it.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board but withdrew the appeal before the hearing.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b> Sufficient</p>	<p><b>Substantive Rating</b> Sufficient</p>

### Assessment Questions

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-01	17-0021910-IR	1. Discourteous Treatment 2. Sexual Misconduct	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

**Case Type:** Administrative Investigation

### Incident Summary

On January 1, 2017, a sergeant allegedly engaged in sexual misconduct and pointed a laser beam toward the inmate's neck and face.

### Investigative Phase Assessment

The department did not comply with procedures governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference and the department attorney did not adequately consult with the OIG.

### Procedural Rating

Insufficient

### Substantive Rating

Sufficient

### Assessment Questions

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until October 2, 2017, 53 days thereafter.*
- **Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?**  
*The department attorney did not provide the OIG with a copy of the memorandum regarding his legal advice, analysis, and recommendations until after the investigative findings conference.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority sustained the allegation that the sergeant pointed a laser beam toward the inmate, but not the remaining allegation, and identified a 5 percent salary reduction for 36 months as the appropriate penalty. The OIG concurred with the hiring authority's determination. However, the sergeant resigned before disciplinary action could be imposed.

### Disciplinary Assessment

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

**Procedural Rating**  
Sufficient

**Substantive Rating**  
Sufficient

**Assessment Questions**

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

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 10, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 2, 2017, 53 days thereafter.*

- **Did the department conduct the disciplinary phase with due diligence?**

*The delay is addressed in a prior question.*



<b>Incident Date</b> 2017-01-02	<b>OIG Case Number</b> 17-0022268-IR	<b>Allegations</b> 1. Dishonesty 2. Neglect of Duty	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On January 2, 2017, two officers allegedly failed to take immediate and appropriate action when an inmate reported he had safety concerns. On February 1, 2017, one of the officers allegedly lied to a lieutenant regarding the inmate's concerns.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely consult with the OIG and department attorney. The department attorney did not timely enter critical dates into the case management system.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney was assigned on April 10, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until May 4, 2017, 24 days after assignment.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 30, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until August 8, 2017, 39 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determination.					

<b>Incident Date</b> 2017-01-08	<b>OIG Case Number</b> 17-0021849-IR	<b>Allegations</b> 1. Dishonesty 2. Use of Force	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On January 8, 2017, an officer allegedly grabbed an inmate and pushed him against the wall without cause and dishonestly reported the incident.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures and governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.					

<b>Incident Date</b> 2017-01-19	<b>OIG Case Number</b> 17-0021795-IR	<b>Allegations</b> 1. Threat/Intimidation 2. Neglect of Duty 3. Discourteous Treatment	<b>Findings</b> 1. Sustained 2. Sustained 3. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On January 19, 2017, an officer allegedly called an inmate a derogatory name, challenged the inmate to a fight, and removed his duty belt, placing it in an area accessible to other inmates.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, before disciplinary action could be imposed, the department entered into a settlement agreement in a different disciplinary action involving the officer wherein the department agreed to withdraw a 24-working-day suspension and the officer agreed to retire and never seek employment with the department in the future. The hiring authority placed the settlement agreement in the officer's official personnel file.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2017-01-27	<b>OIG Case Number</b> 17-0022206-IR	<b>Allegations</b> 1. Dishonesty 2. Neglect of Duty	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On January 27, 2017, an officer allegedly inappropriately entered the cell of a non-compliant inmate and omitted information from his report. On February 14, 2017, the officer allegedly falsely documented his location at the time force was used.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have added a lieutenant and captain as subjects of the investigation for failing to identify the officer's improper actions before the use of force.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b> 2017-01-29	<b>OIG Case Number</b> 17-0021999-IR	<b>Allegations</b> 1. Battery 2. Other Failure of Good Behavior	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On January 29, 2017, an officer allegedly punched a private citizen.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer to address the strength of the officer's claim to a lieutenant that he acted in self-defense.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-01-30	17-0021998-IR	1. Dishonesty 2. Controlled Substances 3. Discourteous Treatment 4. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> Between January 30, 2017, and February 15, 2017, an officer allegedly consumed more anti-anxiety medication than prescribed to him. On February 15, 2017, the officer was allegedly under the influence of drugs or alcohol at a gun range and his behavior required a response by outside law enforcement and was dishonest with outside law enforcement. On April 18, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations, except that the officer was dishonest with outside law enforcement, and dismissed the officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board but withdrew the appeal before hearing.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b>  <i>The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.</i> </li> </ul>					

<b>Incident Date</b> 2017-02-02	<b>OIG Case Number</b> 17-0023195-IR	<b>Allegations</b> 1. Dishonesty 2. Neglect of Duty	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On February 2, 2017, a sergeant allegedly failed to document ordering two officers to conduct a cell search and failed to ensure officers documented the search. On February 13, 2017, one of the officers allegedly lied about the motives for the cell search, and on May 17 and May 21, 2017, both officers allegedly lied about the motives for the cell search.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department attorney did not adequately consult with the OIG.</p>					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>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?</b> <i>The department attorney did not provide written confirmation to the OIG summarizing critical discussions about the investigative report.</i></li> <li>◦ <b>Did the department attorney cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary phase?</b> <i>The department attorney did not provide a written recommendation to the OIG regarding the investigative findings prior to the investigative findings conference or provide a copy of feedback regarding the investigative report.</i></li> </ul>					
<p><b>Case Disposition</b></p> <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred with the hiring authority's determinations.</p>					

<b>Incident Date</b> 2017-02-08	<b>OIG Case Number</b> 17-0022380-IR	<b>Allegations</b> 1. Weapons 2. Neglect of Duty 3. Failure to Report 4. Neglect of Duty	<b>Findings</b> 1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	<b>Initial Penalty</b> Letter of Instruction	<b>Final Penalty</b> Letter of Instruction
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On February 8, 2017, an officer allegedly left a Mini-14 rifle and ammunition unsecured and unattended outside an armory and asked a sergeant to overlook the misconduct. Two other officers allegedly failed to intervene when they observed the first officer leave the Mini-14 rifle and ammunition unsecured and unattended, and one of the officers also allegedly failed to notify a sergeant that the weapon and ammunition were left unattended.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened a full investigation to interview a sergeant and expert witness to thoroughly explore the alleged misconduct, including past pattern and practice.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation the first officer left the rifle unsecured and unattended, but not the remaining allegation, and issued a letter of instruction. The hiring authority sustained the allegations against the second officer and provided counseling. The hiring authority found insufficient evidence to sustain the allegation against the third officer. The OIG concurred with the hiring authority's determinations based on the practice that existed at the time of the incident, which the hiring authority subsequently addressed.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Incident Date</b> 2017-02-13	<b>OIG Case Number</b> 17-0022769-IR	<b>Allegations</b> 1. Neglect of Duty 2. Dishonesty	<b>Findings</b> 1. Sustained 2. Not Sustained	<b>Initial Penalty</b> Letter of Instruction	<b>Final Penalty</b> Letter of Instruction



<b>Case Type:</b> Administrative Investigation	
<b>Incident Summary</b> On February 13, 2017, an officer allegedly provided inconsistent statements to a lieutenant during an inmate complaint inquiry, and the lieutenant allegedly wrote an inaccurate report regarding the officer's statements.	
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult with the OIG and department attorney, and the department attorney did not enter relevant dates into the case management system or provide the OIG written confirmation of feedback regarding the investigative report.	
<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on February 13, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 27, 2017, 73 days after the date of discovery.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i></li> <li>◦ <b>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?</b> <i>The department attorney did not provide written confirmation to the OIG summarizing critical discussions about the investigative report.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 19, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until September 19, 2017, two months thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>	
<b>Case Disposition</b> The hiring authority sustained the allegation against the lieutenant and issued a letter of instruction. The hiring authority found insufficient evidence to sustain the allegation against the officer. The OIG concurred with the hiring authority's determinations.	
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and the department attorney did not adequately consult with the OIG.	
<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 19, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until September 19, 2017, two months thereafter.*
- **Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?**  
*The department attorney did not provide the OIG with written confirmation of penalty discussions.*
- **Did the department attorney or employee relations officer 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.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not provide the OIG written confirmation of penalty discussions or the draft disciplinary action.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-14	17-0022630-IR	1. Insubordination 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On February 14, 2017, an officer allegedly failed to comply with a letter of instruction and written procedures when he changed the order in which inmates were allowed to make phone calls.					
<b>Investigative Phase Assessment</b> The department did not comply procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the employee relations officer did not make an entry into the case management system confirming relevant dates. The OIG did not concur with the Office of Internal Affairs' determinations or the hiring authority's decision to not ask the Office of Internal Affairs to add dishonesty and open an administrative investigation.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on February 14, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 27, 2017, 72 days after the date of discovery.*
- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have opened an administrative investigation and added a dishonesty allegation because witnesses contradicted the officer's statements.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The employee relations officer did not make any entry into the case management system confirming relevant dates.*
- **Did the hiring authority properly determine whether additional investigation was necessary?**  
*In the OIG's opinion, the hiring authority should have asked the Office of Internal Affairs to add a dishonesty allegation and open an administrative investigation.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for ten months. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the officer provided new information wherein he recognized the seriousness of his actions, accepted responsibility, and expressed remorse. Based on the new information, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for six months. The OIG concurred based on the new information and the penalty remained within departmental guidelines.

**Disciplinary Assessment**

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

<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-16	17-0022550-IR	1. Neglect of Duty	1. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On February 16, 2017, an officer allegedly failed to submit a disciplinary report after an inmate exposed himself.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult with the OIG and department attorney. The OIG did not concur with the Office of Internal Affairs' determination.

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on February 17, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 6, 2017, 48 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened an administrative investigation and added a second officer as a subject of the investigation for failing to report the inmate's misconduct because the first officer reported the inmate's behavior to the second officer, who also did not report the inmate's misconduct.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on May 3, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until June 5, 2017, 33 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation, combined the case with other cases, and served a notice of dismissal. The OIG concurred with the hiring authority's determinations. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference or serve the disciplinary action in accordance with policy and the department attorney did not prepare the disciplinary action in accordance with policy.</p>	
<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The hiring authority returned the case to the hiring authority on May 3, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 5, 2017, 33 days later.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of her right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on June 5, 2017, and determined the case should be combined with other cases. The hiring authority conducted the disciplinary findings conference in the other matter on October 24, 2017. The hiring authority did not serve the disciplinary action until November 29, 2017, 36 days after the final disciplinary findings conference.</i></li> </ul>	

<b>Incident Date</b> 2017-02-18	<b>OIG Case Number</b> 17-0022552-IR	<b>Allegations</b> 1. Weapons	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On February 18, 2017, an officer allegedly negligently discharged a handgun while performing a safety check.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the hiring authority did not serve the disciplinary action in accordance with policy. The disciplinary action did not include language required by departmental policy.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on May 17, 2017. However, the department did not serve the disciplinary action until August 4, 2017, 79 days later.</i></li> </ul>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-24	17-0022209-IR	1. Battery 2. Other Failure of Good Behavior	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On February 24, 2017, outside law enforcement arrested a parole agent for allegedly pushing his wife to the ground.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**  
*In the OIG's opinion, the department attorney should not have advised the hiring authority that the allegations could not be sustained because the parole agent acted in self-defense when the parole agent admitted to outside law enforcement that he shoved his wife and did not claim self-defense.*

**Case Disposition**

The hiring authority sustained the allegation that the parole agent pushed his wife to the ground and imposed a 5 percent salary reduction for three months. The hiring authority did not sustain a second allegation because the allegation was incorrectly drafted. The OIG concurred. The parole agent filed an appeal with the State Personnel Board but later withdrew it.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the parole agent of his right to respond to an uninvolved manager.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-24	17-0022627-IR	1. Contraband 2. Intoxication 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Resignation in Lieu of Termination

<b>Case Type:</b> Direct Action with Subject-Only Interview	
<b>Incident Summary</b> On February 24, 2017, a sergeant allegedly brought alcohol into an institution for his personal use, was under the influence of alcohol while on duty, and falsely denied to a lieutenant that he drank that day.	
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the Office of Internal Affairs did not timely take action regarding the hiring authority's request.	
<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make a determination regarding the case within 30 calendar days?</b> <i>The Office of Internal Affairs received the request for investigation on April 3, 2017, but did not take action until May 10, 2017, 37 days after the request.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<b>Case Disposition</b> The hiring authority sustained the allegations, except dishonesty, combined the matter with another case, and dismissed the sergeant. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceeding, the hiring authority reached a settlement agreement with the sergeant wherein the sergeant resigned in lieu of dismissal and agreed to never seek employment with the department in the future. The OIG concurred because the settlement achieved the goal of ensuring the sergeant did not work for the department.	
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the department did not serve the disciplinary action in accordance with policy or include all required language in the disciplinary action.	
<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the sergeant of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on July 14, 2017. However, the department did not serve the disciplinary action until August 25, 2017, 42 days later.</i></li> </ul>	

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-02-25	17-0023415-IR	1. Dishonesty 2. Weapons 3. Threat/Intimidation 4. Misuse of State Equipment or Property	1. Sustained 2. Sustained 3. Sustained 4. Sustained	Dismissal	Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On February 25, 2017, a sergeant allegedly unnecessarily removed his handgun from its holster, placed the handgun in a desk drawer, pointed it in an unsafe direction, and made threatening statements against two officers. On August 29, 2017, the sergeant allegedly lied during his interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations and dismissed the sergeant. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		



Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-06	17-0022325-IR	1. Other Failure of Good Behavior 2. Battery	1. Sustained 2. Not Sustained	Letter of Instruction	Letter of Instruction

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On March 6, 2017, an officer allegedly engaged in a physical altercation with his cousin and punched her in the face, causing a laceration.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

The hiring authority sustained the allegation the officer engaged in a physical altercation with his cousin, but not the other allegation, and issued a letter of instruction. The OIG concurred.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-06	17-0023049-IR	1. Confidential Information	1. Not Sustained	No Penalty Imposed	No Penalty Imposed

**Case Type:** Administrative Investigation

**Incident Summary**

On March 6, 2017, an Office of Internal Affairs special agent allegedly disclosed to his wife that he had investigated or was investigating a regional health care executive's alleged misconduct.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

The hiring authority found insufficient evidence to sustain the allegation. Nevertheless, the hiring authority served the special agent with a letter of expectation regarding the importance of confidentiality in conducting internal investigations. The OIG concurred with the hiring authority's determinations.

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-03-13	17-0022633-IR	1. Controlled Substances 2. Neglect of Duty 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On March 13, 2017, an officer allegedly ate food laced with marijuana and subsequently tested positive for marijuana. On March 14 and 15, 2017, the officer allegedly took narcotic pain medication without a prescription, and on March 15, 2017, allegedly worked an armed post after taking the narcotic pain medication.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not timely and accurately assess the deadline for taking disciplinary action. The OIG did not concur with the Office of Internal Affairs' decision to not authorize an interview of the officer.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer to address the extent of her use of marijuana and narcotics.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department assigned an attorney on May 11, 2017, but the attorney did not make an entry into the case management system regarding the deadline for taking disciplinary action until June 16, 2017, 36 days after assignment. The attorney incorrectly assessed the deadline as March 19, 2018, when the deadline was actually March 15, 2018.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the department attorney did not provide written confirmation of penalty discussions or prepare a disciplinary action in accordance with policy and the hiring authority did not serve the disciplinary action in accordance with policy.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the department attorney provide to the hiring authority 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 appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on August 30, 2017. However, the hiring authority did not serve the disciplinary action until October 11, 2017, 42 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-18	17-0022547-IR	1. Neglect of Duty 2. Dishonesty 3. Battery	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Reprimand	Letter of Reprimand

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On March 18, 2017, an officer allegedly fought with and punched his roommate in two separate incidents that resulted in his arrest. Between March 20, 2017, and April 2, 2017, the officer allegedly lied about the incidents to outside law enforcement, and on July 27, 2017, suffered a misdemeanor conviction for vandalism.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the department attorney delayed assessing critical dates and providing feedback to the special agent.

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
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**Assessment Questions**

- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney was assigned on May 4, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 15, 2017, 103 days after assignment.*
- **Within 21 calendar days following receipt of the investigative report, did the department attorney review the report and provide appropriate substantive feedback addressing the thoroughness and clarity of the report?**  
*The Office of Internal Affairs provided the draft report to the department attorney on June 26, 2017, but the department attorney did not provide feedback regarding the report until July 19, 2017, 23 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation that the officer suffered a misdemeanor conviction, but not the remaining allegations, and issued a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>				
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>				
<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;"><b>Procedural Rating</b></td> <td style="text-align: center;"><b>Substantive Rating</b></td> </tr> <tr> <td style="text-align: center;">Sufficient</td> <td style="text-align: center;">Sufficient</td> </tr> </table>	<b>Procedural Rating</b>	<b>Substantive Rating</b>	Sufficient	Sufficient
<b>Procedural Rating</b>	<b>Substantive Rating</b>			
Sufficient	Sufficient			
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b>  <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> </ul>				

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-19	17-0022864-IR	1. Dishonesty 2. Use of Force	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**  
 On March 19, 2017, an officer allegedly deployed pepper spray on an inmate who did not pose an imminent threat and was dishonest in his written report.

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

<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

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

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-03-21	17-0022716-IR	1. Insubordination	1. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
 On March 21, 2017, an officer was selected for random drug testing and allegedly refused to remain at the test site and provide a sufficient specimen for analysis.

<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely consult with the OIG and department attorney.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the matter to the hiring authority on May 17, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and findings until June 20, 2017, 34 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer resigned before the disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely consult with the OIG and department attorney, and the department attorney did not provide a written summary of the penalty discussions.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs returned the matter to the hiring authority on May 17, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determination until June 20, 2017, 34 days thereafter.</i></li> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b> <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	

<b>Incident Date</b> 2017-04-04	<b>OIG Case Number</b> 17-0022717-IR	<b>Allegations</b> 1. Weapons	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Letter of Reprimand	<b>Final Penalty</b> Letter of Instruction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On April 4, 2017, a sergeant allegedly negligently discharged a firearm when trying to catch the firearm as it slipped from his hand while conducting a weapons check.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation and issued a letter of reprimand. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the sergeant reducing the penalty to a letter of instruction. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines.					
<b>Disciplinary Assessment</b> In the OIG's opinion, the department reduced the penalty to corrective action when discipline was more appropriate for the misconduct. The disciplinary action omitted a clause required by departmental policy.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Insufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the sergeant of his right to respond to an uninvolved manager.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>In the OIG's opinion, the hiring authority reduced the penalty to corrective action when discipline was more appropriate for the misconduct.</i></li> </ul>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-04	17-0024153-IR	1. Over-Familiarity 2. Contraband	1. Sustained 2. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On April 4, 2017, an officer allegedly provided an inmate with mobile phones and mobile phone chargers for financial gain and conspired with an inmate's visitor to introduce mobile phones into the institution.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

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

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-12	17-0022863-IR	1. Intoxication 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Modified Salary Reduction

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On April 12, 2017, an officer was arrested for allegedly driving under the influence of alcohol and allegedly lied to outside law enforcement when he denied drinking. Between April 12, 2017, and April 18, 2017, the officer allegedly failed to report his arrest to the hiring authority.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the special agent did not consult with the prosecuting agency and in the OIG's opinion, mischaracterized the officer's statement in the investigative report.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

### Assessment Questions

- **Did the Office of Internal Affairs adequately consult with the OIG, department attorney (if designated), and the appropriate prosecuting agency to determine whether an administrative investigation should be conducted concurrently with the criminal investigation?**  
*The special agent did not consult with the prosecuting agency about conducting a concurrent investigation or before compelling the officer to make a statement.*
- **Did the Office of Internal Affairs special agent prepare a thorough and appropriate final investigative report?**  
*In the OIG's opinion, the investigative report mischaracterized the officer's statement and the special agent did not correct the error after OIG provided recommendations.*

### Case Disposition

The hiring authority sustained allegations of driving under the influence and failing to report the arrest, but not dishonesty, and imposed 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. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for six months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty was within departmental guidelines.

### Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the department attorney did not modify the deadline to take disciplinary action, prepare a disciplinary action in accordance with policy, or adequately cooperate with the OIG, and the hiring authority reduced the penalty without sufficient justification.

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

### Assessment Questions

- **Did the department attorney or employee relations officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?**  
*The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.*
- **Did the settlement agreement comply with the factors outlined in policy?**  
*The hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the decision to reduce the officer's penalty because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not provide a draft of the settlement agreement.*



<b>Incident Date</b> 2017-04-21	<b>OIG Case Number</b> 17-0023025-IR	<b>Allegations</b> 1. Neglect of Duty	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On April 21, 2017, an officer allegedly left two different housing unit doors open, allowing an inmate to access a different housing unit where the inmate stabbed an officer multiple times.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 12 months. The OIG concurred with the hiring authority's determination. 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 governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.</i></li> </ul>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-01	17-0024212-IR	1. Other Failure of Good Behavior	1. Sustained	Letter of Instruction	Letter of Instruction

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

Between May 1, 2017, and September 4, 2017, an officer allegedly followed and stalked his ex-girlfriend and sent her threatening and offensive text messages. On September 14, 2017, the officer was served with a domestic violence temporary restraining order that precluded him from possessing a firearm or ammunition.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer because the case involved domestic violence and a restraining order.*

**Case Disposition**

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

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-07	17-0022771-IR	1. Weapons	1. Sustained	Salary Reduction	Salary Reduction

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On May 7, 2017, an officer allegedly negligently discharged a firearm in the dining hall while conducting a safety check of the weapon.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the department attorney did not adequately assess the deadline for taking disciplinary action.

Procedural Rating Insufficient	Substantive Rating Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney made an entry into the case management system. However, she merely stated she assessed the date of the incident, discovery date, and the deadline for taking disciplinary action without indicating the actual dates.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation and imposed a 5 percent salary reduction for six months. The OIG concurred. After the <i>Skelly</i> hearing, the department entered into a settlement agreement with the officer whereby the officer accepted the salary reduction and the hiring authority agreed to reinstate the officer to an armed post after he completed the required certification. The OIG did not concur with the settlement because the hiring authority should not have made the post-and-bid process part of the disciplinary process. However, the settlement terms did not merit a higher level of review because the ultimate goal of appropriate discipline was accomplished.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the department attorney did not provide written confirmation of penalty discussions or a draft of the disciplinary action, did not prepare a disciplinary action in compliance with policy, and in the OIG's opinion, included a settlement term that should not have been part of the disciplinary process.</p>	
Procedural Rating Insufficient	Substantive Rating Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b> <i>The department attorney did not provide written confirmation of penalty discussions to the OIG or the hiring authority.</i></li> <li>◦ <b>Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?</b> <i>The department attorney did not provide a draft disciplinary action, preventing the OIG from providing meaningful feedback.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>The department entered into a settlement agreement whereby the officer could return to an armed post after completing required re-certification training. The OIG did not concur because the agreement makes post and bid part of the disciplinary process.</i></li> </ul>	

<b>Incident Date</b> 2017-05-14	<b>OIG Case Number</b> 17-0023351-IR	<b>Allegations</b> 1. Other Failure of Good Behavior	<b>Findings</b> 1. No Finding	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On May 14, 2017, an officer allegedly put a firearm in his mouth and threatened to commit suicide at his home, resulting in a response by outside law enforcement.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority made no finding regarding the allegation as the officer made contact with outside law enforcement during a crisis. The OIG concurred.					

<b>Incident Date</b> 2017-05-15	<b>OIG Case Number</b> 17-0023641-IR	<b>Allegations</b> 1. Over-Familiarity 2. Confidential Information	<b>Findings</b> 1. Sustained 2. Not Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between May 15, 2017, and July 8, 2017, an officer allegedly improperly accessed confidential inmate information 19 times. Between June 23, 2017, and July 28, 2017, the officer allegedly had a personal relationship with and exchanged notes and text messages with the inmate.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney was assigned August 11, 2017, but did not make an entry into the case management system regarding the deadline for taking disciplinary action until October 4, 2017, 54 days after assignment.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation that the officer engaged in an overly familiar relationship with the inmate, but not the other allegation, and served a notice of dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating she resigned pending disciplinary action.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b> <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-05-25	17-0023271-IR	1. Controlled Substances	1. Sustained	Dismissal	Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On May 25, 2017, an officer allegedly tested positive for marijuana.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation and determined dismissal was the appropriate penalty. However, the officer was a new employee and on probationary status. Therefore, the hiring authority ended his employment with the department instead of issuing the dismissal. The OIG concurred with the hiring authority's determinations.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2017-06-11	<b>OIG Case Number</b> 17-0023575-IR	<b>Allegations</b> 1. Use of Force	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Letter of Reprimand	<b>Final Penalty</b> Letter of Reprimand
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On June 11, 2017, an officer allegedly grabbed an inmate by the wrist and forced the inmate to the ground when the inmate posed no imminent threat.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation and issued the officer a letter of reprimand. 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 governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager as required by policy.</i></li> </ul>					

<b>Incident Date</b> 2017-06-12	<b>OIG Case Number</b> 17-0023946-IR	<b>Allegations</b> 1. Sexual Misconduct 2. Over-Familiarity	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> Between June 12, 2017, and July 14, 2017, a certified nursing assistant allegedly engaged in sexual misconduct with an inmate, and sent him postcards. Between July 13, 2017, and July 14, 2017, the certified nursing assistant allegedly communicated with the inmate by telephone.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, before the Office of Internal Affairs completed the investigation, the hiring authority non-punitively dismissed the certified nursing assistant for failing to maintain her medical certification. Therefore, disciplinary action was not taken. The hiring authority placed a letter in the certified nursing assistant's official personnel file indicating her separation was pending disciplinary action.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		



Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-17	17-0023715-IR	1. Dishonesty 2. Weapons 3. Intoxication	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On July 17, 2017, an officer allegedly drove her personal vehicle to work, reported for work, and possessed a firearm, all while under the influence of alcohol. The officer also allegedly lied to a sergeant.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

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

**Disciplinary Assessment**

The department did not comply with procedures governing the disciplinary process because the department did not serve the disciplinary action in accordance with policy. The disciplinary action omitted information required by policy.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of her right to respond to an uninvolved manager.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on October 24, 2017. However, the department did not serve the disciplinary action until November 29, 2017, 36 days later.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-08-06	17-0023804-IR	1. Dishonesty 2. Controlled Substances 3. Intoxication	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action (No Subject Interview)

<p><b>Incident Summary</b></p> <p>On August 6, 2017, outside law enforcement arrested an officer for allegedly driving under the influence of alcohol and possession of cocaine. The officer allegedly lied when he told outside law enforcement he had not been drinking.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the investigative phase.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>The OIG did not concur with the Office of Internal Affairs' decision to not approve an interview of the officer to investigate the dishonesty allegation.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations and determined dismissal was the appropriate penalty and decided to reject the officer during probation. The OIG concurred with the hiring authority's determination. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the department attorney did not modify the deadline to take disciplinary action, the department did not serve the disciplinary action in accordance with policy, and the disciplinary action did not include language required by policy.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney or employee relations officer appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG about the decision to modify?</b> <i>The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The department did not serve the disciplinary action within 30 days of the decision to take disciplinary action. The hiring authority conducted the disciplinary findings conference on September 29, 2017. However, the department did not serve the disciplinary action until November 3, 2017, 35 days later.</i></li> </ul>	

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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-07-10	17-0024148-IR	1. Over-Familiarity 2. Dishonesty 3. Over-Familiarity	1. Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On July 10, 2014, an officer allegedly received personal information and money from an inmate in exchange for allowing the inmate to smuggle contraband into the institution. On July 11, 2014, the officer allegedly discussed personal matters with the inmate and accepted a hotel room the inmate paid for in exchange for allowing the inmate to continue introducing contraband into the institution. On February 25, 2017, the officer was allegedly dishonest to a lieutenant and in a memorandum regarding the matter. On October 31, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with policies and procedures governing the investigative phase because the department attorney did not adequately assess the deadline for taking disciplinary action or provide written confirmation regarding the investigative report to the OIG, and the Office of Internal Affairs did not timely complete the investigation. In the OIG's opinion, the hiring authority should have sustained dishonesty allegations.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Insufficient		

**Assessment Questions**

- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney did not consider an exception to the deadline for taking disciplinary action based on tolling due to a pending criminal investigation and failed to consider the three-year deadline for taking disciplinary action against a government employee.*
- **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 neglected to provide written confirmation to the OIG.*
- **Did the Office of Internal Affairs complete the investigation or subject-only interview at least 14 days before the deadline to take disciplinary action?**  
*The deadline to take disciplinary action expired on July 10, 2017, but the Office of Internal Affairs did not complete its investigation until November 1, 2017, 114 days thereafter.*
- **Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation?**  
*The deadline to take disciplinary action expired July 10, 2017, but the Office of Internal Affairs did not complete its investigation until November 1, 2017, 114 days thereafter.*
- **Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?**  
*In the OIG's opinion, the hiring authority should have sustained dishonesty allegations because there was sufficient evidence supporting the allegations.*
- **If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?**  
*The hiring authority could not impose a penalty despite sustaining some allegations because the Office of Internal Affairs did not complete the investigation until after the deadline for taking disciplinary action expired.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in prior questions.*

**Case Disposition**

The hiring authority sustained allegations the officer discussed personal matters with and received a hotel stay from an inmate, but not the remaining allegations, and did not impose a penalty because the deadline for taking disciplinary action expired. The OIG concurred except for the hiring authority's decision to not sustain the dishonesty allegations and that the deadline for taking disciplinary action had expired preventing imposition of a penalty. The OIG did not seek a higher level of review because of conflicting evidence and because there was some legal authority to support the department's position that the deadline for taking disciplinary action had expired.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-08-01	17-0000053-IR	1. Dishonesty 2. Over-Familiarity 3. Sexual Misconduct 4. Contraband	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Dismissal	Dismissal

**Case Type:** Administrative Investigation

**Incident Summary**  
 Between August 1, 2015, and July 30, 2016, an officer allegedly introduced heroin, methamphetamine, mobile phones, and alcohol into an institution, and was overly familiar with inmates. On March 21, 2016, April 21, 2016, and June 20, 2016, the officer allegedly engaged in sexual misconduct with an inmate. On March 8, 2017, the officer allegedly lied during her Office of Internal Affairs interview.

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

<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
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**Assessment Questions**

- **Did the department attorney attend key witness interviews to assess witness demeanor and credibility?**  
*The department attorney did not attend a key witness interview and was unable to assess witness's demeanor and credibility.*

**Case Disposition**  
 The hiring authority sustained allegations the officer was overly familiar with inmates and dishonest, but not the remaining allegations, and determined dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before discipline could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating she retired pending disciplinary action.

**Disciplinary Assessment**  
 The department did not comply with procedures governing the disciplinary process because the department attorney did not draft a complete disciplinary action. Also, in the OIG's opinion, the department attorney did not provide appropriate legal advice to the hiring authority.

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
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**Assessment Questions**

- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding disciplinary determinations?**  
*In the OIG's opinion, the department attorney recommended a letter of reprimand, which is a lower penalty than outlined in the department's disciplinary guidelines for the misconduct, despite agreeing that the officer was overly familiar with inmates.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The department attorney did not include in the disciplinary action a confidentiality notice or notice of the right to respond to an uninvolved manager.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-09-01	17-0022087-IR	1. Dishonesty 2. Sexual Misconduct 3. Over-Familiarity 4. Sexual Misconduct	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Dismissal

**Case Type:** Administrative Investigation

<p><b>Incident Summary</b></p> <p>Between September 1, 2015, and January 14, 2016, a psychiatric technician allegedly engaged in sexual misconduct with an inmate, who was released on parole on January 14, 2016. Between January 14, 2016, and November 16, 2016, the psychiatric technician allegedly communicated electronically with the parolee. On March 7, 2016, the psychiatric technician allegedly deposited money into the parolee's account, and between May 17, 2016, and May 19, 2016, allegedly traveled out-of-state and engaged in sexual misconduct with the parolee. On April 5, 2017, the psychiatric technician allegedly lied during an interview with the Office of Internal Affairs.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely consult with the OIG and the department attorney.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b>  <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 24, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until June 1, 2017, 38 days thereafter.</i> </li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b>  <i>The delay is addressed in a prior question.</i> </li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except for allegations that the psychiatric technician engaged in sexual misconduct and over-familiarity with the inmate while incarcerated, and served a notice of dismissal. The OIG concurred. However, the psychiatric technician resigned before disciplinary action could be imposed. The hiring authority placed a letter in the psychiatric technician's official personnel file indicating he resigned pending disciplinary action.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 24, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until June 1, 2017, 38 days thereafter.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-01	16-0001982-IR	1. Dishonesty 2. Neglect of Duty 3. Over-Familiarity 4. Confidential Information 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Suspension
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On May 1, 2016, two officers allegedly solicited inmates to fight other inmates and failed to intervene during the fight, and one of the officers allegedly failed to protect confidential computer information from inmate view. On June 1, 2016, the second officer allegedly shared confidential inmate information with inmates he solicited to fight. On February 13, 2017, the second officer allegedly lied during his interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on July 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until September 16, 2016, 72 days after the date of discovery.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on March 29, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until May 15, 2017, 47 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

**Case Disposition**

The hiring authority sustained allegations against the second officer for allowing an inmate to view a computer and making false statements to the Office of Internal Affairs, but not the remaining allegations against either officer, and dismissed the second officer. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. During the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 60-working-day suspension. The OIG did not concur. However, the settlement terms did not merit a higher level of review because the administrative law judge raised concerns that the department's key witnesses were inmates who had credibility issues.

**Disciplinary Assessment**

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and entered into a settlement agreement without changed circumstances.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on March 29, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 15, 2017, 47 days thereafter.*
- **Did the settlement agreement comply with the factors outlined in policy?**  
*The department reduced the penalty without identifying any new evidence, flaws, or risks justifying the reduction.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the settlement because the department did not identify any new evidence, flaws, or risks justifying the reduction.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*



<b>Incident Date</b> 2016-05-15	<b>OIG Case Number</b> 16-0001845-IR	<b>Allegations</b> 1. Neglect of Duty 2. Neglect of Duty	<b>Findings</b> 1. Sustained 2. Not Sustained	<b>Initial Penalty</b> Suspension	<b>Final Penalty</b> Suspension
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On May 15, 2016, an officer allegedly failed to discover an injured inmate in a cell and failed to obtain psychiatric care requested by the inmate.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on May 15, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 11, 2016, 57 days after the date of discovery.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 3, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until April 28, 2017, 25 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained two allegations, but not a duplicate allegation, and issued a 48-working-day suspension. The OIG concurred. The officer filed an appeal with the State Personnel Board but failed to appear at State Personnel Board proceedings, resulting in a dismissal of the appeal.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely or adequately consult with the OIG and the department attorney did not adequately cooperate with the OIG.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on April 3, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until April 28, 2017, 25 days thereafter.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney failed to provide the OIG with the date and time of the State Personnel Board proceedings, preventing the OIG from monitoring the proceedings.*
- **Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The hiring authority failed to provide the OIG with the date and time of State Personnel Board proceedings, preventing the OIG from monitoring the proceedings.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-25	16-0001850-IR	1. Neglect of Duty 2. Neglect of Duty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On May 25, 2016, three officers allegedly failed to immediately relieve pressure from the neck of an inmate who was hanging from a noose.					
<b>Investigative Phase Assessment</b> The department did not comply with policies and procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference, and the lack of an investigation prevented the hiring from addressing other potential misconduct. And, the OIG did not concur with the Office of Internal Affairs' determinations regarding the hiring authority's requests.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Insufficient		

### Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on June 6, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until July 22, 2016, 46 days after the date of discovery.*
- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have opened an investigation because there were questions regarding the location of the inmate when found and training provided to the officers.*
- **If the hiring authority submitted an appeal, did the Office of Internal Affairs make an appropriate decision regarding the appeal?**  
*In the OIG's opinion, the Office of Internal Affairs should have approved the hiring authority's request to interview the officers to determine whether they colluded in preparing their reports.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on August 10, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the evidence and the findings until October 13, 2016, 64 days thereafter.*
- **If the hiring authority determined that any of the allegations could not be sustained or that an accurate finding could not be made regarding any allegation, was that determination the result of an insufficient or untimely investigation?**  
*The hiring authority was unable to determine whether the officers colluded when writing their reports because the Office of Internal Affairs did not open an investigation.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

### Case Disposition

The hiring authority sustained the allegations against two officers and imposed a 5 percent salary reduction for two months as to each officer. The OIG concurred with the hiring authority's findings but not with the penalty because the misconduct warranted a greater penalty. Both officers filed an appeal with the State Personnel Board but later withdrew the appeals. The hiring authority found insufficient evidence to sustain the allegation against the third officer, and the OIG concurred.

### Disciplinary Assessment

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

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on August 10, 2016. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until October 13, 2016, 64 days thereafter.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary actions did not advise the officers of the right to respond to an uninvolved manager.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-05-31	16-0001749-IR	1. Dishonesty 2. Failure to Report 3. Insubordination 4. Neglect of Duty 5. Other Failure of Good Behavior 6. Failure to Report 7. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained 7. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On May 31, 2016, an officer allegedly failed to properly supervise intoxicated and disruptive inmates. On June 1, 2016, a second officer allegedly failed to properly conduct an inmate count, opened a cell door without approval, failed to report opening the door, and documented false information. Between August 10, 2016, and August 29, 2016, the second officer allegedly disobeyed an order to not discuss the case with witnesses and tried to influence witnesses. On August 29, 2016, the second officer allegedly lied during an interview with the Office of Internal Affairs.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department attorney did not provide timely feedback regarding the investigative report and the hiring authority did not timely conduct the investigative findings conference.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		

**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 department attorney received the draft investigative report on December 12, 2016, but did not provide feedback until January 4, 2017, 23 days thereafter.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until April 14, 2017, 59 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority sustained the allegations, except the allegations against the second officer for opening a cell door and failing to report the cell door opening, and issued a letter of instruction to the first officer and dismissed the second officer. The OIG concurred with the dismissal but not with the letter of instruction. The second officer filed an appeal with the State Personnel Board but failed to appear at the pre-hearing settlement conference, resulting in the appeal being dismissed.

**Disciplinary Assessment**

The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and the hiring authority and department attorney did not adequately cooperate with the OIG. The OIG did not concur with the penalty the hiring authority imposed on the first officer.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on February 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary detriminations until April 14, 2017, 59 days thereafter.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, the hiring authority should have issued a letter of reprimand to the first officer but instead issued a letter of instruction.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney failed to notify the OIG of the State Personnel Board hearing.*
- **Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The hiring authority did not contact the OIG after the disciplinary findings conference to provide the OIG a draft letter of instruction for review and consult regarding the letter of instruction.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-06	16-0001871-IR	1. Neglect of Duty 2. Dishonesty 3. Neglect of Duty 4. Dishonesty	1. Sustained 2. Not Sustained 3. Not Sustained 4. No Finding	Suspension	Suspension
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On July 6, 2016, an officer allegedly took two ammunition magazines home and, before leaving his post, failed to conduct a complete property inventory that included the two magazines. A second officer allegedly failed to read his post orders, failed to conduct a property inventory, assumed his post without accounting for the required ammunition magazines, and failed to complete required inventory documentation. A third officer allegedly failed to conduct a property inventory, assumed his post without accounting for the required ammunition magazines, falsely documented on a tool inventory the presence of all inventory, including the ammunition magazines, and falsely documented completing an inventory.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference and the department attorney did not timely evaluate the draft investigative report. The OIG did not concur with the hiring authority's or hiring authority's supervisor's findings.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

### 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 department attorney received the investigative report on November 23, 2016, but did not provide feedback until December 16, 2016, 23 days after receipt.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 20, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until January 12, 2017, 23 days thereafter.*
- **Did the hiring authority who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?**  
*In the OIG's opinion, the hiring authority should have identified an additional dishonesty allegation for the officer falsely documenting that he completed an inventory he did not complete.*
- **Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?**  
*In the OIG's opinion, the hiring authority should have sustained a dishonesty allegation because there was evidence the officer falsely documented completing an inventory he did not complete.*
- **Did the OIG request the executive review?**  
*The OIG sought a higher level of review because the hiring authority did not identify and sustain a dishonesty allegation for falsely documenting an inventory of all ammunition had been completed when one had not.*
- **If any party requested executive review, did the final decision-maker make an appropriate decision?**  
*In the OIG's opinion, since the hiring authority's supervisor found that the officer completed false inventory documentation, the hiring authority's supervisor should have sustained dishonesty but instead, sustained the false entries as neglect of duty.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

### Case Disposition

The hiring authority sustained neglect of duty allegations against all three officers, but found insufficient evidence to sustain dishonesty allegations against the third officer, and imposed letters of reprimand for the first and second officers and a two-working-day suspension for the third officer. The OIG did not concur with the penalties and the failure to sustain the dishonesty allegation and elevated the matter to the hiring authority's supervisor. The hiring authority's supervisor also did not sustain the dishonesty allegation but imposed a 5 percent salary reduction for three months on the first officer, a one-working-day suspension on the second officer, and a 10 percent salary reduction for 12 months on the third officer. The OIG concurred with the penalties for the first and second officer but did not concur with failure to sustain the dishonesty allegation or the penalty against the third officer. The first officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the hiring authority entered into a settlement agreement which permitted removal of the disciplinary action from the first officer's official personnel file after 18 months. The OIG concurred with the settlement because the officer expressed remorse. The other two officers did not file appeals.

### Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not adequately complete the written memorandum of penalty discussions. The OIG did not concur with the hiring authority's decision regarding the penalties or the hiring authority's supervisor's decision regarding the penalty for one officer.

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on December 20, 2016. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determinations until January 12, 2017, 23 days thereafter.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, the hiring authority should have imposed salary reductions or suspensions for two of the officers and dismissed the third officer who falsely documented an ammunition inventory, based on the misconduct of all three officers.*
- **Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?**  
*The department attorney omitted one of the officers.*
- **Did the OIG request the executive review?**  
*The OIG sought a higher level of review because the hiring authority imposed lower penalties than we believed the misconduct warranted.*
- **If any party sought executive review, did the final decision-maker make an appropriate decision?**  
*In the OIG's opinion, the hiring authority's supervisor should have imposed dismissal but instead imposed a salary reduction on one of the officers.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-07-19	16-0001967-IR	1. Weapons 2. Insubordination 3. Neglect of Duty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Salary Reduction	Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On July 19, 2016, an officer allegedly completed firearms qualifications with a handgun she was not authorized to carry. On July 26, 2016, the officer allegedly assumed an armed post with a handgun she was not qualified to carry, negligently discharged one round from the handgun, failed to properly document the negligent discharge, and failed to follow orders for securing her post. A sergeant allegedly failed to respond to the location, ordered the officer to leave an armed post without coverage, obtained a public safety statement from the officer at an improper location, did not adequately review the officer's incident report, and failed to ensure the officer was properly qualified for the armed post. A lieutenant allegedly failed to properly manage the incident and adequately review incident reports and the officers's firearm qualification.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney failed to make relevant entries in the case management system. The OIG did not concur with the Office of Internal Affairs' decision to not open a deadly force investigation.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		



**Assessment Questions**

- **Did the Office of Internal Affairs properly determine whether the case should be opened as a deadly force investigation team investigation?**  
*In the OIG's opinion, the Office of Internal Affairs should have opened a deadly force investigation because the officer allegedly negligently discharged a firearm.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney did not make any entry into the case management system confirming relevant dates.*

**Case Disposition**

The hiring authority sustained the allegations against the officer and imposed a 10 percent salary reduction for 12 months. The hiring authority sustained the allegations against the sergeant for failing to respond to the scene and inappropriately directing the officer to leave the control booth without coverage, but not the remaining allegations, and imposed a 5 percent salary reduction for 12 months. The hiring authority found insufficient evidence to sustain the allegations against the lieutenant. The OIG concurred with the hiring authority's determinations. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 10 percent salary reduction for three months and converted the remaining penalty to a 5 percent salary reduction for 17 months. The OIG did not concur because the department did not identify any change in circumstances warranting the modification but did not seek a higher level of review because the penalty was within the appropriate range for the misconduct. The sergeant retired before disciplinary action could be imposed. The hiring authority placed a letter in the sergeant's official personnel file indicating she retired pending disciplinary action.

**Disciplinary Assessment**

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

**Procedural Rating**  
Sufficient

**Substantive Rating**  
Sufficient

**Assessment Questions**

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.*
- **Did the settlement agreement comply with the factors outlined in policy?**  
*The department did not identify any new evidence, flaws, or risks justifying the reduction.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the decision to reduce the officer's penalty because the department did not identify any new evidence, flaws, or risks justifying the reduction.*

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-08-05	16-0002103-IR	1. Dishonesty 2. Use of Force 3. Neglect of Duty 4. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On August 5, 2016, an officer allegedly failed to assist with the evening meal release of inmates and failed to appropriately respond to an inmate attack on a second officer. On August 9, 2016, and September 2, 2016, the officer allegedly submitted false and incomplete documentation regarding the attack. On January 24, 2017, the officer allegedly lied during his interview with the Office of Internal Affairs.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?</b> <i>In the OIG's opinion, the hiring authority should have sustained neglect of duty instead of dishonesty based on the facts.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations, except for failure to assist with the evening meal, and determined dismissal was the appropriate penalty. The OIG concurred except for the decision to sustain dishonesty and dismiss the officer. The OIG did not seek a higher level of review because of evidentiary issues relating to the corroboration of the officer's account. The officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned pending disciplinary action.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?</b> <i>In the OIG's opinion, the hiring authority should not have dismissed the officer based on a dishonesty allegation because a suspension without pay based on neglect of duty was more appropriate.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> </ul>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-06	16-0001923-IR	1. Discourteous Treatment 2. Misuse of Authority 3. Discourteous Treatment	1. Sustained 2. Not Sustained 3. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On August 6, 2016, an officer allegedly used profanity to outside law enforcement officers, slammed a door on an officer, told the officers he had more experience and knew more about how to do their jobs, and requested leniency because of his status as a peace officer.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department assigned an attorney on October 3, 2016, but the attorney did not make an entry into the case management system regarding the deadline for taking disciplinary action until November 9, 2016, 37 days after assignment.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation that the officer was critical of the abilities of outside law enforcement, but not the remaining allegations, combined this matter with another case, and decided dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-08-16	16-0002060-IR	1. Use of Force	1. Sustained	Suspension	Modified Suspension
<b>Case Type:</b> Administrative Investigation					

<p><b>Incident Summary</b></p> <p>On August 16, 2016, two officers allegedly placed a chain on an inmate's handcuffs and dragged him to his cell.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or conduct the investigative findings conference in a timely manner.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on August 16, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until October 18, 2016, 63 days after the date of discovery.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on April 24, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until July 11, 2017, 78 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations and imposed a 45-working-day suspension on each officer. The OIG concurred. After the <i>Skelly</i> hearing for the first officer, the hiring authority reduced the penalty to a 10 percent salary reduction for 18 months. The OIG did not concur with the settlement because the department did not identify any new evidence, flaws, or risks justifying the reduction. However, the OIG did not seek a higher level of review because the penalty was within the appropriate range for the misconduct. The second officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 20-working-day suspension combined with a 5 percent salary reduction for 24 months. The OIG concurred because the settlement was the monetary equivalent of the original penalty.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and entered into a settlement agreement without sufficient justification. Also, the disciplinary actions did not comply with policy.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on April 24, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until July 11, 2017, 78 days thereafter.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary actions did not advise the officers of the right to respond to an uninvolved manager.*
- **Did the settlement agreement comply with the factors outlined in policy?**  
*The department did not identify any new evidence, flaws, or risks justifying the reduction of the first officer's penalty.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the decision to reduce the officer's penalty because the department did not identify any new evidence, flaws, or risks justifying the reduction.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-09-12	16-0002136-IR	1. Neglect of Duty 2. Dishonesty 3. Use of Force 4. Failure to Report 5. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Letter of Instruction	Letter of Instruction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On September 12, 2016, an officer allegedly argued with an inmate inside the inmate's cell, pushed the inmate down and hit her several times, conducted a retaliatory search of the inmate's cell after the altercation, and falsely documented the incident. A second officer allegedly failed to report the inmate's allegation that the first officer pushed and hit the inmate.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on September 12, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 18, 2016, 67 days after the date of discovery.*
  
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority sustained the allegation against the first officer for failing to exit and secure the cell, but not the other allegations, and issued a letter of instruction. The hiring authority found insufficient evidence to sustain the allegation against the second officer but provided counseling about requesting assistance in response to inmate aggression. The OIG concurred with the hiring authority's determinations.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The employee relations officer did not provide the letter of instruction to the OIG for review.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-03	16-0002105-IR	1. Insubordination 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On October 3, 2016, a sergeant allegedly failed to complete a required vehicle inventory before the end of his shift, refused to perform the inventory after a lieutenant ordered him to do so, and lied to the lieutenant about the start of his next shift.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

The hiring authority sustained the allegations, except dishonesty, 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 a hearing, the State Personnel Board upheld the penalty.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?**  
*The department attorney did not provide a copy of the draft disciplinary action to the OIG.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not consult with the OIG regarding preparation of the disciplinary action.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-05	17-0000146-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Salary Reduction	Salary Reduction

**Case Type:** Direct Action with Subject-Only Interview

<p><b>Incident Summary</b></p> <p>Between October 5, 2016, and December 5, 2016, an officer allegedly failed to timely submit timesheets for September 2016 through November 2016 and failed to notify the department of an address change. On November 7, 2016, the officer allegedly dishonestly changed his leave type for September 10, 2016, from sick leave to bereavement leave. Between January 5, 2017, and April 5, 2017, the officer allegedly failed to timely submit timesheets for December 2016 through March 2017.</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference.</p>	
<p><b>Procedural Rating</b></p> <p>Insufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on October 5, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 10, 2017, 97 days after the date of discovery.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 21, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until April 26, 2017, 36 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except for the dishonesty allegation, and imposed a 5 percent salary reduction for 13 months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
<p><b>Procedural Rating</b></p> <p>Sufficient</p>	<p><b>Substantive Rating</b></p> <p>Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 21, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding disciplinary determinations until April 26, 2017, 36 days thereafter.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	



<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-10-11	17-0021826-IR	1. Neglect of Duty 2. Use of Force 3. Neglect of Duty	1. Sustained 2. Not Sustained 3. Not Sustained	Letter of Reprimand	Letter of Instruction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On October 11, 2016, an officer allegedly tackled an inmate to the ground during an escort. Two lieutenants allegedly failed to test the inmate for alcohol after smelling alcohol emanating from the inmate. On October 12, 2016, one of the lieutenants allegedly inappropriately used an officer to operate the video camera while interviewing the inmate regarding the alleged unreasonable use of force.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult with the OIG and department attorney.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on October 11, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 17, 2017, 98 days after the date of discovery.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on June 19, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until July 21, 2017, 32 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation against the lieutenant for using an officer as a video camera operator, but not any of the remaining allegations, and imposed a letter of reprimand. The OIG concurred with the hiring authority's determinations. The lieutenant filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the department reduced the penalty to a letter of instruction because of new information the lieutenant presented showing confusion at the time regarding the policy about camera operators. The OIG concurred because of the new evidence presented and a new directive clarifying the policy.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner. In the OIG's opinion, the department attorney did not prepare an adequate disciplinary action.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

### **Assessment Questions**

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

*The Office of Internal Affairs returned the case to the hiring authority on June 19, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until July 21, 2017, 32 days thereafter.*

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**

*In the OIG's opinion, the department attorney incorrectly stated critical facts in the disciplinary action and did not include notice of the right to respond to an uninvolved manager.*

- **Did the department conduct the disciplinary phase with due diligence?**

*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-10-24	17-0022157-IR	1. Dishonesty 2. Neglect of Duty 3. Discourteous Treatment 4. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained 4. Unfounded	No Penalty Imposed	No Penalty Imposed

**Case Type:** Administrative Investigation

#### Incident Summary

On October 24, 2016, an officer allegedly failed to notify a supervisor that an inmate was injured. On November 18, 2016, a second officer allegedly used profanity toward the same inmate, and a third officer allegedly failed to report the use of profanity. On December 6, 2016, the second officer allegedly falsely denied to a supervisor that he used profanity toward the inmate.

#### Investigative Phase Assessment

The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult with the OIG and department attorney.

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

#### Assessment Questions

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on November 22, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 17, 2016, 87 days after the date of discovery.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on August 22, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until October 24, 2017, 63 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

#### Case Disposition

The hiring authority determined that the investigation conclusively proved the first officer's alleged misconduct did not occur and found insufficient evidence to sustain the allegations against the second and third officers. The OIG concurred with the hiring authority's determinations.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-11-02	17-0000107-IR	1. Failure to Report 2. Insubordination 3. Neglect of Duty 4. Discourteous Treatment 5. Dishonesty	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Not Sustained	Suspension	Modified Suspension

<b>Case Type:</b> Administrative Investigation	
<b>Incident Summary</b> On November 2, 2016, an officer allegedly swore at an inmate, called the inmate a derogatory name, failed to obey a sergeant's order to leave the area, and dishonestly documented the incident.	
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely consult with the OIG and department attorney.	
<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 29, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until August 11, 2017, 43 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<b>Case Disposition</b> The hiring authority sustained the allegations, except for dishonesty, and imposed a 48-working-day suspension. The OIG concurred. Prior to the <i>Skelly</i> hearing, the hiring authority entered into a settlement agreement with the officer reducing the penalty to a 33-working-day suspension. The OIG concurred.	
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the hiring authority delayed conducting the disciplinary findings conference and the department attorney did not adequately cooperate with the OIG.	
<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient

### **Assessment Questions**

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

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 29, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 11, 2017, 43 days thereafter.*

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

*The department attorney did not provide a draft of the settlement agreement to the OIG for review.*

- **Did the department conduct the disciplinary phase with due diligence?**

*The delay is addressed in a prior question.*

<b>Incident Date</b> 2016-11-04	<b>OIG Case Number</b> 17-0021724-IR	<b>Allegations</b> 1. Misuse of Authority 2. Dishonesty	<b>Findings</b> 1. Sustained 2. Not Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On November 4, 2016, an officer allegedly went to her children's school unannounced, without approval, and wearing her departmental uniform, and admonished the students to be law abiding to avoid going to prison. On December 5, 2016, the officer allegedly falsely documented the incident.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not refer the matter to the Office of Internal Affairs in a timely manner. In the OIG's opinion, the department attorney did not provide thorough substantive feedback to the special agent regarding the draft investigative report.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on November 7, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 9, 2017, 63 days after the date of discovery.</i></li> <li>◦ <b>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?</b> <i>In the OIG's opinion, the department attorney did not identify that a surveillance video, sign-in sheet, and email messages from a teacher were not included in the draft investigative report.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation of misuse of authority, but not dishonesty, and imposed a 10 percent salary reduction for six months. The OIG concurred. The officer filed an appeal with the State Personnel Board but withdrew the appeal.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2016-11-08	<b>OIG Case Number</b> 17-0022635-IR	<b>Allegations</b> 1. Dishonesty 2. Other Failure of Good Behavior	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On November 8, 2016, an officer allegedly struck and killed a motorcyclist while driving a vehicle. On April 11, 2017, outside law enforcement arrested the officer for vehicular manslaughter, and the officer allegedly falsely reported that he drove into the other lane to avoid hitting coyotes.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not properly assess the deadline for taking disciplinary action.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b>  <i>The department attorney assessed the deadline for taking disciplinary action as November 7, 2017, when the deadline was actually April 11, 2018, and failed to consider tolling due to a criminal investigation and prosecution.</i> </li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and served a notice of dismissal. The OIG concurred. However, the officer retired before the disciplinary action took effect. The hiring authority placed a letter in the officer's official personnel file indicating that he retired pending disciplinary action.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-11-10	17-0022180-IR	1. Confidential Information	1. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On November 10, 2016, a lieutenant allegedly provided an inmate with confidential information about an investigation involving another inmate.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-12-03	17-0021862-IR	1. Weapons 2. Intoxication	1. Sustained 2. Sustained	Salary Reduction	Salary Reduction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On December 3, 2016, outside law enforcement arrested an officer after he allegedly drove a vehicle while under the influence of alcohol and in possession of a firearm.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference. The OIG did not concur with the Office of Internal Affairs' decision to not approve an interview of the officer.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		



**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on December 3, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 30, 2017, 58 days after the date of discovery.*
- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer to determine whether he had the weapon on his person before the arrest.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on February 22, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until April 7, 2017, 44 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

**Case Disposition**

The hiring authority sustained the allegations and imposed a 10 percent salary reduction for seven months. The OIG concurred. The officer did not file an appeal with the State Personnel Board.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on February 22, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until April 7, 2017, 44 days thereafter.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-12-16	17-0021725-IR	1. Dishonesty 2. Use of Force	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On December 16, 2016, an officer allegedly kicked an inmate in the head and failed to report to a sergeant that he kicked the inmate.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-01-07	17-0022556-IR	1. Neglect of Duty	1. Sustained	Dismissal	Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On January 7, 2017, an officer allegedly failed to ensure an inmate was properly dressed prior to transport to an outside hospital and failed to properly search, escort, and restrain the inmate, and inspect the public restroom before allowing the inmate to enter.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely consult with the OIG. The OIG did not concur with the Office of Internal Affairs' decision to not add a dishonesty allegation. The employee relations officer did not make a required entry into the case management system.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on February 2, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until April 4, 2017, 61 days after the date of discovery.*
- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have added a dishonesty allegation for the officer because he claimed to have inspected the restroom before allowing an inmate to use it and the inspection consisted of looking inside from the doorway for less than a second.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The employee relations officer did not make any entry into the case management system confirming relevant dates.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on May 3, 2017. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until August 9, 2017, 98 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

**Case Disposition**

The hiring authority sustained the allegations and imposed a dismissal. The OIG concurred. However, the officer resigned before the disciplinary action took effect.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on May 3, 2017. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until August 9, 2017, 98 days thereafter.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

<b>Incident Date</b> 2017-01-25	<b>OIG Case Number</b> 17-0022469-IR	<b>Allegations</b> 1. Dishonesty 2. Neglect of Duty 3. Other Failure of Good Behavior	<b>Findings</b> 1. Sustained 2. Sustained 3. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Resignation in Lieu of Termination
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> Between January 25, 2017, and January 30, 2017, an officer allegedly engaged in mobile phone and email conversations of a sexual nature with an outside law enforcement officer posing as a 13-year-old girl, and sent two pictures of his genitals. On March 22, 2017, outside law enforcement arrested the officer for contacting a minor with the intent to engage in sexual activities, and the officer allegedly lied about the communications.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. At the State Personnel Board proceedings, the department entered into a settlement agreement with the officer in which the officer resigned in lieu of dismissal. The OIG concurred because the settlement achieved the ultimate goal of ensuring the officer did not work for the department.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?</b> <i>The department attorney did not provide a case settlement report to the OIG.</i></li> </ul>					

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-01-29	17-0022089-IR	1. Neglect of Duty 2. Dishonesty	1. Sustained 2. Not Sustained	Letter of Instruction	Letter of Instruction

**Case Type:** Administrative Investigation

**Incident Summary**

On January 29, 2017, a sergeant allegedly damaged a state vehicle while changing its tire and failed to complete appropriate documentation, and on January 30, 2017, allegedly lied in a written memorandum and to a lieutenant.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

The hiring authority sustained the allegations, except dishonesty, and issued a letter of instruction. The OIG concurred.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-02-03	17-0022471-IR	1. Neglect of Duty 2. Insubordination	1. Sustained 2. Not Sustained	Letter of Reprimand	Letter of Instruction

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On February 3, 2017, a lieutenant allegedly violated a captain's order to timely assemble the reports regarding the incident. On February 6, 2017, the lieutenant was allegedly not present at the institution, causing another lieutenant to make the captain's requested edits to the documentation and assemble the reports.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference. The employee relations officer did not make any entries into the case management system regarding relevant dates.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on February 6, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until March 30, 2017, 52 days after the date of discovery.*
- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The employee relations officer did not make any entry into the case management system regarding the deadline for taking disciplinary action.*
- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs returned the case to the hiring authority on April 26, 2017. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until May 23, 2017, 27 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delays are addressed in prior questions.*

**Case Disposition**

The hiring authority sustained a neglect of duty allegation, but not the insubordination allegation, and imposed a letter of reprimand. The OIG concurred. After the *Skelly* hearing, the hiring authority discovered that a letter of reprimand had already been issued for the same conduct during the same time frame. Based on this new information, the hiring authority withdrew the disciplinary action and issued a letter of instruction. The OIG concurred with the hiring authority's determination based on the factors learned at the *Skelly* hearing.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on April 26, 2017. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until May 23, 2017, 27 days thereafter.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

<b>Incident Date</b> 2017-02-11	<b>OIG Case Number</b> 17-0022088-IR	<b>Allegations</b> 1. Neglect of Duty	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Letter of Reprimand	<b>Final Penalty</b> Letter of Reprimand
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On February 11, 2017, an officer allegedly negligently discharged a firearm into a clearing barrel at the institution.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation and imposed a letter of reprimand. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2017-02-11	<b>OIG Case Number</b> 17-0022401-IR	<b>Allegations</b> 1. Neglect of Duty	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Modified Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On February 11, 2017, a youth counselor allegedly endangered coworkers and wards when he allowed two wards to perform his security checks.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 12 months. The OIG concurred. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the youth counselor reducing the penalty to a 5 percent salary reduction for 20 months. The OIG did not concur because the department did not identify any new evidence, flaws, or risks justifying the modification but did not seek a higher level of review because the penalty reduction was within the department's disciplinary guidelines for the misconduct.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the department attorney did not include a key notice in the disciplinary action and the hiring authority settled the case without sufficient justification.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the youth counselor of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the settlement agreement comply with the factors outlined in policy?</b> <i>The department did not identify any new evidence, flaws, or risks to justify the settlement.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>The OIG did not concur with the settlement because the department did not identify any new evidence, flaws, or risks justifying the settlement.</i></li> </ul>					



<b>Incident Date</b> 2017-02-13	<b>OIG Case Number</b> 17-0022400-IR	<b>Allegations</b> 1. Neglect of Duty 2. Neglect of Duty	<b>Findings</b> 1. Sustained 2. Not Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Modified Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On February 13, 2017, a youth counselor allegedly provided a ward with an electronic security check device that could be used as a weapon and asked the ward to perform his required security checks.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations, except for incorrectly worded duplicate allegations, and imposed a 5 percent salary reduction for four months. The OIG concurred. The youth counselor filed an appeal with the State Personnel Board. Prior to State Personnel Board proceedings, the hiring authority entered into a settlement agreement with the youth counselor reducing the penalty to a 5 percent salary reduction for three months. The OIG did not concur because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction but did not seek a higher level of review because the penalty reduction was within the department's disciplinary guidelines for the misconduct.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with the policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the settlement agreement comply with the factors outlined in policy?</b> <i>The hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>The OIG did not concur because the hiring authority did not identify any new evidence, flaws, or risks justifying the reduction.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-02-18	17-0022021-IR	1. Sexual Misconduct 2. Neglect of Duty	1. Not Sustained 2. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On February 18, 2017, an officer allegedly engaged in sexual misconduct with an inmate. The officer and a second officer allegedly failed to report the incident as a possible Prison Rape Elimination Act violation.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-03-01	17-0022486-IR	1. Misuse of Authority 2. Intoxication	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On March 1, 2017, outside law enforcement arrested an officer for allegedly driving while under the influence of alcohol. The officer allegedly asked outside law enforcement not to arrest him because he is a peace officer.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the employee relations officer did not assess the deadline for taking disciplinary action or notify the OIG of the investigative findings conference and the hiring authority did not timely consult with the OIG.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		

### Assessment Questions

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

*The employee relations officer did not assess the deadline for taking disciplinary action.*

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

*The Office of Internal Affairs returned the case to the hiring authority on April 26, 2017. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until August 15, 2017, 111 days thereafter.*

- **Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the pre-disciplinary/investigative phase?**

*The hiring authority failed to notify the OIG of the scheduled findings and penalty conference and made initial findings without consulting the OIG.*

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

*The delay is addressed in a prior question.*

### Case Disposition

The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 13 months. The OIG concurred. After a *Skelly* hearing, the hiring authority entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for ten months based on the officer's remorse expressed at the *Skelly* hearing. The OIG concurred with the settlement based on the officer's remorse.

### Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the employee relations officer did not notify the OIG of the disciplinary findings conference and the hiring authority delayed conducting the conference.

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

### Assessment Questions

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

*The Office of Internal Affairs returned the case to the hiring authority on April 26, 2017. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until August 15, 2017, 111 days thereafter.*

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

*The employee relations officer failed to notify the OIG of the scheduled findings and penalty conference, and the hiring authority made an initial disciplinary determination without consulting the OIG.*

- **Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**

*The hiring authority failed to notify the OIG of the scheduled findings and penalty conference and made an initial disciplinary determination without consulting the OIG.*

- **Did the department conduct the disciplinary phase with due diligence?**

*The delay is addressed in a prior question.*

<b>Incident Date</b> 2017-03-05	<b>OIG Case Number</b> 17-0022397-IR	<b>Allegations</b> 1. Discourteous Treatment	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Suspension	<b>Final Penalty</b> Suspension
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On March 5, 2017, a sergeant allegedly attempted to forcibly take a camera from a civilian who was standing in front of the institution.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegation and imposed a one-working-day suspension. The OIG concurred. The sergeant did not file an appeal with the State Personnel Board.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2017-03-14	17-0023097-IR	1. Dishonesty 2. Use of Force 3. Neglect of Duty	1. Not Sustained 2. Not Sustained 3. Not Sustained	No Penalty Imposed	No Penalty Imposed
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On March 14, 2017, a youth counselor allegedly failed to immediately notify her supervisor that a ward assaulted her resulting in the need to forcefully push the ward, and was dishonest when finally reporting her use of force. An officer allegedly failed to report the youth counselor's use of force.</p>					
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs or timely conduct the investigative findings conference and the department attorney did not make a required entry into the case management system.</p>					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on March 14, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until May 17, 2017, 64 days after the date of discovery.</i></li> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not make any entry into the case management system confirming relevant dates.</i></li> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 20, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until October 23, 2017, 33 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delays are addressed in prior questions.</i></li> </ul>					
<p><b>Case Disposition</b></p> <p>The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.</p>					

<b>Incident Date</b> 2017-03-20	<b>OIG Case Number</b> 17-0022867-IR	<b>Allegations</b> 1. Use of Force 2. Neglect of Duty	<b>Findings</b> 1. Not Sustained 2. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On March 20, 2017, an officer allegedly failed to timely sound an alarm upon finding an unresponsive inmate, a second officer allegedly failed to timely sound an alarm when she observed others preparing for an emergency cell extraction, and a sergeant allegedly failed to report use of force he observed.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not conduct the investigative findings conference in a timely manner.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on May 31, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the evidence and the findings until July 11, 2017, 41 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegations. The OIG concurred.					

<b>Incident Date</b> 2017-03-27	<b>OIG Case Number</b> 17-0022554-IR	<b>Allegations</b> 1. Neglect of Duty 2. Discourteous Treatment	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Suspension	<b>Final Penalty</b> Suspension
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On March 27, 2017, an officer allegedly conducted a retaliatory search of a cell, put toothpaste in the inmates' shoes, and put the inmates' personal belongings in a toilet.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegations and imposed a 48-working-day suspension. The OIG concurred. The officer did not file an appeal with the State Personnel Board.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-10	17-0023099-IR	1. Controlled Substances	1. Sustained	Salary Reduction	Salary Reduction

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**  
On April 10, 2017, an officer allegedly tested positive for codeine.

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

Procedural Rating	Substantive Rating
Sufficient	Sufficient

**Case Disposition**  
The hiring authority sustained the allegation and imposed a 10 percent salary reduction for 18 months. The hiring authority issued a salary reduction instead of dismissal because the physician at the testing center reported that based on the amount of codeine in the officer's system, the positive test was an isolated incident, and a subsequent random drug test was negative. The OIG concurred based on these factors. The officer did not file an appeal with the State Personnel Board.

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

Procedural Rating	Substantive Rating
Sufficient	Sufficient

**Assessment Questions**

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-04-15	17-0023276-IR	1. Discourteous Treatment 2. Use of Force	1. Sustained 2. Not Sustained	Letter of Instruction	Letter of Instruction

**Case Type:** Administrative Investigation

**Incident Summary**  
On April 15, 2017, two officers allegedly slammed an inmate to the ground, punched, and kicked the inmate and failed to report their use of force and force each observed. One of the officers allegedly used foul language toward the inmate.

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



Procedural Rating Sufficient	Substantive Rating Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 29, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until October 26, 2017, 27 days thereafter.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation that one officer was discourteous to the inmate, but not the remaining allegations, and issued a letter of instruction to the officer. The OIG concurred with the findings but not the letter of instruction. However, the OIG did not seek a higher level of review because the modification was within departmental guidelines.</p>	
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>	
Procedural Rating Sufficient	Substantive Rating Sufficient
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on September 29, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 26, 2017, 27 days thereafter.</i></li> <li>◦ <b>Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?</b> <i>In the OIG's opinion, the hiring authority should have imposed a letter of reprimand rather than corrective action because a letter of reprimand was more appropriate.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	

<b>Incident Date</b> 2017-05-02	<b>OIG Case Number</b> 17-0023018-IR	<b>Allegations</b> 1. Dishonesty 2. Controlled Substances	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On May 2, 2017, a parole agent allegedly used a controlled tranquilizer without a valid prescription. On May 3, 2017, the parole agent allegedly tried to submit a urine sample diluted with water during a random drug test, lied to the clinical technician about being in possession of a second sample bottle containing water, and falsely signed a form certifying she provided an unadulterated sample.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations and dismissed the parole agent. The OIG concurred. However, the parole agent resigned prior to the effective date of the dismissal. The hiring authority placed a letter in the parole agent's official personnel file indicating she resigned pending disciplinary action.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2017-05-02	<b>OIG Case Number</b> 17-0023098-IR	<b>Allegations</b> 1. Neglect of Duty	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On May 2, 3, 9, and 10, 2017, a parole agent allegedly worked past his scheduled eight hours without prior authorization. On May 3, 2017, the parole agent allegedly allowed his girlfriend entry into the parole office after business hours and gave her access to confidential records.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations and imposed a 10 percent salary reduction for 12 months. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. At the pre-hearing settlement conference, the hiring authority entered into a settlement agreement with the parole agent involving multiple cases that resulted in the parole agent withdrawing the appeal. The OIG concurred because there was no change in penalty.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the parole agent of the right to respond to an uninvolved manager.</i></li> </ul>					

<b>Incident Date</b> 2017-05-05	<b>OIG Case Number</b> 17-0022993-IR	<b>Allegations</b> 1. Threat/Intimidation 2. Failure to Report 3. Discourteous Treatment	<b>Findings</b> 1. Sustained 2. Sustained 3. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On May 5, 2017, a sergeant allegedly sent another sergeant, who was a witness against her in a disciplinary action, threatening and intimidating text messages.					
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Case Disposition</b> The hiring authority sustained the allegations and determined dismissal was the appropriate penalty. The OIG concurred. However, the sergeant had already been dismissed due to another disciplinary action.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-05	17-0023421-IR	1. Dishonesty 2. Battery 3. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action with Subject-Only Interview

**Incident Summary**

On May 5, 2017, an officer allegedly applied a choke hold to his girlfriend, dishonestly told outside law enforcement the department trained him to use that technique, and was arrested by outside law enforcement for domestic violence.

**Investigative Phase Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Case Disposition**

The hiring authority sustained the allegations and decided dismissal was the appropriate penalty. The OIG concurred. However, the officer retired before disciplinary action could be imposed.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-05-12	17-0023420-IR	1. Neglect of Duty	1. Sustained	Letter of Reprimand	No Penalty Imposed

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

On May 12, 2017, an officer allegedly failed to maintain constant visual observation of an inmate on contraband surveillance watch.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative phase because the employee relations officer did not make a required entry into the case management system and the hiring authority did not conduct the findings conference in a timely manner.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

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

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

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

*The Office of Internal Affairs returned the case to the hiring authority on July 19, 2017. However, the hiring authority did not consult with the OIG regarding the sufficiency of the evidence and the findings until September 8, 2017, 51 days thereafter.*

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

*The delay is addressed in a prior question.*

**Case Disposition**

The hiring authority sustained the allegation and imposed a letter of reprimand. The OIG concurred. At the *Skelly* hearing, the hiring authority learned the officer never left his post and the time counter on the visual recording was incorrect. Due to this new information, the hiring authority withdrew the disciplinary action. The OIG concurred based on the factors learned at the *Skelly* hearing.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

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

*The Office of Internal Affairs returned the case to the hiring authority on July 19, 2017. However, the hiring authority did not consult with the OIG regarding the disciplinary determinations until September 8, 2017, 51 days thereafter.*

- **Did the department conduct the disciplinary phase with due diligence?**

*The delay is addressed in a prior question.*

<b>Incident Date</b> 2017-06-23	<b>OIG Case Number</b> 17-0023677-IR	<b>Allegations</b> 1. Controlled Substances	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Dismissal	<b>Final Penalty</b> Dismissal
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On June 23, 2017, an officer allegedly tested positive for methamphetamine.					
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The employee relations officer did not make any entry into the case management system confirming relevant dates.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. However, the officer resigned before disciplinary action could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he resigned under unfavorable circumstances.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2017-06-25	<b>OIG Case Number</b> 17-0023852-IR	<b>Allegations</b> 1. Other Failure of Good Behavior	<b>Findings</b> 1. Not Sustained	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On June 25, 2017, an officer allegedly argued with his wife and his wife's daughter and grabbed his wife's son by the neck and threw him down a hallway, resulting in outside law enforcement response.					
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the hiring authority did not timely refer the matter to the Office of Internal Affairs. The OIG did not concur with the Office of Internal Affairs' decision to not add a dishonesty allegation or approve an interview of the officer.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on June 28, 2017, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 14, 2017, 47 days after the date of discovery.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have added a dishonesty allegation and approved an interview of the officer because the officer's statement to outside law enforcement and his memorandum to the hiring authority differed substantially from three witness' statements.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					
<b>Case Disposition</b> The hiring authority found insufficient evidence to sustain the allegation. The OIG concurred.					



Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-06-27	17-0023851-IR	1. Neglect of Duty	1. Unfounded	No Penalty Imposed	No Penalty Imposed

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
 On June 27, 2017, an officer allegedly failed to maintain direct and constant observation of inmate on contraband surveillance watch, which allowed the inmate to retrieve and dispose of suspected drugs.

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

Procedural Rating	Substantive Rating
Sufficient	Sufficient

**Assessment Questions**

- **Did the Office of Internal Affairs make an appropriate initial determination regarding the case?**  
*In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer to determine why he did not see the inmate retrieve and dispose of the contraband.*
- **If the hiring authority submitted an appeal, did the Office of Internal Affairs make an appropriate decision regarding the appeal?**  
*In the OIG's opinion, the Office of Internal Affairs should have granted the hiring authority's appeal requesting an administrative investigation.*

**Case Disposition**  
 The hiring authority determined that the evidence conclusively proved the misconduct did not occur. Based on the available evidence, the OIG concurred with the hiring authority's determination.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2017-07-18	17-0023809-IR	1. Controlled Substances	1. Sustained	Dismissal	No Penalty Imposed

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**  
 On July 18, 2017, an officer allegedly tested positive for barbiturates.

**Investigative Phase Assessment**  
 In the OIG's opinion, the Office of Internal Affairs' decision to not approve an interview of the officer resulted in the department unnecessarily placing the officer on paid administrative leave and serving a disciplinary action the hiring authority subsequently withdrew.

Procedural Rating	Substantive Rating
Sufficient	Insufficient

<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have approved an interview of the officer to investigate the allegation he tested positive for barbiturates.</i></li> </ul>	
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegation and dismissed the officer. The OIG concurred. Following a <i>Skelly</i> hearing, the department withdrew the disciplinary action because of new information that the officer had a prescription for the drug identified in the test. The OIG concurred based on the new information.</p>	
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the department attorney did not adequately consult with the OIG or prepare a disciplinary action containing all required notices.</p>	
<p><b>Procedural Rating</b> Insufficient</p>	<p><b>Substantive Rating</b> Sufficient</p>
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?</b> <i>The department attorney did not provide the OIG with a copy of the draft disciplinary action and failed to consult with the OIG.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The department attorney did not include required provisions regarding confidentiality of peace officer personnel records or notice informing the officer of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?</b> <i>The department attorney did not provide the OIG with the draft disciplinary action and only provided the final disciplinary action after scheduling the <i>Skelly</i> hearing.</i></li> </ul>	

# Appendix B Disciplinary Phase Cases

## Central

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2014-10-02	15-0000505-IR	1. Unreasonable Use of Force 2. Neglect of Duty	1. Sustained 2. Sustained	Salary Reduction	Letter of Reprimand
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On October 2, 2014, four officers and a sergeant allegedly attempted to forcibly carry an inmate by his arms and legs out of a shower after he refused to return to his cell. A lieutenant and the sergeant allegedly failed to ensure the inmate was medically evaluated after the incident.					
<b>Case Disposition</b> The hiring authority sustained the allegations and imposed 5 percent salary reductions for 13 months against the lieutenant and the sergeant and issued letters of instruction to the four officers. The OIG concurred. After a <i>Skelly</i> hearing, the hiring authority determined the lieutenant was not present when the inmate was resisting and rescinded the salary reduction. The OIG concurred based on the new information. The sergeant filed an appeal with the State Personnel Board. At the hearing, the department attorney decided not to proceed on the hiring authority's finding that the sergeant attempted to forcibly carry the inmate and instead pursued an allegation that the sergeant allowed the inmate to leave the locked shower instead of initiating a controlled use of force. The State Personnel Board revoked the revised allegation but upheld the allegation the sergeant failed to ensure the inmate was medically evaluated after the incident and reduced the penalty to a letter of reprimand. The department filed a petition for rehearing, which the State Personnel Board denied. The department filed a petition for writ of administrative mandamus, which a superior court judge denied.					
<b>Disciplinary Assessment</b> The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not adequately cooperate or consult with the hiring authority or the OIG. In the OIG's opinion, the department attorney also did not adequately represent the department prior to and during the appeal process.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Insufficient		

## Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on March 4, 2015. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 7, 2015, 64 days thereafter.*
- **Did the department's advocate who appeared at the pre-hearing settlement conference have full familiarity with the facts and issues in the case?**  
*In the OIG's opinion, the department attorney was not prepared to respond to the administrative law judge's questions regarding anticipated testimony and misstated the factual basis for allegations against the sergeant.*
- **Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?**  
*In the OIG's opinion, after changing the factual basis for one of the allegations against the sergeant without the hiring authority's authorization, the department attorney failed to prepare witnesses to support the revised allegation.*
- **Did the department's advocate adequately and appropriately address legal issues prior to and during the State Personnel Board hearing?**  
*The department attorney failed to obtain the hiring authority's authorization before changing the factual basis for one of the allegations against the sergeant.*
- **Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?**  
*In the OIG's opinion, the department attorney was unable to present any evidence to support one of the allegations against the sergeant after the department attorney changed the factual basis for the allegation.*
- **Did the department's advocate appropriately object to evidence the subject(s) of the investigation presented at the hearing?**  
*In the OIG's opinion, the department attorney did not make timely, appropriate objections to the sergeant's evidence and struggled to support objections he did make.*
- **Did the department's advocate appropriately represent the department in petition for rehearing proceedings before the State Personnel Board?**  
*The department attorney failed to inform the hiring authority a petition for rehearing was being filed. Also, in the OIG's opinion, the petition had no factual or legal merit.*
- **Did the department attorney appropriately represent the department in writ proceedings?**  
*In the OIG's opinion, the department attorney filed a writ that had no factual or legal merit, was unfamiliar with the writ process, initially lodged an incomplete record with the court despite an OIG recommendation, and submitted an untimely administrative record after pleadings were filed. The department attorney also failed to inform the hiring authority a writ would be filed.*
- **Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?**  
*The department attorney failed to consult with the OIG or prepare a final memorandum.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not consult with the OIG before changing the factual basis for one of the allegations against the sergeant, timely notify the OIG that a petition for rehearing had been denied, follow an OIG recommendation to file a complete administrative record, or consult with the OIG regarding a final memorandum.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-06-25	15-0001996-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Neglect of Duty 4. Medical 5. Unreasonable Use of Force	1. Sustained 2. Sustained 3. Not Sustained 4. Exonerated 5. Unfounded	Salary Reduction	Letter of Instruction

**Case Type:** Administrative Investigation

**Incident Summary**

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

**Case Disposition**

The hiring authority sustained the allegations against the officer, except that the officer used pepper spray from an inappropriate distance, and issued a letter of reprimand. The hiring authority sustained the allegation that the first sergeant deployed pepper spray after the inmate withdrew his arm, but not the remaining allegations against him, and issued a letter of reprimand. The hiring authority also sustained the allegations against the lieutenant, except that the lieutenant failed to have the inmate medically assessed after pepper spray exposure, and imposed a 5 percent salary reduction for six months. The hiring authority found insufficient evidence to sustain the allegation against the second sergeant. The OIG concurred with the hiring authority determinations. The officer and first sergeant filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board revoked the letters of reprimand. After the lieutenant's *Skelly* hearing, the hiring authority discovered that a captain also failed to request clarification reports and identify that the failure to comply with policy had not been investigated. The hiring authority withdrew the disciplinary action against the lieutenant and issued a letter of instruction. The OIG concurred based on the new information.

**Disciplinary Assessment**

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

**Procedural Rating**

Sufficient

**Substantive Rating**

Sufficient

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-10-28	16-0000282-IR	1. Dishonesty 2. Attendance	1. Sustained 2. Sustained	Dismissal	Dismissal

**Case Type:** Direct Action with Subject-Only Interview

### Incident Summary

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

### Case Disposition

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

### Disciplinary Assessment

The department did not comply with policies and procedures governing the disciplinary process because the department attorney did not file an adequate pre-hearing settlement conference statement, prepare the disciplinary action in accordance with policy, or adequately cooperate with the OIG. In the OIG's opinion, the department attorney also filed a false declaration under penalty of perjury with the State Personnel Board. And, the hiring authority did not serve the disciplinary action in accordance with policy.

### Procedural Rating

Insufficient

### Substantive Rating

Insufficient

### Assessment Questions

- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.*
- **Did the department file a written pre-hearing settlement conference statement with the State Personnel Board containing all required information including, but not limited to, a summary of stipulated facts, time estimate, number of witnesses with a brief statement of expected testimony, list of documentary evidence, and statement of significant evidentiary issues?**  
*The pre-hearing settlement conference statement failed to identify a certified court docket as evidence and did not correctly identify critical witnesses, resulting in the department attorney having to file a motion to amend the statement. The motion failed to request permission to add the certified court docket as evidence.*
- **Did the department's advocate provide a draft of the pre-hearing settlement conference statement to the OIG prior to it being filed?**  
*The department attorney did not provide the draft pre-hearing settlement conference statement to the OIG until 17 minutes before the filing deadline, preventing the OIG from having sufficient time to provide feedback.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney did not provide the pre-hearing settlement conference statement to the OIG until 17 minutes before the filing deadline, preventing the OIG from providing feedback, and failed to consult with the OIG before filing a motion to amend the statement. In the OIG's opinion, the department attorney also inaccurately stated under penalty of perjury the reason for amending the statement.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The department did not serve the disciplinary action within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on July 13, 2016. However, the department did not serve the disciplinary action until August 29, 2016, 47 days later. Also, in the OIG's opinion, the assistant chief counsel failed to adequately review the department attorney's pre-hearing settlement conference statement that failed to designate a certified copy of the court docket and accurately identify a critical witness, resulting in the need for a motion to amend. The assistant chief counsel also failed to review the motion to amend that also failed to seek leave to designate the certified court docket and in the OIG'S opinion, also provided an inaccurate reason for failing to name a critical witness.*

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-11-01	16-0000543-IR	1. Neglect of Duty 2. Discourteous Treatment 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>From November 1, 2015, through December 5, 2015, a control booth officer allegedly refused to communicate with other officers and failed to constantly observe the officers, who were handling inmates outside of their cells. On November 26, 2015, the control booth officer allegedly refused another officer's request to release an inmate from his cell. On November 27, 2015, the control booth officer allegedly released an unrestrained inmate without securing the section door. On December 1, 2015, the officer allegedly opened a cell door before other officers handcuffed the inmate that was in the cell and was allegedly dishonest to a lieutenant when he denied leaving the section door open. On December 5, 2015, the officer allegedly opened the wrong cell door, exposing other officers to an unrestrained inmate.</p>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except for dishonesty, and imposed a 10 percent salary reduction for 18 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department attorney and officer reached a settlement agreement wherein the officer agreed to withdraw his appeal in exchange for removal of the disciplinary action from his official personnel file if he retired. The OIG did not concur with the settlement and was not consulted before the department attorney finalized the settlement agreement, preventing the OIG from seeking a higher level of review.</p>					
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with policies and procedures governing the disciplinary process because the department attorney settled the case without sufficient justification and did not adequately cooperate and consult with the OIG or the hiring authority.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Insufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the settlement agreement comply with the factors outlined in policy?</b> <i>The department attorney did not identify any new evidence, flaws, or risks to support the settlement.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>The OIG did not concur because the department attorney had the settlement agreement signed without identifying any new evidence, flaws, or risks, without the hiring authority's authorization and after the hiring authority rejected the officer's settlement offer without a counter offer and reminded the department attorney of the serious safety threat the officer's misconduct created.</i></li> <li>◦ <b>Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?</b> <i>The department attorney did not notify the OIG of witness preparation, preventing the OIG from attending, and provided vague descriptions of her hearing preparation while focusing on settling the case. The department attorney also failed to provide the draft settlement agreement to the OIG for review before having the settlement agreement signed and neglected to provide the OIG with the case settlement report.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-02-26	16-0001296-IR	<ol style="list-style-type: none"> <li>1. Dishonesty</li> <li>2. Weapons</li> <li>3. Intoxication</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	Dismissal
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On February 26, 2016, an officer allegedly drove his vehicle while under the influence of alcohol, possessed an unauthorized concealed handgun and ammunition while intoxicated, and was dishonest to outside law enforcement.					
<b>Case Disposition</b> The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		



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Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2013-08-17	14-0001633-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Letter of Reprimand	Letter of Reprimand
<b>Case Type:</b> Direct Action (No Subject Interview)					
<p><b>Incident Summary</b></p> <p>On August 17, 2013, a sergeant allegedly used unreasonable force by deploying pepper spray on an inmate that climbed on top of the toilet in his cell and put his face up to the air vent. The sergeant was also allegedly too close to the inmate when he sprayed the inmate and allegedly failed to initiate a controlled use of force rather than using immediate force.</p>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except that the sergeant was too close to the inmate when he used pepper spray, and issued a letter of reprimand. The OIG concurred with the hiring authority's determinations. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the letter of reprimand. The sergeant filed a petition for writ of mandamus that the superior court granted, overturning the State Personnel Board's decision. The department filed an appeal, and the court of appeal ruled in favor of the department and reinstated the State Personnel Board's decision.</p>					
<p><b>Disciplinary Assessment</b></p> <p>The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not provide written confirmation of penalty discussions or timely provide the OIG with a draft disciplinary action.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Insufficient			Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on July 10, 2014. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until August 6, 2014, 27 days thereafter.</i></li> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b> <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i></li> <li>◦ <b>Did the department attorney or employee relations officer provide the OIG with a copy of the draft disciplinary action and consult with the OIG?</b> <i>The department attorney provided the disciplinary action to the hiring authority for service without providing a draft to the OIG for review.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2014-08-01	15-0000660-IR	1. Dishonesty 2. Neglect of Duty	1. Sustained 2. Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between August 1, 2014, and July 30, 2015, an officer allegedly refused to allow an inmate to leave his cell to work and was dishonest when completing the inmate's timesheets. Between October 4, 2014, and November 22, 2014, a second officer allegedly entered false information on the inmate's timesheets at the request of the first officer. On August 25, 2015, the first officer was allegedly dishonest during an interview with the Office of Internal Affairs.					
<b>Case Disposition</b> The hiring authority sustained the allegations against both officers and dismissed the first officer and issued a 10 percent salary reduction for 15 months to the second officer. The OIG concurred with the hiring authority's determinations, including the decision to impose a salary reduction instead of dismissal on the second officer because he was forthright in the Office of Internal Affairs interview. Both officers filed appeals with the State Personnel Board. At the pre-hearing settlement conference, the department entered into a settlement agreement with the second officer reducing the penalty to a 10 percent salary reduction for seven months, followed by a 5 percent salary reduction for 12 months. The OIG concurred with the settlement because the misconduct occurred at a time of transition regarding the department's record keeping system and because there was a lack of training regarding the new system. After the first officer's evidentiary hearing, the administrative law judge sustained the allegation that the first officer was dishonest during her Office of Internal Affairs interview and upheld the dismissal. The officer filed a Petition for Writ of Mandamus in superior court, and the court denied the petition.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officers of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?</b> <i>The department attorney did not prepare a final memorandum.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2014-10-12	16-0000759-IR	1. Dishonesty	1. Sustained	Dismissal	Suspension
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On October 12, 2014, an officer allegedly registered one of his dogs to vote, and on October 14, 2014, the officer allegedly registered another dog to vote. On November 4, 2014, the officer allegedly attempted to vote using an alias.					
<b>Case Disposition</b> The hiring authority sustained the allegations and dismissed the officer. The OIG concurred. The officer filed an appeal with the State Personnel Board. Following a hearing, the administrative law judge sustained the allegations and upheld the dismissal. However, the State Personnel Board rejected the administrative law judge's decision and invited oral argument on the issue of penalty. Following oral arguments, the State Personnel Board modified the penalty to a one-year suspension.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2015-11-03	16-0000203-IR	1. Unreasonable Use of Force 2. Neglect of Duty 3. Dishonesty 4. Unreasonable Use of Force 5. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained 5. Not Sustained	Salary Reduction	No Penalty Imposed

**Case Type:** Administrative Investigation

**Incident Summary**

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

**Case Disposition**

The hiring authority sustained allegations the sergeant improperly ordered the cell door to be opened, the first officer opened the cell door, and the sergeant, first officer, and second officer inappropriately entered the inmate's cell, but not the remaining allegations. The hiring authority served the sergeant a 5 percent salary reduction for four months and issued the two officers letters of reprimand. The OIG concurred with the hiring authority's determinations. The sergeant and two officers filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board revoked all of the disciplinary actions because the department did not prove the sergeant and officers' actions violated policy.

**Disciplinary Assessment**

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not serve the disciplinary action on one of the officers in accordance with policy and the department attorney did not adequately represent the department at the State Personnel Board hearing, resulting in an unfavorable decision.

**Procedural Rating**

Insufficient

**Substantive Rating**

Insufficient

**Assessment Questions**

- o **Did the department's advocate adequately subpoena and prepare available witnesses for the hearing?**  
*The department attorney did not have a witness prepared to testify as to why the alleged conduct violated policy.*
- o **Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?**  
*The department attorney did not present a witness or declaration to explain why the alleged conduct violated policy.*
- o **Did the department conduct the disciplinary phase with due diligence?**  
*The department did not serve one of the disciplinary actions within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on October 19, 2016. However, the department did not serve the disciplinary action on one of the officers until December 1, 2016, 43 days thereafter.*

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-01	16-0001252-IR	1. Dishonesty 2. Insubordination/Willful Disobedience 3. Neglect of Duty 4. Dishonesty 5. Failure to Report 6. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained 6. Not Sustained	Dismissal	Dismissal

**Case Type:** Administrative Investigation

**Incident Summary**

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

### Case Disposition

The hiring authority sustained the allegations against the four sergeants and first two officers. The hiring authority dismissed the sergeants and first officer and served the second officer a rejection during probation. The hiring authority sustained the allegations against the fourth, fifth, and ninth officers and imposed letters of reprimand. The hiring authority sustained the allegations against the eleventh, twelfth, thirteenth, and fourteenth officers, except dishonesty, and imposed a 5 percent salary reduction for 12 months on the eleventh officer and 5 percent salary reductions for eight months on the twelfth, thirteenth, and fourteenth officers. The hiring authority found insufficient evidence to sustain the allegations against the remaining officers. The OIG concurred with the hiring authority's determinations except the determination that the eleventh officer was not dishonest and sought a higher level of review. At the higher level of review, the hiring authority's supervisor also did not sustain dishonesty and agreed a 5 percent salary reduction for 12 months was appropriate. The OIG did not concur but did not seek a higher level of review. After the *Skelly* hearing for the second officer, the hiring authority revoked the dismissal and imposed a 48-working-day suspension. The OIG did not concur and sought a higher level of review. At the higher level of review, the hiring authority's supervisor agreed a 48-working-day suspension was appropriate. The OIG did not concur but did not seek a higher level of review. Before the suspension was served on the second officer, the hiring authority's supervisor entered into a settlement agreement with the officer further reducing the penalty to a 44-working-day suspension for administrative convenience to the department. The OIG did not concur but did not seek a higher level of review. After *Skelly* hearings for the third and fourth sergeants, the hiring authority decided to revoke the dismissals and reinstate the third and fourth sergeants. The OIG did not concur and sought a higher level of review. At the higher level of review, the hiring authority's supervisor demoted the third sergeant to officer and imposed a 60-working-day suspension and sustained the penalty for the fourth sergeant. The OIG did not concur with the decision to demote the third sergeant but did not seek a higher level of review. The first, second, and fourth sergeants, the first, fifth, ninth, eleventh, twelfth, thirteenth, and fourteenth officers filed appeals with the State Personnel Board. The fourth officer did not file an appeal with the State Personnel Board. At hearing, the department entered into a settlement agreement with the first sergeant reducing the penalty to a one-year suspension and demoting the sergeant to officer. The OIG did not concur but did not seek a higher level of review. At the pre-hearing settlement conference, hiring authority entered into a settlement agreement with the second sergeant wherein the sergeant agreed to retire in lieu of termination. The OIG concurred because the ultimate goal of ensuring the sergeant did not work for the department was achieved. The department entered into a settlement agreement with the third sergeant modifying the dismissal to a 58-working-day suspension. The OIG did not concur but did not seek a higher level of review. The department also entered into a settlement agreement with the fourth sergeant wherein the department agreed to remove dishonesty and reduce the penalty to a 58-working day suspension. The OIG did not concur but did not seek a higher level of review. Following a hearing for the first officer, the State Personnel Board upheld the dismissal. Prior to hearing, the department entered into a settlement agreement with the fifth officer agreeing to remove the disciplinary action within 18 months of the effective date of the disciplinary action. The OIG did not concur but did not seek a higher level of review. The department entered into a settlement agreement with the ninth officer agreeing to withdraw the letter of reprimand and issue a letter of instruction. The OIG did not concur but did not seek a higher level of review. At the pre-hearing settlement conference for the eleventh officer, the department entered into a settlement agreement reducing the penalty to a 5 percent salary reduction for ten months. The OIG did not concur but did not seek a higher level of review. Prior to hearing, the department entered into a settlement agreement with the twelfth officer reducing the penalty to a 5 percent salary reduction for six months. The OIG concurred because the officer accepted responsibility. At the pre-hearing settlement conference for the thirteenth officer, the department entered into an agreement reducing the penalty to a 5 percent salary reduction for six months. The OIG concurred because the officer accepted responsibility, recommended changes to the inspections and changed his practices, and trains new officers regarding the inspection practices. The department also entered into a settlement agreement with the fourteenth officer reducing the penalty to a 5 percent salary reduction for six months. The OIG concurred because the officer accepted responsibility and no longer works in the sally port to avoid similar problems.

### Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority did not timely or adequately consult with the OIG, serve eight of the disciplinary actions in accordance with policy, or timely provide requested documents. The OIG did not concur with the department attorney's advice to the hiring authority, the hiring authority's determinations, or the penalty reductions. Also, the department attorney did not adequately cooperate with the OIG.

#### Procedural Rating

Insufficient

#### Substantive Rating

Sufficient

### Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary**

**determinations prior to making a final decision?**

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on July 22, 2016. However, the hiring authority did not complete twelve of the eighteen disciplinary consultations with the OIG and department attorney until October 2016, three months thereafter.*

- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding disciplinary determinations?**  
*In the OIG's opinion, the department attorney should not have advised the hiring authority to not identify dishonesty as a disciplinary matrix charge and to not dismiss the officer because there was a preponderance of evidence that the officer falsely documented completing a vehicle inspection before driving into the secure perimeter with a weapon inside.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate employee disciplinary matrix charges and causes for discipline?**  
*In the OIG's opinion, the hiring authority should have selected dishonesty as an appropriate disciplinary matrix charge because there was a preponderance of evidence the officer falsely documented completing a vehicle inspection before driving into the secure perimeter with a weapon inside.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*In the OIG's opinion, the hiring authority should have identified dismissal as the appropriate penalty for the officer who admittedly documented conducting a vehicle inspection when in fact he did not conduct the inspection.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary actions did not advise the officers and sergeants of the right to respond to an uninvolved manager.*
- **Did the settlement agreement comply with the factors outlined in policy?**  
*The department did not identify any new evidence, flaws, or risks justifying some of the settlements.*
- **Did the department attorney or employee relations officer properly complete the case settlement report?**  
*The department attorney completed only some of the case settlement reports.*
- **If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?**  
*The OIG did not concur with the modification because there was evidence supporting the allegations and penalty and the department withdrew an officer's rejection during probation, issued a suspension instead, and reduced a sergeant's dismissal to a demotion. Also, the department did not identify any new evidence, flaws, or risks justifying some of the settlements.*
- **Did the OIG request the executive review?**  
*The OIG sought a higher level of review on the hiring authority's decision to withdraw the second officer's rejection during probation and third sergeant's dismissal. The OIG joined the department attorney's request for a higher level of review on the hiring authority's decision to revoke the third sergeant's dismissal.*
- **If any party sought executive review, did the final decision-maker make an appropriate decision?**  
*In the OIG's opinion, the evidence supported the allegations and penalty, but the hiring authority's supervisor agreed to withdraw the second officer's rejection during probation and instead issued a suspension by way of a settlement, and reduced the second sergeant's dismissal to a demotion.*
- **Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The department attorney and the employee relations officer did not timely provide the OIG the disciplinary actions, settlement agreements, all case settlement reports, and related documents.*
- **Did the hiring authority cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?**  
*The hiring authority did not timely provide the OIG requested documents, including copies of the final disciplinary actions.*
- **Did the department conduct the disciplinary phase with due diligence?**

The department did not serve eight of the disciplinary actions until more than five months after the hiring authority conducted the disciplinary findings conference. The hiring authority conducted eight disciplinary findings conferences in October 2016. However, the department did not serve the disciplinary actions until March 2017. An additional delay is addressed in a prior question.

Incident Date	OIG Case Number	Allegations	Findings	Initial Penalty	Final Penalty
2016-04-17	16-0001753-IR	1. Neglect of Duty 2. Insubordination/Willful Disobedience	1. Sustained 2. Not Sustained	Salary Reduction	Modified Salary Reduction

**Case Type:** Direct Action (No Subject Interview)

**Incident Summary**

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

**Case Disposition**

The hiring authority sustained the allegations, except for failing to follow a written directive, and imposed a 10 percent salary reduction for 12 months on the first officer and 10 percent salary reductions for eight months on the other two officers. The first officer received a higher penalty because he played a primary role in the incident. The OIG concurred with the hiring authority's determinations. The officers each filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into settlement agreements with the officers reducing the penalty for the first officer to a 10 percent salary reduction for ten months and 10 percent salary reductions for six months for the other two officers. The OIG concurred because the officers expressed remorse and accepted responsibility, and the penalty reductions were not significant.

**Disciplinary Assessment**

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and did not serve the disciplinary actions in accordance with policy. The department attorney did not include language in the disciplinary actions regarding the officers' rights to respond to an uninvolved manager.

**Procedural Rating**

Insufficient

**Substantive Rating**

Sufficient

**Assessment Questions**

- o **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs returned the case to the hiring authority on June 22, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until October 12, 2016, 112 days thereafter.*
- o **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary actions did not include language policy requires advising the officers of the right to respond to an uninvolved manager.*
- o **Did the department conduct the disciplinary phase with due diligence?**  
*The department did not serve the disciplinary actions within 30 days of the disciplinary findings conference. The hiring authority conducted the disciplinary findings conference on October 12, 2016. However, the department did not serve the disciplinary actions until February 16, 2017, 127 days later. The other delay is addressed in a prior question.*



<b>Incident Date</b> 2016-04-25	<b>OIG Case Number</b> 16-0001904-IR	<b>Allegations</b> 1. Neglect of Duty 2. Misuse of State Equipment or Property	<b>Findings</b> 1. Sustained 2. Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Direct Action (No Subject Interview)					
<b>Incident Summary</b> On April 25, 2016, a counselor and a psychologist allegedly exchanged email messages containing discourteous comments about an inmate. The psychologist also allegedly failed to maintain control over the email message, enabling another inmate to obtain the message and provide it to the first inmate.					
<b>Case Disposition</b> The hiring authority for the counselor sustained the allegation and imposed a 5 percent salary reduction for three months. The counselor did not file an appeal with the State Personnel Board. The hiring authority for the psychologist sustained the allegations and determined a 5 percent salary reduction for 12 months was the appropriate penalty. However, the psychologist resigned before disciplinary action could be imposed. The hiring authority placed a letter in the psychologist's official personnel file indicating she resigned under unfavorable circumstances. The OIG concurred with the hiring authorities' determinations.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on September 7, 2016. However, the hiring authority for the psychologist did not consult with the OIG regarding the disciplinary determinations until November 28, 2016, 82 days thereafter.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The final disciplinary action did not advise the counselor of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					

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<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2012-05-02	16-0001222-IR	1. Dishonesty 2. Over-Familiarity 3. Neglect of Duty	1. Sustained 2. Sustained 3. Sustained	Dismissal	Resignation in Lieu of Termination
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On May 2, 2012, and July 9, 2012, a parole agent allegedly falsely documented conducting required work-related contacts with a parolee's sister that he did not conduct. Between October 1, 2014, and November 29, 2016, the parole agent allegedly dated and fathered a child with the parolee's sister and failed to notify his hiring authority of the relationship.</p>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the parole agent whereby the parole agent agreed to resign in lieu of dismissal. The OIG concurred because the settlement ensured the parole agent did not work for the department.</p>					
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2014-01-25	14-0001326-IR	1. Neglect of Duty 2. Neglect of Duty 3. Medical	1. Sustained 2. Not Sustained 3. Not Sustained	Salary Reduction	Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On January 25, 2014, a nurse allegedly failed to properly assess an unresponsive inmate, document her instructions to custody staff, and have the inmate transported to the triage and treatment area. A supervising nurse allegedly failed to notify the physician on duty of the inmate's condition and have the inmate transported to the triage and treatment area. A sergeant allegedly failed to have the inmate transported to the triage and treatment area, have the inmate medically evaluated after a use of force, and failed to report and document his use of force on the inmate.</p>					
<p><b>Case Disposition</b></p> <p>The hiring authority for the nurse sustained the allegations against her, except that she failed to properly assess the inmate, and imposed a 5 percent salary reduction for six months. The OIG concurred. The hiring authority for the sergeant sustained the allegations against him, except that he failed to have the inmate transported to the triage and treatment area, and imposed a 10 percent salary reduction for 24 months. The OIG concurred except for the decision to not sustain the failure to have the inmate transported to the triage and treatment area. The OIG did not seek a higher level of review because the hiring authority imposed a penalty within the appropriate range for the misconduct. The hiring authority sustained the allegation the supervising nurse failed to notify a physician of the inmate's condition, but not the other allegation, and issued a letter of instruction. The OIG concurred. The nurse and sergeant filed appeals with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty against the nurse but revoked the penalty against the sergeant. The administrative law judge ruled the evidence against the sergeant was insufficient to counter the sergeant's credible denials.</p>					
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authorities on December 11, 2014. However, the hiring authority for the nurses did not consult with the OIG and the department attorney regarding the disciplinary determinations until January 13, 2015, 33 days thereafter. The hiring authority for the sergeant did not consult with the OIG and the department attorney regarding the disciplinary determinations until January 16, 2015, 36 days thereafter.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2014-04-21	14-0001720-IR	1. Dishonesty 2. Failure to Report 3. Unreasonable Use of Force 4. Failure to Report Use of Force 5. Insubordination/Willful Disobedience 6. Failure to Report	1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained 6. Not Sustained	Dismissal	Suspension
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On April 21, 2014, an officer allegedly entered a cell and forced an inmate against a locker, failed to report his own use of force, and was dishonest to a sergeant about the force used. Two other officers allegedly observed the incident and failed to report the use of force. One of the two other officers allegedly lied to a sergeant, and on April 23, 2014, allegedly failed to follow a captain's order to write a memorandum regarding the incident. On April 22, 2014, the third officer allegedly lied to a captain, and on November 8, 2014, allegedly lied during an interview with the Office of Internal Affairs. On November 17, 2014, the first officer allegedly lied during his interview with the Office of Internal Affairs. On February 18, 2015, the second officer allegedly lied during an interview with the Office of Internal Affairs.</p>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except for one that was improperly worded, and dismissed all three officers. The OIG concurred. The officers filed appeals with the State Personnel Board. Prior to State Personnel Board proceedings, the hiring authority entered into settlement agreements with the two officers who observed the first officer use force. The hiring authority removed the dishonesty allegations and reduced one of the officer's penalty to a five-month suspension with payment of one month of back pay and reduced the other officer's penalty to a one-year suspension. The OIG concurred with the settlements due to significant evidentiary concerns that arose after completion of the investigation. Following a hearing for the officer who used force, the State Personnel Board upheld the dismissal. The officer filed a petition for rehearing with the State Personnel Board, and the State Personnel Board revoked the dismissal. The department filed a petition for writ of mandate, which the superior court denied.</p>					
<p><b>Disciplinary Assessment</b></p> <p>Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the department attorney prepare a final memorandum to the hiring authority and consult with the OIG?</b> <i>The department attorney did not consult with the OIG regarding the final memorandum following the writ proceedings.</i></li> <li>◦ <b>Did the department attorney or employee relations officer cooperate with and provide continual real-time consultation with the OIG throughout the disciplinary phase?</b> <i>The department attorney did not consult with the OIG regarding the final memorandum following the writ proceedings.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2014-10-30	15-0000750-IR	1. Dishonesty 2. Over-Familiarity 3. Other Failure of Good Behavior 4. Neglect of Duty 5. Other Failure of Good Behavior	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained 5. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between October 30, 2014, and March 10, 2015, a lieutenant allegedly sent and received racially and sexually inappropriate email messages on a state computer. From November 12, 2014, to February 18, 2015, the lieutenant allegedly engaged in an overly familiar relationship with an inmate and communicated with the inmate using a mobile phone. On March 4, 2015, the lieutenant allegedly failed to remain alert while on duty. On March 18, 2015, and June 1, 2015, the lieutenant was allegedly dishonest during his interviews with the Office of Internal Affairs.					
<b>Case Disposition</b> The hiring authority sustained the allegations, except for being less than alert on duty and a duplicate allegation, and dismissed the lieutenant. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b> <ul style="list-style-type: none"> <li> <b>Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?</b>  <i>The department attorney did not call a subpoenaed witness to testify that the subject received phone calls and text messages from the inmate.</i> </li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-03-01	15-0002440-IR	1. Failure to Report 2. Neglect of Duty	1. Sustained 2. Sustained	Suspension	Suspension
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> Between March 1, 2015, and September 1, 2015, a parole agent allegedly failed to properly supervise three parolees, allowed the parolees to violate terms of their parole, and failed to report the violations to a supervising parole agent. The parole agent also allegedly failed to document the violations in the electronic monitoring database and failed to timely resolve electronic alerts.					
<b>Case Disposition</b> The hiring authority sustained the allegations and imposed a 24-working-day suspension. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. After a hearing, the State Personnel Board determined the department attorney failed to present necessary evidence of specific violation dates related to global positioning system parolee monitoring, but found sufficient evidence to sustain the remaining allegations and upheld the suspension.					
<b>Disciplinary Assessment</b> The department did not comply with procedures governing the disciplinary process because the department attorney did not adequately represent the department at the State Personnel Board hearing.					
<b>Procedural Rating</b> Insufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the department's advocate adequately and appropriately address legal issues prior to and during the State Personnel Board hearing?</b> <i>In the OIG's opinion, the department attorney lacked knowledge of hearsay exceptions and foundational requirements for documentary evidence.</i></li> <li>◦ <b>Did the department's advocate present the necessary available evidence regarding the allegations at the hearing?</b> <i>In the OIG's opinion, the department attorney failed to present necessary evidence of the dates and number of occurrences of each allegation and did not argue the parole agent violated specific policies and procedures. Witnesses did not appear to be properly prepared because they did not always seem to know how to answer the department attorney's questions.</i></li> <li>◦ <b>Did the department's advocate appropriately move necessary evidence into evidence?</b> <i>In the OIG's opinion, the department attorney was unfamiliar with the global positioning system tracking devices and was unprepared to elicit proper evidentiary testimony from a key witness regarding the parole agent's failure to notify his supervisor regarding parole violations.</i></li> <li>◦ <b>Did the department's advocate appropriately object to evidence the subject(s) of the investigation presented at the hearing?</b> <i>In the OIG's opinion, the department attorney did not appropriately object to irrelevant questions and evidence the parole agent introduced into evidence.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-11-01	16-0000998-IR	1. Insubordination/Willful Disobedience 2. Discourteous Treatment 3. Dishonesty 4. Insubordination/Willful Disobedience	1. Sustained 2. Sustained 3. Not Sustained 4. Not Sustained	Salary Reduction	Salary Reduction
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On November 1, 2015, a lieutenant allegedly disobeyed a captain's orders regarding officer shift rotations and on December 1, 2015, disobeyed the captain's order to stop using inmate clerks to handle employee holiday requests. On January 8, 2016, the lieutenant allegedly made derogatory comments about other employees and on January 15, 2016, cursed at the captain. On January 19, 2016, the lieutenant allegedly falsely told the hiring authority that she went to an emergency room when she had not done so.					
<b>Case Disposition</b> The hiring authority sustained the allegations, except that the lieutenant disobeyed the captain's second order and that she lied to the hiring authority, and imposed a 10 percent salary reduction for seven months. The OIG concurred. The lieutenant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the penalty.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2015-12-01	16-0000553-IR	1. Dishonesty 2. Neglect of Duty 3. Neglect of Duty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	No Penalty Imposed
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<p><b>Incident Summary</b></p> <p>On December 1, 2015, a captain allegedly directed officers to confiscate a typewriter from a disabled inmate and, on December 4, 2015, allegedly directed officers to remove another disabled inmate from the exercise yard because the inmate would not get on the ground when directed. On April 25, 2016, the captain was allegedly dishonest during his interview with the Office of Internal Affairs.</p>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations of dishonesty and improperly confiscating a typewriter from a disabled inmate, but not the remaining allegation, and dismissed the captain. The OIG concurred. The captain filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board revoked the dismissal. The administrative law judge made a credibility determination and found the evidence was insufficient to counter the captain's credible testimony.</p>					
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		



<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-01-05	16-0000502-IR	1. Weapons 2. Intoxication 3. Neglect of Duty 4. Intoxication	1. Sustained 2. Sustained 3. Sustained 4. Not Sustained	Dismissal	Suspension
<b>Case Type:</b> Administrative Investigation					
<b>Incident Summary</b> On January 5, 2016, a parole agent allegedly drove to a training class in a state vehicle while intoxicated and carrying a state-issued firearm, and subsequently stored the firearm in an unlocked desk drawer.					
<b>Case Disposition</b> The hiring authority sustained the allegations, except driving under the influence, and dismissed the parole agent. The OIG concurred. The parole agent filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board found the allegations to be true but also found mitigating factors and reduced the penalty to a one-year suspension.					
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		

<b>Incident Date</b> 2016-01-11	<b>OIG Case Number</b> 16-0001172-IR	<b>Allegations</b> 1. Misuse of Authority	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Salary Reduction	<b>Final Penalty</b> Salary Reduction
<b>Case Type:</b> Direct Action with Subject-Only Interview					
<b>Incident Summary</b> On January 11, 2016, a sergeant allegedly inappropriately submitted a character reference letter to a district attorney's office on behalf of his girlfriend, a defendant in a domestic violence case, in which the sergeant noted his employment as a peace officer with the department and his status as a supervisor.					
<b>Case Disposition</b> The hiring authority sustained the allegation and imposed a 5 percent salary reduction for 13 months. The OIG concurred. The sergeant filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the salary reduction.					
<b>Disciplinary Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the disciplinary process.					
<b>Procedural Rating</b> Sufficient			<b>Substantive Rating</b> Sufficient		
<b>Assessment Questions</b>					
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs returned the case to the hiring authority on April 13, 2016. However, the hiring authority did not consult with the OIG and department attorney regarding disciplinary determinations until May 19, 2016, 36 days thereafter.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>					

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
2016-02-25	16-0001282-IR	1. Dishonesty 2. Neglect of Duty 3. Dishonesty	1. Sustained 2. Sustained 3. Not Sustained	Dismissal	Dismissal
<b>Case Type:</b> Administrative Investigation					
<p><b>Incident Summary</b></p> <p>On February 25, 2016, an officer allegedly abandoned his post in a mental health building without his sergeant's approval and falsely told a psychologist and a lieutenant that he had asked a second officer to stay in the building in his place. The second officer allegedly falsely told the psychologist that he remained in the building when he had not.</p>					
<p><b>Case Disposition</b></p> <p>The hiring authority sustained the allegations, except that the first officer was dishonest to a lieutenant, and dismissed both officers. The OIG concurred. The first officer filed an appeal with the State Personnel Board. Following a hearing, the State Personnel Board upheld the dismissal. The second officer retired before discipline could be imposed. The hiring authority placed a letter in the officer's official personnel file indicating he retired pending disciplinary action.</p>					
<p><b>Disciplinary Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the disciplinary process.</p>					
<b>Procedural Rating</b>			<b>Substantive Rating</b>		
Sufficient			Sufficient		

# Appendix C

## Criminal Investigation Cases

### Central

Incident Date	OIG Case Number	Case Type	Allegations
2015-11-01	16-0001917-IR	Criminal Investigation	1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>In November and December 2015, an officer allegedly conspired with and received a \$12,000 bribe from inmates to smuggle mobile phones into an institution. Between November 2015 and June 2016, the officer allegedly conspired with and received bribes from inmates to introduce heroin, methamphetamine, and mobile phones into the institution. On May 31, 2016, the officer allegedly delivered heroin to the cell of two inmates, and on June 1, 2016, allegedly warned the two inmates another officer was coming to search their cell. From June 13, 2016, to June 1, 2017, the officer allegedly communicated with an inmate involved in contraband trafficking and the inmate's wife by mobile phone. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p><b>Procedural Rating</b></p> <p>Insufficient</p>		<p><b>Substantive Rating</b></p> <p>Insufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with policies and procedures governing the investigative process because the Office of Internal Affairs did not protect compelled statements, enter complete case activity in the case management system, or timely complete the investigation.</p>			

**Assessment Questions**

- **Did the Office of Internal Affairs appropriately protect compelled statements obtained in the administrative case from being improperly used in a criminal case?**  
*A special agent obtained a compelled statement on May 17, 2017, yet subsequently met with the special agent conducting the criminal investigation on October 2, 2017, to verify information in the criminal investigative report.*
- **Did the special agent appropriately enter case activity in the case management system?**  
*The special agent conducting the criminal investigation neglected to document his October 2, 2017, consultation with the special agent conducting the administrative investigation in the case management system.*
- **Did the deadline for taking disciplinary action or filing charges expire before the Office of Internal Affairs completed its investigation?**  
*The deadline for filing misdemeanor criminal charges for one of the incidents was November 15, 2016, but the Office of Internal Affairs did not complete the investigation until July 13, 2017, eight months thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Case Type	Allegations
2015-12-01	16-0002122-IR	Criminal Investigation	1. Other Criminal Act

**Incident Summary**

Between December 1, 2015, and January 4, 2016, an officer allegedly engaged in a sexual relationship with an inmate and brought mobile phones, tobacco, and cosmetics into the institution for the inmate in exchange for sexual favors. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney declined to file criminal charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
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**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent did not adequately consult with the OIG.

**Assessment Questions**

- **Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?**  
*The department learned of the alleged misconduct on January 4, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until November 14, 2016, ten months and ten days after the date of discovery.*
- **Upon completion of the investigation, did the special agent timely provide a draft copy of the investigative report to the OIG to allow for feedback before forwarding to the hiring authority or prosecuting agency?**  
*The special agent did not provide the OIG with the draft supplemental report before submitting the report to the district attorney's office.*
- **Did the special agent cooperate with and provide continual real-time consultation with the OIG?**  
*The special agent did not provide the OIG with the draft supplemental report before submitting the report to the district attorney's office.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

Incident Date	OIG Case Number	Case Type	Allegations
2016-07-01	17-0021722-IR	Criminal Investigation	1. Other Criminal Act

**Incident Summary**

Between July 1, 2016, and December 19, 2016, a counselor allegedly engaged in a sexual relationship with an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney declined to file criminal charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
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**Investigative Phase Assessment**

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

<b>Incident Date</b> 2016-09-27	<b>OIG Case Number</b> 17-0022643-IR	<b>Case Type</b> Criminal Investigation	<b>Allegations</b> 1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>On September 27, 2016, an officer allegedly planted an inmate-manufactured weapon as evidence at the scene of an attempted murder of an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney rejected the case due to lack of evidence. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p><b>Procedural Rating</b> Sufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the investigative process.</p>			

<b>Incident Date</b> 2016-11-30	<b>OIG Case Number</b> 17-0022008-IR	<b>Case Type</b> Criminal Investigation	<b>Allegations</b> 1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>Between November 30, 2016, and February 15, 2017, a lieutenant allegedly conspired with inmates to divulge confidential information to facilitate assaults on other inmates and smuggle mobile phones into the institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney rejected the case due to lack of evidence. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p><b>Procedural Rating</b> Insufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.</p>			
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on November 30, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until February 23, 2017, 85 days after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>			



# North

Incident Date 2016-01-19	OIG Case Number 16-0001914-IR	Case Type Criminal Investigation	Allegations 1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>Between January 19, 2016, and August 2, 2016, a correctional supervising cook allegedly conspired with an inmate to bring contraband into the secured perimeter of the institution, accepted bribes in exchange for the contraband, and engaged in a sexual relationship with the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed charges against the correctional supervising cook for introducing contraband, but not for the alleged sexual relationship. The Office of Internal Affairs also opened an administrative investigation, which the OIG did not accept for monitoring.</p>			
<p><b>Procedural Rating</b> Insufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs.</p>			
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on January 19, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until August 17, 2016, seven months after the date of discovery.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>			

<b>Incident Date</b> 2016-08-01	<b>OIG Case Number</b> 16-0002076-IR	<b>Case Type</b> Criminal Investigation	<b>Allegations</b> 1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>Between August 1, 2016, and October 31, 2016, a psychologist allegedly engaged in unlawful communications and a sexual relationship with an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney's office filed charges against the psychologist for unlawful communication and sexual conduct with an inmate. The Office of Internal Affairs did not open an administrative investigation because the psychologist resigned prior to the completion of the criminal case. The hiring authority placed a letter in the psychologist's official personnel file indicating she resigned pending disciplinary action.</p>			
<p><b>Procedural Rating</b> Insufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative process because the special agent did not adequately consult with the OIG.</p>			
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the special agent cooperate with and provide continual real-time consultation with the OIG?</b> <i>The special agent did not conduct an initial case conference with the OIG until February 23, 2107, three months after the investigation was opened, and the special agent did not consult with the OIG regarding the drafting and execution of a search warrant.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>			

<b>Incident Date</b> 2017-02-25	<b>OIG Case Number</b> 17-0022153-IR	<b>Case Type</b> Criminal Investigation	<b>Allegations</b> 1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>On February 25, 2017, a sergeant allegedly pointed a loaded handgun at two officers, threatened the officers, and threatened a sergeant while the handgun was out of the holster. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p><b>Procedural Rating</b> Sufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the investigative process.</p>			

<b>Incident Date</b> 2017-04-01	<b>OIG Case Number</b> 17-0023637-IR	<b>Case Type</b> Criminal Investigation	<b>Allegations</b> 1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>Between April 1, 2017, and July 1, 2017, a business services officer allegedly engaged in a sexual relationship 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. However, the district attorney's office declined to file charges. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p><b>Procedural Rating</b> Insufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative process because the special agent did not timely and adequately consult with the OIG.</p>			
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the special agent adequately confer with the OIG upon case initiation and prior to finalizing the investigative plan?</b> <i>The special agent did not conduct an initial case conference with the OIG and interviewed a critical witness without notifying the OIG.</i></li> <li>◦ <b>Did the special agent cooperate with and provide continual real-time consultation with the OIG?</b> <i>The special agent failed to notify the OIG of a critical witness interview, thereby precluding the OIG from monitoring the interview.</i></li> </ul>			

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>	<b>Allegations</b>
2017-04-04	17-0022392-IR	Criminal Investigation	1. Other Criminal Act

**Incident Summary**

On April 4, 2017, an officer allegedly accepted bribes and conspired with a private citizen to introduce unauthorized electronic adapters and cables into an 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.

<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

**Investigative Phase Assessment**

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

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>	<b>Allegations</b>
2017-05-06	17-0022719-IR	Criminal Investigation	1. Other Criminal Act

**Incident Summary**

On May 6, 2017, an officer allegedly engaged in a sexual relationship with and provided cocaine to an inmate. The Office of Internal Affairs conducted an investigation that 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 opened an administrative investigation, which the OIG accepted for monitoring.

<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

**Investigative Phase Assessment**

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

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>	<b>Allegations</b>
2017-07-15	17-0023901-IR	Criminal Investigation	1. Other Criminal Act

**Incident Summary**

Between July 15, 2017, and August 5, 2017, a correctional supervising cook allegedly engaged in a sexual relationship with an inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed criminal charges against the correctional supervising cook for unlawful sexual conduct and communication with an inmate. The Office of Internal Affairs did not open an administrative investigation because the correctional supervising cook resigned before administrative action could be taken. The hiring authority placed a letter in her official personnel file indicating she resigned pending disciplinary action.

<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
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**Investigative Phase Assessment**

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

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>	<b>Allegations</b>
2017-08-03	17-0023644-IR	Criminal Investigation	1. Other Criminal Act

**Incident Summary**

On August 3, 2017, an officer allegedly left a firearm, ammunition, and knife in his unlocked and running vehicle in the parking lot of an institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney rejected the case due to lack of evidence. The Office of Internal Affairs also approved the hiring authority taking disciplinary action without an investigation for alleged administrative misconduct. The OIG accepted the administrative case for monitoring.

<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
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**Investigative Phase Assessment**

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

# South

<b>Incident Date</b> 2014-07-10	<b>OIG Case Number</b> 17-0021723-IR	<b>Case Type</b> Criminal Investigation	<b>Allegations</b> 1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>On July 10, 2014, an officer allegedly allowed an inmate to pay for a hotel room in exchange for allowing the inmate to continue to bring contraband into an institution. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney rejected the case due to lack of evidence. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p><b>Procedural Rating</b> Insufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative process because the hiring authority did not timely refer the matter to the Office of Internal Affairs and the special agent did not timely make entries into the case management system.</p>			
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority refer the matter to the Office of Internal Affairs within 45 calendar days of the date of discovery?</b> <i>The department learned of the alleged misconduct on November 3, 2016, but the hiring authority did not refer the matter to the Office of Internal Affairs until January 25, 2017, 83 days after the date of discovery.</i></li> <li>◦ <b>Did the special agent appropriately enter case activity in the case management system?</b> <i>The special agent did not enter case activity in the case management system from April 17, 2017, to October 10, 2017, preventing the OIG from adequately monitoring the investigation.</i></li> <li>◦ <b>Did the department conduct the pre-disciplinary/investigative phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>			

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>	<b>Allegations</b>
2016-12-01	17-0022007-IR	Criminal Investigation	1. Other Criminal Act

**Incident Summary**

Between December 1, 2016, and January 1, 2017, an officer allegedly engaged in a sexual relationship and inappropriately communicated with an inmate by mobile phone. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed a misdemeanor charge of communicating with a prisoner without consent. The Office of Internal Affairs did not open an administrative investigation because the officer resigned. The hiring authority placed a letter in the officer's official personnel file indicating she resigned under adverse circumstances.

<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

**Investigative Phase Assessment**

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

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>	<b>Allegations</b>
2017-03-02	17-0021955-IR	Criminal Investigation	1. Other Criminal Act

**Incident Summary**

On March 2, 2017, an officer allegedly engaged in a sexual relationship with and unlawfully sent letters to the inmate. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney. The OIG concurred with the probable cause determination. The district attorney filed a misdemeanor charge for unlawful communication with an inmate. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

**Investigative Phase Assessment**

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



<b>Incident Date</b> 2017-04-23	<b>OIG Case Number</b> 17-0022727-IR	<b>Case Type</b> Criminal Investigation	<b>Allegations</b> 1. Other Criminal Act
<p><b>Incident Summary</b></p> <p>Between April 23, 2017, and May 12, 2017, an officer allegedly engaged in a sexual relationship 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. On October 2, 2017, the district attorney filed one felony sexual assault charge. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<p><b>Procedural Rating</b> Sufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Investigative Phase Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the investigative process.</p>			

# Appendix D DEADLY FORCE INCIDENT CASE SUMMARIES

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## Central

<b>Incident Date</b> 2016-09-20	<b>OIG Case Number</b> 16-0002018-IR	<b>Case Type</b> Use of Deadly Force Administrative	
<b>Incident Summary</b> On September 20, 2016, an officer allegedly negligently shot himself in the leg with a handgun during firearms training. The OIG responded to the scene.			
<b>Allegations</b> 1. Weapons	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Letter of Reprimand	<b>Final Penalty</b> Letter of Reprimand
<b>Investigative Phase Assessment</b> The department did not comply with policies and procedures governing the investigative phase because the hiring authority did not timely conduct the investigative findings conference, the department attorney did not timely confirm critical dates, and the Office of Internal Affairs did not prepare a thorough report. The OIG did not concur with the Office of Internal Affairs' decision to not open a deadly force investigation, the department attorney's legal advice, or the hiring authority's findings.			
<b>Procedural Rating</b> Insufficient		<b>Substantive Rating</b> Insufficient	
<b>Assessment Questions</b>			
<ul style="list-style-type: none"> <li>◦ <b>Was the hiring authority's response to the critical incident appropriate?</b> <i>The hiring authority initially determined the allegation was unfounded and closed the case instead of referring the matter to the Office of Internal Affairs. The hiring authority obtained a public safety statement from the officer at his home six days after the incident when there was no risk to public safety that would justify obtaining such a statement, potentially violating the officer's due process rights.</i></li> <li>◦ <b>Did the investigative services unit, or equivalent investigative personnel, adequately respond to the critical incident?</b> <i>The OIG did not concur with the decisions of the investigative services unit to conduct an inquiry and recommend the hiring authority find the allegation to be unfounded and not refer the matter to the Office of Internal Affairs.</i></li> <li>◦ <b>Did the Office of Internal Affairs adequately respond to the incident?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have responded to the scene.</i></li> <li>◦ <b>Did the Office of Internal Affairs properly determine whether the case should be opened as a deadly force investigation team investigation?</b></li> </ul>			

*The OIG did not concur with the Office of Internal Affairs' decision to not open a deadly force investigation team investigation since the officer used deadly force and the force caused injury.*

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

*The department assigned an attorney November 7, 2016, but the attorney did not make an entry into the case management system confirming the deadline for taking disciplinary action until November 30, 2016, 23 days after assignment.*

- **Did the Office of Internal Affairs special agent prepare a thorough and appropriate final investigative report?**

*The final investigative report did not include the incident report as an exhibit.*

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

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 15, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and the investigative findings until June 12, 2017, 28 days thereafter.*

- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding the sufficiency of the evidence, investigation, and findings?**

*The OIG did not concur with the department attorney's legal advice that the hiring authority not sustain the allegation in the face of overwhelming evidence the officer negligently discharged his firearm.*

- **Did the hiring authority who participated in the findings conference identify the appropriate subjects and factual allegations for each subject based on the evidence?**

*The hiring authority did not identify the misconduct of a sergeant, lieutenant, and captain who did not properly obtain a public safety statement from the officer.*

- **Did the hiring authority who participated in the findings conference appropriately determine the findings for each allegation?**

*The hiring authority did not sustain the allegation despite the overwhelming evidence the officer negligently discharged his firearm.*

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

*The OIG sought a higher level of review because the hiring authority refused to find the officer was negligent in handling his firearm.*

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

*The delay is addressed in a prior question.*

**Disposition**

The hiring authority found insufficient evidence to sustain the allegation. The OIG did not concur and elevated the matter to the hiring authority's supervisor, who agreed with the decision to not sustain the allegation. The OIG did not concur and elevated the matter to the deputy director, who sustained the allegation and imposed a letter of reprimand. The OIG concurred with the deputy director's determinations. The officer did not file an appeal with State Personnel Board.

**Disciplinary Assessment**

The department did not comply with policies and procedures governing the disciplinary process because the hiring authority did not timely conduct the disciplinary findings conference and the department attorney did not provide written confirmation of penalty discussions or properly draft the letter of intent or disciplinary action. The OIG did not concur with the department attorney's legal advice or the hiring authority's determinations.

**Procedural Rating**

Insufficient

**Substantive Rating**

Insufficient

## Assessment Questions

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on May 15, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until June 12, 2017, 28 days thereafter.*
- **Did the department attorney provide appropriate legal consultation to the hiring authority regarding disciplinary determinations?**  
*The OIG did not concur with the department attorney's legal advice because the department attorney relied on non-precedential case law when advising the hiring authority the officer's conduct did not constitute gross negligence.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate employee disciplinary matrix charges and causes for discipline?**  
*The OIG did not concur with the hiring authority's decision to not sustain the allegation in the face of overwhelming evidence that the officer was grossly negligent in handling his firearm.*
- **Did the hiring authority who participated in the disciplinary conference select the appropriate penalty?**  
*The OIG did not concur with the hiring authority's decision to not impose disciplinary action since not imposing discipline would have allowed the officer's gross negligence to go unpunished.*
- **Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?**  
*The department attorney did not provide written confirmation of penalty discussions to the OIG.*
- **Did the department appropriately draft the letter of intent served on the subject(s)?**  
*The letter of intent incorrectly referred to the officer's conduct as inadvertent rather than unintentional.*
- **Did the department appropriately draft the disciplinary action(s) served on the subject(s)?**  
*The disciplinary action did not advise the officer of his right to respond to an uninvolved manager.*
- **Did the OIG request the executive review?**  
*The OIG sought a higher level of review because the hiring authority did not agree to discipline the officer for gross negligence in handling a firearm causing the firearm to discharge and injure the officer.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

# North

<b>Incident Date</b> 2016-06-09	<b>OIG Case Number</b> 16-0001738-IR	<b>Case Type</b> Use of Deadly Force Administrative	
<p><b>Incident Summary</b></p> <p>On June 9, 2016, an officer allegedly brandished a firearm and then discharged one round into the air. The Office of Internal Affairs did not respond to the scene. Outside law enforcement conducted a criminal investigation. The Office of Internal Affairs opened an administrative investigation, which the OIG accepted for monitoring.</p>			
<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
1. Discharge of Lethal Weapon 2. Weapons	1. Sustained 2. Sustained	Salary Reduction	Modified Salary Reduction
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department attorney did not timely or adequately assess the deadline to take disciplinary action or timely provide feedback to the special agent, and the hiring authority did not timely conduct the investigative findings conference.</p>			
<b>Procedural Rating</b> Insufficient		<b>Substantive Rating</b> Sufficient	

### Assessment Questions

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

*The department assigned an attorney on July 1, 2016, but the attorney did not make an entry into the case management system regarding the deadline for taking disciplinary action until August 16, 2016, 46 days after assignment, and did not identify and apply tolling of the deadline during the criminal investigation.*

- **Did the department attorney appropriately determine that the deadline for taking disciplinary action as originally calculated should be modified and consult with the OIG and special agent?**

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

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

*The Office of Internal Affairs provided the draft report to the department attorney on August 26, 2016. However, the department attorney did not provide feedback until September 29, 2016, 34 days thereafter.*

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

*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the sufficiency of the investigation and investigative findings until May 5, 2017, almost two months thereafter.*

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

*The delays are addressed in prior questions.*

### Disposition

The Deadly Force Review Board found that the officer's use of deadly force did not comply with policy. The hiring authority sustained the allegations and imposed a 5 percent salary reduction for 24 months. The OIG concurred. The officer filed an appeal with the State Personnel Board. Prior to the State Personnel Board proceedings, the department entered into a settlement agreement with the officer reducing the penalty to a 5 percent salary reduction for 21 months. The OIG did not concur with the settlement. However, the settlement terms did not merit a higher level of review because the penalty remained within departmental guidelines.

### Disciplinary Assessment

The department did not comply with procedures governing the disciplinary process because the hiring authority did not conduct the disciplinary findings conference in a timely manner and entered into a settlement agreement without identifying any changed circumstances and the department attorney did not provide written confirmation of penalty discussions or prepare the disciplinary action in compliance with policy.

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
<b>Assessment Questions</b>	
<ul style="list-style-type: none"> <li>◦ <b>Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?</b> <i>The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on March 14, 2017. However, the hiring authority did not consult with the OIG and department attorney regarding the disciplinary determinations until May 5, 2017, almost two months thereafter.</i></li> <li>◦ <b>Did the department attorney provide to the hiring authority and OIG written confirmation of penalty discussions?</b> <i>The department attorney did not provide written confirmation of penalty discussions to the hiring authority or the OIG.</i></li> <li>◦ <b>Did the department appropriately draft the disciplinary action(s) served on the subject(s)?</b> <i>The disciplinary action did not advise the officer of the right to respond to an uninvolved manager.</i></li> <li>◦ <b>Did the settlement agreement comply with the factors outlined in policy?</b> <i>The hiring authority did not identify any new evidence, flaws, or risks justifying settlement.</i></li> <li>◦ <b>If the penalty was modified by department action or a settlement agreement, did OIG concur with the modification?</b> <i>The OIG did not concur with the settlement because the hiring authority did not identify any new evidence, flaws, or risks justifying settlement.</i></li> <li>◦ <b>Did the department conduct the disciplinary phase with due diligence?</b> <i>The delay is addressed in a prior question.</i></li> </ul>	

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>	
2016-11-11	16-0002144-IR	Use of Deadly Force Administrative	
<b>Incident Summary</b>			
On November 11, 2016, an officer allegedly discharged a firearm into a television at his residence. The Office of Internal Affairs did not respond to the scene.			
<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
1. Weapons	1. Sustained	Salary Reduction	Salary Reduction
<b>Investigative Phase Assessment</b>			
Overall, the department sufficiently complied with policies and procedures governing the investigative phase.			



<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and department attorney (if applicable), regarding the sufficiency of the evidence, investigation, and the findings?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 20, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the sufficiency of the investigation and the investigative findings until July 10, 2017, 20 days thereafter.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The delay is addressed in a prior question.*

**Disposition**

The Deadly Force Review Board found the officer's use of deadly force did not comply with policy. The hiring authority sustained the allegation and determined a 5 percent salary reduction for 12 months was the appropriate penalty. The OIG concurred. However, the officer had been dismissed in a separate case before disciplinary action could be imposed.

**Disciplinary Assessment**

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

<b>Procedural Rating</b>	<b>Substantive Rating</b>
Sufficient	Sufficient

**Assessment Questions**

- **Did the hiring authority timely consult with the OIG and the department attorney (if applicable) regarding disciplinary determinations prior to making a final decision?**  
*The Office of Internal Affairs completed its investigation and referred the matter to the hiring authority on June 20, 2017. However, the hiring authority did not consult with the OIG and the department attorney regarding the disciplinary determination until July 10, 2017, 20 days thereafter.*
- **Did the department conduct the disciplinary phase with due diligence?**  
*The delay is addressed in a prior question.*

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>
2016-12-14	16-0002143-IR	Use of Deadly Force Administrative

### Incident Summary

On December 14, 2016, two inmates appeared to be stabbing a third inmate on the exercise yard. An officer fired one warning shot from a Mini-14 rifle, but the inmates continued fighting. The officer fired two more rounds at the two inmates but missed. Six officers deployed chemical grenades. One of the officers used another chemical grenade, stopping the attack. Officers discovered two inmate-manufactured weapons. The inmate who was attacked sustained 75 stab wounds and was transported to an outside hospital and subsequently returned to the institution. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed

### Investigative Phase Assessment

The department did not comply with procedures governing the investigative phase because the department attorney did not identify an applicable exception to the deadline for taking disciplinary action and the Office of Internal Affairs did not complete its investigation in a timely manner.

Procedural Rating	Substantive Rating
Insufficient	Sufficient

### Assessment Questions

- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney did not identify an applicable exception to the deadline for taking disciplinary action.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident date pursuant to the department's guidelines. The incident took place December 14, 2016, but the Office of Internal Affairs did not complete the investigation until April 11, 2017, 118 days thereafter.*

### Disposition

The Deadly Force Review Board found the the officer's use of deadly force complied with policy. The hiring authority subsequently exonerated the officer. The OIG concurred.

Incident Date	OIG Case Number	Case Type
2016-12-20	16-0002152-IR	Use of Deadly Force Administrative

### Incident Summary

On December 20, 2016, approximately 100 inmates participated in a riot on the exercise yard. An officer fired a warning shot and a second round for effect from a Mini-14 rifle, striking an inmate who was kicking another inmate in the head. The inmates stopped fighting. The department transported the inmate who was kicked in the head and another inmate who sustained a serious head injury and lost consciousness during the fight with other inmates to an outside hospital. Both inmates returned to the institution the following day. The department transported the inmate who was struck by the Mini-14 rifle round to an outside hospital. The inmate returned to the institution on December 27, 2016. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed

### Investigative Phase Assessment

The department did not comply with procedures governing the investigative phase because the department attorney did not identify an applicable exception to the deadline for taking disciplinary action and the Office of Internal Affairs did not complete the investigation in a timely manner.

Procedural Rating	Substantive Rating
Insufficient	Sufficient

### Assessment Questions

- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney made an entry into the case management system. However, he did not identify an applicable exception to the deadline for taking disciplinary action.*
- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident pursuant to the department's guidelines. The incident took place December 20, 2016, but the Office of Internal Affairs did not complete the investigation until April 18, 2017, 119 day thereafter.*

### Disposition

The Deadly Force Review Board found that the officer's use of deadly force complied with policy. The hiring authority subsequently exonerated the officer, and the OIG concurred.

<b>Incident Date</b> 2017-01-24	<b>OIG Case Number</b> 17-0000127-IR	<b>Case Type</b> Use of Deadly Force Administrative	
<b>Incident Summary</b> On January 24, 2017, two inmates stabbed a third inmate with inmate-manufactured weapons. An officer fired one shot for effect from a Mini-14 rifle and missed the intended target, but the inmates stopped the attack. The department transferred the third inmate to an outside hospital, and the inmate returned to the institution January 28, 2017. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal misconduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
<b>Allegations</b> 1. Weapons	<b>Findings</b> 1. Exonerated	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not timely enter critical dates into the case management system, note an exception to the time limit for taking disciplinary action, modify the time limit for taking disciplinary action, or timely consult with the special agent and the OIG, and the Office of Internal Affairs did not timely complete the investigation.			
<b>Procedural Rating</b> Insufficient		<b>Substantive Rating</b> Sufficient	

**Assessment Questions**

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

*The department attorney was assigned February 2, 2017, but did not make an entry into the case management system regarding the deadline to take disciplinary action until February 28, 2017, 26 days after assignment. Also, the department attorney did not assess potential exceptions to the deadline to take disciplinary action.*

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

*The department attorney was assigned February 2, 2017, but did not consult with the special agent or the OIG until March 9, 2017, 35 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 neglected to consult with the OIG and modify the time limit for taking administrative action based on tolling during the Office of Internal Affairs criminal investigation.*

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

*The Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident pursuant to the department's guidelines. The incident occurred on January 24, 2017, but the Office of Internal Affairs did not complete the investigation until May 3, 2017, 99 days thereafter.*

**Disposition**

The Deadly Force Review Board found that the officer's use of deadly force complied with policy. The hiring authority subsequently exonerated the officer, and the OIG concurred.

<b>Incident Date</b>	<b>OIG Case Number</b>	<b>Case Type</b>
2017-01-30	17-0000140-IR	Use of Deadly Force Administrative

### Incident Summary

On January 30, 2017, two inmates attacked a third inmate with inmate-manufactured weapons on the exercise yard. Two officers deployed pepper spray grenades, but the attack continued. An officer fired one round from a Mini-14 rifle for effect at the attacking inmate, striking him in the abdomen. A fourth inmate joined the attack on the inmate being stabbed. A second officer fired one warning shot from a Mini-14 rifle, but the attack continued. The first officer fired three additional warning shots, stopping the attack. The inmate who was shot and the inmate who was stabbed were taken to an outside hospital. The inmate who was stabbed returned to the institution the same day, and the inmate who was shot returned on February 2, 2017. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

Allegations	Findings	Initial Penalty	Final Penalty
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed

### Investigative Phase Assessment

The department did not comply with procedures governing the investigative phase because the department attorney did not apply an exception to the deadline for taking disciplinary action or amend the deadline to take disciplinary action.

Procedural Rating	Substantive Rating
Insufficient	Sufficient

### Assessment Questions

- **Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?**  
*The department attorney did not make an entry into the case management system confirming an exception to the deadline to take 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 did not modify the deadline for taking disciplinary action based upon tolling during the criminal investigation.*

### Disposition

The Deadly Force Review Board found that the officer's use of deadly force complied with policy. The hiring authority subsequently exonerated the officer, and the OIG concurred.

<b>Incident Date</b> 2017-02-11	<b>OIG Case Number</b> 17-0021811-IR	<b>Case Type</b> Use of Deadly Force Administrative	
<b>Incident Summary</b> On February 11, 2017, two inmates repeatedly punched a third inmate on the exercise yard. An officer fired one less-lethal round but missed. The officer fired a second less-lethal round, hitting one of the attacking inmates on the head. The officer fired a third less-lethal round at the second attacking inmate, hitting the inmate on the knee. The inmate who was hit on the head lost consciousness, and the department transported him to an outside hospital. The inmate later returned to the institution. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify any criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			
<b>Allegations</b> 1. Weapons	<b>Findings</b> 1. Exonerated	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Investigative Phase Assessment</b> The department sufficiently complied with policies and procedures governing the investigative phase.			
<b>Procedural Rating</b> Sufficient		<b>Substantive Rating</b> Sufficient	
<b>Disposition</b> The Deadly Force Review Board found that the officer's use of deadly force complied with policy. The hiring authority subsequently exonerated the officer. The OIG concurred.			

<b>Incident Date</b> 2017-03-09	<b>OIG Case Number</b> 17-0022033-IR	<b>Case Type</b> Use of Deadly Force Administrative	
<b>Incident Summary</b> On March 9, 2017, two inmates attacked a third inmate on the exercise yard. An officer fired one shot from a Mini-14 rifle, striking one of the attacking inmates in the arm, stopping that inmate's attack. The second inmate continued his attack. The officer fired a second shot from the Mini-14 rifle but missed the intended target. A second officer deployed a pepper spray grenade, but the attack continued. A third officer struck the second inmate once with a baton, stopping the attack. The department transferred the inmate who was struck by the Mini-14 round to an outside hospital where he underwent surgery. The inmate returned to the institution on March 16, 2017. The other inmates were treated at the institution for injuries related to the attack. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify any criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.			

<b>Allegations</b>	<b>Findings</b>	<b>Initial Penalty</b>	<b>Final Penalty</b>
1. Weapons	1. Exonerated	No Penalty Imposed	No Penalty Imposed
<p><b>Investigative Phase Assessment</b></p> <p>The department did not comply with procedures governing the investigative phase because the department attorney did not identify an applicable exception or modify the deadline for taking disciplinary action.</p>			
<p><b>Procedural Rating</b> Insufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>	
<p><b>Assessment Questions</b></p> <ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney did not identify the deadline to take disciplinary action was tolled pending a criminal investigation.</i></li> <li>◦ <b>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?</b> <i>The department attorney did not modify the deadline to take disciplinary action after an exception based on criminal tolling no longer applied.</i></li> </ul>			
<p><b>Disposition</b></p> <p>The Deadly Force Review Board found that the officer's use of deadly force complied with policy. The hiring authority subsequently exonerated the officer. The OIG concurred.</p>			



<b>Incident Date</b> 2017-03-19	<b>OIG Case Number</b> 17-0022139-IR	<b>Case Type</b> Use of Deadly Force Administrative	
<b>Incident Summary</b> On March 19, 2017, two dogs attacked an officer and his dog. The officer allegedly discharged his personal firearm at one of the attacking dogs, wounding it. The Office of Internal Affairs did not respond to the scene.			
<b>Allegations</b> 1. Weapons	<b>Findings</b> 1. Exonerated	<b>Initial Penalty</b> No Penalty Imposed	<b>Final Penalty</b> No Penalty Imposed
<b>Investigative Phase Assessment</b> The department did not comply with procedures governing the investigative phase because the department attorney did not adequately assess or modify the deadline to take disciplinary action.			
<b>Procedural Rating</b> Insufficient		<b>Substantive Rating</b> Sufficient	
<b>Assessment Questions</b>			
<ul style="list-style-type: none"> <li>◦ <b>Within 21 calendar days, did the department attorney or employee relations officer correctly assess the deadline for taking disciplinary action and make an entry into the case management system confirming the date of the reported incident, the date of discovery, the deadline for taking disciplinary action, and any exceptions to the deadline known at the time?</b> <i>The department attorney assessed the deadline for taking disciplinary action without considering the deadline was tolled due to an ongoing criminal investigation.</i></li> <li>◦ <b>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?</b> <i>The department attorney did not modify the deadline for taking disciplinary action after an exception based on criminal tolling no longer applied.</i></li> </ul>			
<b>Disposition</b> The Deadly Force Review Board found that the officer's use of deadly force complied with policy. The hiring authority subsequently exonerated the officer, and the OIG concurred.			

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<b>Incident Date</b> 2017-03-21	<b>OIG Case Number</b> 17-0022402-IR	<b>Case Type</b> Use of Deadly Force Administrative	
<b>Incident Summary</b> On March 21, 2017, a parole agent allegedly negligently discharged a firearm during training, striking and causing an injury to the parole agent's thigh. The OIG responded to the scene.			
<b>Allegations</b> 1. Weapons	<b>Findings</b> 1. Sustained	<b>Initial Penalty</b> Letter of Reprimand	<b>Final Penalty</b> Letter of Reprimand
<b>Investigative Phase Assessment</b> Overall, the department sufficiently complied with policies and procedures governing the investigative phase.			
<b>Procedural Rating</b> Sufficient		<b>Substantive Rating</b> Sufficient	
<b>Assessment Questions</b>			
<ul style="list-style-type: none"> <li>◦ <b>If dispatched, did the Office of Internal Affairs deadly force investigation team adequately respond to the incident?</b> <i>In the OIG's opinion, the deadly force investigation team improperly left the scene shortly after arriving and without completing an investigation because it determined the incident did not meet the deadly force investigation criteria.</i></li> <li>◦ <b>Did the Office of Internal Affairs make an appropriate initial determination regarding the case?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened a deadly force investigation based on the negligent discharge of a weapon resulting in a self-inflicted injury.</i></li> <li>◦ <b>Did the Office of Internal Affairs properly determine whether the case should be opened as a deadly force investigation team investigation?</b> <i>In the OIG's opinion, the Office of Internal Affairs should have opened a deadly force investigation based on the negligent discharge of a weapon resulting in a self-inflicted injury.</i></li> </ul>			
<b>Disposition</b> The hiring authority sustained the allegation and imposed a letter of reprimand. The OIG concurred. The parole agent did not file an appeal with the State Personnel Board.			
<b>Disciplinary Assessment</b> The department sufficiently complied with policies and procedures governing the disciplinary process.			

<b>Procedural Rating</b> Sufficient	<b>Substantive Rating</b> Sufficient
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<b>Incident Date</b> 2017-05-24	<b>OIG Case Number</b> 17-0022799-IR	<b>Case Type</b> Use of Deadly Force Criminal
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**Incident Summary**

On May 24, 2017, five officers and one sergeant deployed a pepper spray grenade, used baton strikes, and physical force to stop two inmates from fighting on the exercise yard. When the two inmates stopped fighting, nearly 100 inmates ran in the direction of the officers and sergeant, punching and kicking them, as well as two other officers who responded to the scene. Three officers fired 15 warning shots and four shots for effect from Mini-14 rifles. The officers were unable to determine whether the rounds struck the intended targets. A fourth officer fired three less-lethal rounds. The seven officers and sergeant who were attacked were taken to an outside hospital for non-life-threatening injuries and were released the same day. Six inmates were taken to an outside hospital for non-life-threatening injuries, two from Mini-14 rifle rounds, one from a baton strike, and three for injuries due to the fight. Four inmates returned to the institution the same day, one returned on May 29, 2017, and one returned on June 3, 2017. The Office of Internal Affairs responded to the scene and conducted a criminal investigation. The OIG also responded. Although the Office of Internal Affairs did not identify criminal conduct, pursuant to policy, it referred the matter to the district attorney's office for review. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.

**Investigative Phase Assessment**

The department did not comply with procedures governing the investigative process because the Office of Internal Affairs did not timely complete its investigation.

<b>Procedural Rating</b> Insufficient	<b>Substantive Rating</b> Sufficient
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**Assessment Questions**

- **Did the department conduct the pre-disciplinary/investigative phase with due diligence?**  
*The Office of Internal Affairs did not complete the deadly force investigation within 90 days of the incident date pursuant to the department's guidelines. The incident took place on May 24, 2017, but the Office of Internal Affairs did not complete the investigation until September 7, 2017, 106 days thereafter.*

<b>Incident Date</b> 2017-08-08	<b>OIG Case Number</b> 17-0023667-IR	<b>Case Type</b> Use of Deadly Force Criminal
<p><b>Incident Summary</b></p> <p>On August 8, 2017, an inmate repeatedly stabbed an officer in the neck and shoulder with an inmate-manufactured weapon. One officer fired three less-lethal rounds, and three other officers struck the inmate in the head and body with expandable batons. The department transported the first officer and inmate to outside hospitals. The officer was released later that day. The inmate was treated for a fractured skull and orbital fracture and returned to the institution three days later. The Office of Internal Affairs and the OIG responded to the scene. The Office of Internal Affairs conducted an investigation and found sufficient evidence for a probable cause referral to the district attorney for the three officers who struck the inmate in the head. The OIG concurred with the probable cause determination. The Office of Internal Affairs also opened an administrative investigation, which the OIG accepted for monitoring.</p>		
<p><b>Investigative Phase Assessment</b></p> <p>The department sufficiently complied with policies and procedures governing the investigative process.</p>		
<p><b>Procedural Rating</b> Sufficient</p>		<p><b>Substantive Rating</b> Sufficient</p>



**SEMI-ANNUAL REPORT**  
**July–December 2017**

**OFFICE OF THE INSPECTOR GENERAL**

Roy W. Wesley  
INSPECTOR GENERAL

Elva Núñez  
ASSISTANT CHIEF DEPUTY INSPECTOR GENERAL

**STATE OF CALIFORNIA**  
March 2018